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Pre-Notice Draft Fact Sheet

MULTI-SECTOR GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY IN THE STATE OF DELAWARE

MULTI-SECTOR GENERAL PERMIT FACT SHEET
NPDES Permit Number: DE 0051225
State Permit Number: WPCC 3035/20
Permit Effective Date: TBD
Permit Expiration Date: TBD

Background

Congress passed the Federal Water Pollution Control Act of 1972 (Public Law 92-500, October 18, 1972) (hereinafter the Clean Water Act or CWA), 33 U.S.C. 1251 et seq., with the objective to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 101(a), 33 U.S.C. 1251(a). To achieve this goal, the CWA provides that “the discharge of any pollutant by any person shall be unlawful” except in compliance with other provisions of the statute, CWA section 301(a). 33 U.S.C. 1311(a). The CWA defines “discharge of a pollutant” to include “any addition of any pollutant to navigable waters from any point source.” CWA section 502(12). 33 U.S.C. 1362(12). The U.S. Environmental Protection Agency (EPA) is authorized under CWA section 402(a) to issue a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of any pollutant from a point source. 33 U.S.C. 1342(a). These NPDES permits are issued by EPA or NPDES-authorized state or tribal agencies. Since 1972, EPA and the authorized states have issued NPDES permits to thousands of dischargers, both industrial (e.g., manufacturing, energy and mining facilities) and municipal (e.g., sewage treatment plants). As required under Title III of the CWA, EPA has promulgated Effluent Limitations Guidelines (ELGs) and New Source Performance Standards (NSPS) for many industrial point source categories and these requirements are incorporated into NPDES permits. The Water Quality Act (WQA) of 1987 (Public Law 100-4, February 4, 1987) amended the CWA, adding CWA section 402(p), requiring implementation of a comprehensive program for addressing stormwater discharges. 33 U.S.C. 1342(p).

In accordance with the authority of the Delaware Department of Natural Resources & Environmental Control (the Department) as authorized by the U.S. Environmental Protection Agency under 40 CFR Parts 122 and 123 and in accordance with Section 9.0 of the Delaware Regulations Governing the Control of Water Pollution, this general permit authorizes the discharge of stormwater associated with industrial activity under the terms and conditions specified in the permit. This permit applies to discharges that are composed entirely of stormwater from facilities belonging to the Standard Industrial Classification (SIC) codes listed in Table B-1 of Appendix B of this permit, in accordance with 40 CFR § 122.26(b)(14).

This general permit is intended to regulate stormwater (rain, snow, and snowmelt) runoff which comes into contact with industrial activities and significant materials (materials which have the potential to cause contamination). The quantities and types of stormwater discharged are dependent on many variables, including the type of industrial activity that the facility is engaged in (sector of industry), and the type and intensity of the runoff event. Because there are twenty-nine sectors of industry covered by the permit and one sector for designation, there are a wide variety of pollutants of concern and those pollutants are based on the type of industrial operation being regulated and the materials it uses. When this permit is issued, it will provide the regulatory mechanism for NPDES authorization of controlled industrial stormwater discharge to all of the facilities described by 40 CFR § 122.26(b)(14)(i-ix and xi).

This permit is the regulatory mechanism to reduce, minimize, or eliminate contaminated stormwater discharge so that water quality standards are met. This is accomplished through the facility's implementation of stormwater control measures, and through benchmark monitoring and effluent limit monitoring of the stormwater discharges for pollutants that are specific to each of the thirty different industrial sectors. Stormwater discharge monitoring results compared against specified benchmark monitoring results are used to guide adaptive management of the facility's stormwater control measures. As a result, there is assurance that if a facility has effective stormwater control measures and benchmark values and effluent limitations are met, the facility's stormwater discharges will not cause or contribute to an exceedance of water quality standards.

When stormwater comes into contact with industrial materials and activities, stormwater discharges can contain pollutants. Contaminated stormwater is a significant source of pollutants that lowers water quality. For example, sediment contributions to surface waters have adverse effects on aquatic habitat and fish spawning. This permit requires the implementation of stormwater control measures, including Best Management Practices (BMPs) and operational activities, in an attempt to reduce the amount of contaminants from permitted facilities. These practices will also slow the velocity of stormwater or retain as much of the stormwater on the facility as possible, so there is less potential to transport pollutants from industrial facilities to waters of the state. These practices will also promote low impact designs.

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1. Statutory and Regulatory Basis

1.1 Permitted Discharges

In accordance with the authority of the Delaware Department of Natural Resources & Environmental Control (the Department) as authorized by the US Environmental Protection Agency under 40 CFR Parts 122 and 123 and in accordance with Section 9.0 of the Delaware Regulations Governing the Control of Water Pollution, the discharge of stormwater is allowable under the terms and conditions specified in the permit. 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 this 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.

Stormwater Associated with Industrial Activities is defined in 40 CFR 122.26(b)(14) as "the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program . . . For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters . . .; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas."

1.1.1 Authorized Non-Stormwater Discharges

Certain discharges composed of non-stormwater do not require permit coverage. Part I.A.2 of the permit lists these authorized activities.

1.1.2 Eligibility Conditions

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To be eligible for coverage under the permit, permittees of industrial facilities must meet the eligibility provisions described in Part I.A.3 of the permit. If they do not meet all the eligibility requirements, permittees may not submit a Notice of Intent (NOI) to be covered by the permit. Unless they obtained coverage for those discharges under another permit, those discharges of stormwater associated with industrial activity needing permit coverage will be in violation of the CWA.

1.2 Incorporation by Reference

The permit incorporates the conditions applicable to all permits issued under 40 CFR Part 122, the National Pollutant Discharge Elimination System (NPDES). Specifically, the permit includes terms defined in 40 CFR §122.41 stating all conditions applicable to NPDES Permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved State regulations) must be given in the permit.

1.3 Authorization and Deadlines

This is the first issuance of this permit in the State of Delaware. Part I.C provides the deadlines for submitting NOIs and SWPPPs for permit coverage and the minimum timeframes following NOI and SWPPP submission for discharge authorization for the different discharge categories.

Permittees of facilities that discharge stormwater associated with industrial activity that are currently operating or will be operating and do not have or will not seek an individual NPDES permit shall submit to the Department a completed NOI and SWPPP in accordance with Table I-1 of the permit.

If this General Permit is not re-issued or replaced prior to the expiration date, it will be administratively continued and remain fully effective and enforceable.

1.4 Termination

Termination of permit coverage indicates that the permittee no longer has an obligation to manage industrial stormwater per the permit's provisions, based on at least one of the reasons described as follows:

- A new owner or permittee has received authorization to discharge under this permit for the facility; or
- Operations have ceased at the facility, there are not or no longer will be discharges of stormwater associated with industrial activity from the facility, and necessary sediment and erosion controls have been implemented; or
- The facility is identified as a Sector G, H, or J facility and has met the applicable termination requirements; or
- The permittee has obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit, unless DNREC terminates coverage.

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An authorization to discharge under this permit terminates at midnight of the day that the permittee is notified their complete Notice of Termination (NOT) has been processed. If the permittee submits a NOT without meeting one or more of the conditions in Part I.E. of the permit, then the NOT is not valid. Until the permittee's permit coverage is terminated, they must comply with all conditions and effluent limitations in the permit.

1.5 Conditional "No Exposure" Exclusion

The No Exposure exclusion is an opportunity unique to the Industrial Stormwater Program. Its requirements are described in 40 CFR § 122.26(g). Satisfying the conditions for "No Exposure" allows the Owner/Permittee to be exempted from permit requirements 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.

Maintaining No Exposure relieves the permittee of the costs of monitoring and administrative fees, creating a Stormwater Pollution Prevention Plan (SWPPP), and conducting facility inspections.

To qualify for this exclusion, the owner/operator must provide a storm-resistant shelter to protect industrial materials and activities from exposure to rain, snow, snowmelt, and runoff; thereby ensuring that stormwater leaving the site is not contaminated and not contributing to degradation of receiving waters. Even if the No Exposure exclusion cannot be achieved, the attempt to do so is likely to significantly improve facility conditions and reduce the burden of permit compliance.

Part I.F of the general permit explains the conditions to be covered under a No Exposure certificate.

In order to qualify for the No Exposure exclusion, the owner/operator must:

Submit a "No Exposure" certification form (NEC) to the Department including the owner/operator's certification that the condition of No Exposure exists and will be maintained and receive written notice from the Department that the certification has been approved.

An owner/permittee must prepare and submit to the Department a complete and accurate NEC once every five years per Part VII.B. of the permit.

2. Stormwater Pollution Prevention Plan

The SWPPP must address the specific requirements in Part II of the permit. Permittees may choose to reference other documents in their SWPPP, as appropriate, rather than recreating the same text in the SWPPP. However, when referencing other documents, permittees are responsible for ensuring that their SWPPP and the other documents

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referenced together contain all the necessary elements to fully address the elements in Part II of the permit. In addition, permittees must ensure that a copy of the referenced document is in an accessible format that can be made immediately available to facility employees or the Department, such as Spill Prevention, Control and Countermeasure (SPCC) plans. Regardless of whether all required SWPPP components are combined into one document, permittees should keep an index that identifies where individual SWPPP components are addressed.

2.1 SWPPP Contents

2.1.1 Stormwater Pollution Prevention Team

Part II.F.1 of the permit requires that the permittee must identify a qualified individual or team responsible for developing and revising the facility's SWPPP. These persons are responsible for implementing and maintaining the stormwater control measures to meet effluent limits and taking corrective action where necessary. Personnel should be chosen for their expertise in the relevant departments at the facility to ensure that all aspects of facility operations are considered in developing the plan. The SWPPP must clearly describe the responsibilities of each team member to ensure that each aspect of the plan is covered. The Department expects most permittees will have more than one individual on the team, except for small facilities with relatively simple plans and/or staff limitations. The permit requires that team members have ready access to any applicable portions of the SWPPP and the permit. Identification of the team in the plan provides notice to facility staff and management (i.e., those responsible for signing and certifying the SWPPP) of the responsibilities of certain key staff for following through on compliance with the permit's conditions and limits.

2.1.2 Site Description

Part II.F.2 of the permit requires that the SWPPP must describe the industrial activities, materials employed, and physical features of the facility that may contribute significant amounts of pollutants in stormwater discharges. A detailed site description assists permittees in identifying issues and setting priorities for the selection, design and implementation of measures taken to meet effluent limits, and in identifying potential changes in materials, materials management practices, or site features. It is also vital for executing proper inspections.

2.1.3 Topographic Map

Part II.F.3 of the permit requires that the SWPPP must contain a general location map of the facility that shows where the facility is in relationship to receiving waters of the United States and other geographical features.

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2.1.4 Site Map

Part II.F.4 of the permit requires that the SWPPP must contain a more detailed site map that contains information on facility/site characteristics that affect stormwater discharge quality and quantity. For areas of the facility that generate stormwater discharges associated with industrial activity that contain potentially significant quantities of pollutants (i.e., pollutant amounts that could cause a water quality standards exceedance), the map must indicate the probable direction of stormwater flow and the pollutants likely to be in the discharge. Flows with a significant potential to cause soil erosion must be identified. The site map must also include locations of things listed under Part II.F.4 in the permit. To improve readability of the map, some detailed information may be kept as an attachment to the site map and pictures may be included, as deemed appropriate.

2.1.5 Summary of Potential Pollutant Sources

Part II.F.5 of the permit requires permittees to identify in the SWPPP the potential sources of pollutants from industrial activities that could result in contaminated stormwater discharges, unauthorized non-stormwater discharges, and potential sources of authorized non-stormwater discharges. Part II.F.5 is only applicable to those portions of a facility covered under the permit, but the areas of the facility not covered under the permit should be identified and an explanation provided as to why such areas need not be covered.

Note that potential pollution sources include a facility's roof(s) and other surfaces that could accumulate pollutants originating from an industrial process and deposited through the air. Roofs, walls, etc., exposed to emissions from industrial areas can build up such pollutants over dry periods, which can be mobilized during a rain event or in snowmelt, so the permittee needs to identify these areas and include them in the SWPPP. Likewise, industrial structures containing materials that could become pollutants discharged in stormwater (e.g., copper cladding on buildings or zinc from galvanized fences) must also be identified as potential pollutant sources.

For each area that may be a pollutant source at the site, permittees must describe in the SWPPP any requirements under Part II.F.5.

2.1.6 Minimize Exposure

Part II.F.6 of the permit requires permittees to limit the exposure of manufacturing, processing, and material storage areas to stormwater in order to minimize pollutant discharges by either locating industrial materials and activities inside or protecting them with storm-resistant coverings. Limiting contact with precipitation can reduce the need for control measures to treat or otherwise reduce pollutants in stormwater discharges. Examples include covering materials or activities with temporary structures (e.g., tarps)

when wet weather is expected or moving materials or activities to existing or new permanent structures (e.g., buildings, silos, sheds). Even a simple practice such as keeping a dumpster lid closed can be very effective.

2.1.7 Good Housekeeping

Part II.F.7 of the permit requires that the permittee keep all exposed areas that are potential pollutant sources clean to help receiving waters meet water quality standards. Good housekeeping is an inexpensive way to maintain a clean and orderly facility and keep contaminants out of stormwater discharges. Often the most effective first step towards minimizing pollution in stormwater from industrial sites simply involves commonsense improvements to a facility's basic housekeeping methods. A clean and orderly work area can reduce the possibility of accidental spills caused by mishandling of chemicals and equipment and well-maintained material and chemical storage areas can reduce the possibility of stormwater mixing with pollutants.

2.1.8 Maintenance

Part II.F.8 of the permit describes how permittees must maintain all Stormwater Control Measures (SCMs) detailed in Part.F.15 so they remain effective. If the permittee finds that its control measures need maintenance, it must conduct necessary maintenance immediately. If control measures need to be repaired or replaced, the permittee must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until it can implement the final repair or replacement, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events. Final repairs/replacement of stormwater controls should be completed as soon as feasible but must be no later than the timeframe established in Part V of the permit for corrective actions, i.e., within 14 days or, if that is infeasible, no longer than 45 days (or longer per notification of the Region). If a control measure was never installed, was installed incorrectly, or not in accordance with the permit, or is not being properly operated or maintained, the permittee must conduct corrective action as specified in Part V.

2.1.9 Spill Prevention and Response

Part II.F.9 of the permit requires that permittees minimize the potential for stormwater exposure from leaks, spills and other releases, which can be significant sources of stormwater pollution. In addition to preventing spills and leaks, there are requirements after a spill/release occurs, to limit environmental damage. The Department encourages permittees to identify potential spill areas and keep an inventory of materials handled, used, and disposed. This information would be valuable for complying with the requirement to specify the material handling procedures, storage requirements, containment or diversion equipment, and spill cleanup procedures that will minimize the

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potential for spills/releases and, in the event of a spill/release, ensure a proper and timely response.

2.1.10 Erosion and Sediment Controls

Part II.F.10 of the permit requires permittees to minimize pollutant discharges from erosion by stabilizing exposed soils at the facility in order to minimize pollutant discharges and placing flow velocity dissipation devices at discharge locations. Velocity dissipation should control channel and streambank erosion and scour in the immediate vicinity of discharge points. Use of structural and non-structural controls to minimize the discharge of sediment is required. The Department requires that whenever polymers and/or other chemical treatment will be used for erosion control, the polymers and/or chemicals and their purpose must be identified in the SWPPP.

The purpose of this requirement is to prevent discharges of sediment from exposed areas of industrial sites that, due to construction activities, steep slopes, sandy soils or other causes, are prone to soil erosion. Construction and other earth-disturbing activities often result in the exposure of underlying soil to wind and precipitation, while steep slopes or sandy soils may not be able to hold plant life so that soils are exposed, leading to erosion and the need for erosion controls.

2.1.11 Employee Training

Part II.F.11 of the permit requires permittees to train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the limits and conditions of the permit. This includes all members of the stormwater pollution prevention team identified in Part II.F.1. The permit specifies the types of personnel and the tasks they perform that must be trained, so that they understand the permit's requirements and their specific responsibilities with respect to those requirements (e.g., personnel who are responsible for the design, installation, maintenance, and/or repair of controls including pollution prevention measures).

Training sessions should be conducted at least annually to assure adequate understanding of the objectives of the control measures and the individual responsibilities of each employee. More frequent training may be appropriate at facilities with high employee turnover or where stormwater programs are more complicated or multifaceted. Often, training could be a part of routine employee meetings for safety or fire protection. Contractor personnel also must be trained in relevant aspects of stormwater pollution prevention, as appropriate.

2.1.12 Description of Non-Stormwater Discharges

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Part II.F.12 of the permit specifies that the permittee must evaluate for the presence of non-stormwater discharges; the permittee must eliminate any non-stormwater discharges not explicitly authorized in Part I.A.2 or covered by another NPDES permit. Other than the exclusive list of authorized non-stormwater discharges listed in Part I.A.2, non-stormwater discharges requiring NPDES permit coverage are not, per Part I.A.3, authorized under the permit. Additionally, Part II.F.12 requires that all wash water, with the exception of discharges from pavement wash water and routine building washdown per Part I.A.2, drain to a sanitary sewer, sump or other appropriate collection system (i.e., not the stormwater drainage system). Additionally, this permit does not authorize the discharge of vehicle and equipment wash water, including tank cleaning operations. These wastewaters must be covered under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

2.1.13 Dust Generation and Vehicle Tracking

Part II.F.13 of the permit requires permittees to control generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutant discharges. Dust control practices can reduce the activities and air movement that cause dust to be generated. Airborne particles pose a dual threat to the environment and human health. Dust carried off-site increases the likelihood of water pollution.

2.1.14 Receiving Waters and Wetlands

Part II.F.14 of the permit requires permittees to include the nearest receiving waters. Permittees will use this information to determine what, if any, special restrictions apply to that water and structure their SCMs such that they are able to meet those restrictions.

2.1.15 Stormwater Control Measures

Part II.F.15 of the permit requires that permittees describe in their SWPPP the location and type of stormwater control measures implemented at their site to meet effluent limits described in Part II.F.15, and to address any stormwater run-on that commingles with discharges covered under the permit. The description of the control measures must include the location and type of control implemented, including how the Part II.F.15.b selection and design considerations were followed, and how they address the pollutant sources in Part II.F.5.

2.1.16 Schedules and Procedures

Part II.F.16 specifies what schedules and operating procedures the permittee must document in a SWPPP. Documenting these activities will help improve facility

compliance with the requirements.

2.1.17 Inspections

Part II.F.17 requires permittees to document in their SWPPP the procedures to be followed for routine facility inspections and for quarterly visual assessments. The SWPPP must include information such as person(s) or position(s) performing the inspections/assessments, the specific items to be covered by the inspections/assessments, and the respective schedules. Permittees invoking the exception for inactive and unstaffed sites for quarterly inspections or visual assessments must provide information in the SWPPP to support such a claim

2.1.18 Monitoring

Part II.F.18 requires permittees to document in the SWPPP the specific monitoring requirements and procedures that that they will follow. Permittees must include information such as locations where samples are to be collected, person(s) or position(s) responsible for collecting samples, the frequency of sampling and the pollutants to be sampled, sampling protocols, natural background level information, if applicable, and procedures that will be followed to gather storm event data. Requiring this documentation helps ensure that permittees know about their monitoring responsibilities and should improve facility compliance with the permit's requirements.

2.1.19 Exceptions for Inactive and Unstaffed Sites

Part II.F.19 of the permit allows for an exception from monitoring for facilities that are both inactive and unstaffed, when such facilities no longer have industrial activities or materials exposed to stormwater. These facilities could alternatively submit an NEC, terminating permit coverage. However, the Department realizes that some facilities plan to recommence industrial activity in the future and therefore may wish to keep active permit coverage. To qualify for this exception, a facility must maintain a signed certification with their SWPPP documentation (Part III.A.9 of the permit) that indicates that the site is inactive and unstaffed, and that there are no industrial activities or materials exposed to stormwater.

The permit clarifies that if circumstances change and industrial materials or activities become exposed to stormwater or facilities become active and/or staffed, this exception no longer applies and permittees must immediately begin complying with the applicable monitoring requirements under Part III as if they were in the first year of permit coverage, and notify the Department of the change in the NOI by submitting a new NOI form. Additional information is outline in Part III.A.9 of the permit.

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2.1.20 Substantially Identical Discharge Points (SIDPs)

When permittees believe their facility has two or more discharge points that qualify as SIDPs, they may monitor only one of these discharge points and report that the quantitative data also apply to the other SIDPs. Permittees must also document the location of each of the SIDPs and explain why the SIDPs are expected to discharge substantially identical stormwater, addressing each of the factors to be considered in this determination (industrial activities, control measures, exposed materials and runoff coefficients). Permittees do not need advance Department approval for this determination; however, the Department may subsequently determine that discharge points are not substantially identical and require sampling of additional discharge points. The Department clarifies in Part III.C.5.b that the allowance for monitoring only one of the SIDPs is not applicable to any discharge point with numeric effluent limitations. Permittees must monitor each discharge point covered by a numeric effluent limitation.

2.1.21 Other Federal Laws

Part II.F.21 of the permit requires SWPPP documentation that supports permittees' eligibility criterion selected per Part I.A.3 related to the protection of species federally listed as endangered and threatened, including: whether listed species or critical habitat are found in proximity to the facility; a description of any communication between the permittee and the U.S. Fish & Wildlife Service and/or the National Marine Fisheries Service (the Services); results of the listed species screening process; and, if applicable, a description of the measures implemented to protect the listed species or critical habitat. The permittee must document this information to ensure it is properly eligible for permit coverage with regard to endangered species and may be separately reviewed by the Department.

2.1.22 Signature Requirements

Part II.F.22 of the permit requires the permittee to sign and date the SWPPP consistent with procedures detailed in Part X.G (a standard permit condition for signatory requirements, pursuant to 40 CFR 122.22). The signature requirement includes an acknowledgment that there are significant penalties for submitting false information.

2.1.23 Copy of Permit Requirements

Part II.F.23 of the permit requires that a copy of the permit be maintained with the SWPPP at all times.

2.2 Maintaining an Updated SWPPP

Part II.G of the permit requires that the permittee update the SWPPP whenever any of the triggering conditions for corrective action in Part V occur, or when a review following

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the triggering conditions in Part V indicates that changes to an permittee's control measures are necessary to meet the effluent limits in the permit. The SWPPP must be signed and dated by an authorized representative each time it is modified. Note that failure to update the SWPPP is a recordkeeping violation.

2.3 SWPPP Availability

Part II.H of the permit requires that a complete and current SWPPP be accessible in any format at the facility and must be immediately available to facility employees; the Department; the permittee of an MS4 receiving discharges from the site; and representatives of the Department at the time of a site inspection.

2.4 Additional Documentation

Part II.I. of the permit contains a list of additional documentation requirements that the permittee shall maintain with the SWPPP.

3. Monitoring Requirements

This permit requires permittees to sample and analyze their stormwater discharges to assess the effectiveness of control measures in meeting the terms and conditions of the permit. Analytical monitoring is a means by which to measure the concentration of a pollutant in a stormwater discharge. Analytical results are quantitative and therefore can be used to compare discharge results and to quantify the effectiveness of stormwater control measures, including identifying pollutants that are not being successfully controlled.

3.1 Monitoring Procedures

Part III.A of the permit requires that permittees collect, analyze, and document stormwater samples consistent with the procedures described within Part III.A.

3.1.1 Monitored Discharge Points

The monitoring requirements in the permit apply to each stormwater discharge associated with industrial activity, unless the permittee qualifies for the substantially identical discharge points exemption as described in this section. To be considered substantially identical, discharge points must have generally similar industrial activities, stormwater control measures, exposed materials that may significantly contribute pollutants to stormwater, and runoff coefficients of their drainage areas. When a permittee believes its facility has two or more discharge points that qualify as substantially identical, the permittee may monitor one of these discharge points and report that the quantitative data also apply to the other substantially identical discharge point(s). The permittee must also document the location of each of the discharge points and explain why the discharge points are expected to discharge substantially identical effluent, addressing each of the factors to be considered in this determination (industrial activities, control measures, exposed materials and runoff coefficients). Permittees do not need advanced approval from the Department for this determination, however, the Department may subsequently determine that discharge points are not substantially

identical and require sampling of additional discharge points.

This substantially identical discharge point provision provides facilities that have multiple stormwater discharge points with a means to reduce the number of discharge points that must be sampled and analyzed while still providing monitoring data that are indicative of discharges from each discharge point. This may result in a substantial reduction of the resources required for a facility to comply with analytical monitoring requirements.

3.1.2 Comingled Discharges

If stormwater discharges associated with industrial activity commingle with discharges not authorized by the permit (e.g., unregulated stormwater or other permitted wastewater), then the permittee must sample the stormwater discharge before it mixes with the other discharges when practicable. This provision is intended to ensure that monitoring results are representative of discharges covered under the permit and are not indicative of other discharges from the facility. The Department acknowledges that in certain instances, such as when authorized stormwater discharges are commingled with other waste streams prior to on-site treatment, sampling only authorized stormwater may be impracticable.

3.1.3 Measurable storm event

Part III.A.3 of the permit specifies the characteristics of a measurable storm event as an event that results in a stormwater discharge from the permitted facility. By defining a storm event as one that results in a discharge, it affords the permittee flexibility to sample during any storm event that produces a discharge, rather than having to ensure that a minimum magnitude is reached.

The permit requires that permittees collect samples from the discharge resulting from a storm event that occurs at least 72 hours (3 days) after a previous measurable storm event and after two (2) full days of standard operating activities at the facility. The 72-hour (3-day) period is included in an attempt to eliminate monitoring discharges soon after a previous storm event may have washed away residual pollutants. The two (2) full days of operating activities is to ensure that the sample taken is representative of usual on-site conditions. The permit allows for sampling of snowmelt in addition to stormwater. The 72-hour (3-day) requirement does not apply to snowmelt if the actual discharge is not clearly tied to a specific snow event (i.e., may be the accumulation from multiple events). The permit also specifies the type of documentation required to show consistency with this requirement.

3.1.4 Sample Type

Permittees must take a minimum of one grab sample, or alternatively a composite sample, from the measurable storm event being monitored. This will allow permittees to

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make accurate comparisons of monitoring results to the corresponding benchmark threshold levels or effluent limitations. For grab samples, permittees must take the grab sample during the first 30 minutes of the discharge, except for snowmelt monitoring which has no 30-minute requirement since (1) discharge typically does not occur during a snow event (2) collecting a snowmelt sample within 30 minutes of commencement of discharge would very likely be impractical (because the snow will not have melted yet), and (3) the "first flush" effects of snowmelt are not as well defined (i.e., the time when the highest pollutant concentrations occur). If permittees collect more than one grab sample, only those samples the permittee collects during the first 30 minutes of discharge are to be used for performing any necessary analyses. If it is not possible to collect a grab sample during the first 30 minutes, facilities can take a grab sample as soon as possible, but the permittee must document and keep with the SWPPP an explanation of why a grab sample during the first 30 minutes could not be collected.

The Department does not require composite sampling. The Department allows permittees to use composite sampling for benchmark monitoring if they choose to do so. Composite samples can provide a more comprehensive characterization of the facility's discharge than individual grab samples but can be costlier in some ways.

All benchmark monitoring, whether collected via grab samples or composite samples, must be analyzed consistent with 40 CFR Part 136 analytical methods and, for benchmark monitoring, using test procedures with quantitation limits at or below benchmark thresholds for all benchmark parameters for which you are required to sample. Composite sampling may be manual or automated and must be initiated during the first 30 minutes of the same storm event. For manual sampling, a facility would collect multiple samples during a storm event and combine portions of each sample – or aliquots – to form a single composite sample that is then analyzed. For automated sampling, a facility would install an automatic sampler at the end of a flume, weir, or other similar device to direct the stormwater to a collection point. The sampler could be set up to collect samples on some interval, and, depending on the equipment, may be able to combine individual samples automatically into a composite sample. Automated samplers can also collect flow-weighted. Using automated samplers can eliminate the need for a person to physically collect samples, which can be helpful if a storm happens outside of normal business hours. These samplers can lower labor costs and mitigate safety concerns but require setup and maintenance which would not otherwise be required if done manually. Permittees may also find that portable electronic meters, sensors, and data loggers used in the field can be a cost-effective way to monitor many types of parameters like turbidity, conductivity, temperature, dissolved oxygen, and pH in-situ. Where such in-situ measurements are taken, the composite sampling methodology shall be modified by simply calculating an average of all individual measurements, weighted by flow volume if applicable.

3.1.5 Adverse Weather Conditions

When adverse weather conditions make sampling dangerous, storm event monitoring may be postponed until the next runoff event. This provision applies to serious weather

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conditions such as lightning, flash flooding, and high winds. This provision should not be used as an excuse for not conducting sampling under conditions associated with more typical storm events. Adverse weather conditions do not exempt permittees from having to file a benchmark monitoring report in accordance with the corresponding reporting period. In many cases, sampling during a subsequent non-hazardous storm event may still be possible during the reporting period. Where this is not possible, permittees are still required to report the inability to monitor as "no data" during the usual reporting period. This provision applies to all monitoring requirements of the permit.

3.1.6 Monitoring Periods

Monitoring requirements commence during the first full calendar quarter following the date of authorization to discharge. For quarterly benchmark monitoring, the permit defines the calendar quarters during which monitoring must occur and also describes when the first monitoring quarter is to commence. Note that the Department's electronic discharge monitoring report (DMR) system, Net-DMR, will automatically generate pre-populated DMR forms based on the facility's sector and other information provided in the NOI form.

3.1.7 Natural Background Pollutant Levels

Permittees have the option to demonstrate benchmark exceedances are solely attributable to the presence of that pollutant in natural background sources, provided that the requirements under Part III.A.7 are met, and the permittee submits their analysis and documentation to the Department.

3.1.8 Run-on

The permittee must demonstrate and obtain Department agreement that run-on from a neighboring source (e.g. a source external to the facility) is the cause of the exceedance, provided that the conditions under Part III.A.8 are met and the permittee submits their analysis and documentation to the Department.

3.1.9 Inactive and Unstaffed Sites

Part III.A.9 of the permit allows for an exception from benchmark monitoring for facilities that are both inactive and unstaffed, when such facilities no longer have industrial activities or materials exposed to stormwater in accordance with 40 CFR 122.26(g) "Conditional exclusion for "no exposure" of industrial activities and materials to stormwater." These facilities will not be contributing pollutants in stormwater discharges as they would while operational. These facilities could alternatively submit a No Exposure Certification in lieu of obtaining permit coverage. However, the Department realizes that some facilities plan to recommence industrial activity in the future and therefore may wish to keep active permit coverage. To qualify for this exception, permittees must maintain a signed certification with their SWPPP documentation that

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indicates that the site is inactive and unstaffed, and that there are no industrial activities or materials exposed to stormwater.

3.2 Quarterly Visual Assessment

3.2.1 Quarterly Visual Assessment Procedures

Quarterly visual assessments of stormwater discharges provide a useful and inexpensive means for permittees to evaluate the effectiveness of their control measures. Although the visual examination cannot assess the chemical properties of the stormwater discharged from the site, the examination will provide meaningful results upon which the permittee may act quickly. All industrial sectors covered by this permit are required to conduct these examinations.

Part III.B.1 of the permit requires that grab samples of stormwater discharges be taken and examined visually for the presence of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. The grab samples must be taken within the first 30 minutes or as soon as possible after the occurrence of an actual discharge from the site (including documentation of why sampling was not possible within the first 30 minutes, if applicable). Whenever the visual assessment shows evidence of stormwater pollutants, corrective action procedures must be initiated.

The quarterly visual examination(s) must be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen and other obvious indicators of stormwater pollution. If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred.

The same exceptions from Part III.A of the permit apply to these requirements in order to account for circumstances during which conducting quarterly visual assessments may not be feasible. Where these types of conditions prevent a facility from performing these assessments quarterly, permittees may modify their assessment schedule such that the four assessments are conducted over the course of the year during periods when discharges, be it from rain or snow, actually occur and can be safely observed.

3.2.2 Quarterly Visual Assessment Documentation.

Part III.B.2 of the permit requires permittees to document the results of their visual assessments in a report that includes the sample location, date and time, personnel collecting the sample and performing visual assessments, nature of the discharge (i.e., runoff or snowmelt), results of the observations, and probable sources of any observed

stormwater contamination. The visual examination reports must be maintained onsite with the SWPPP.

When conducting a stormwater visual examination, the pollution prevention team, or individual team member, must attempt to relate the results of the examination to potential sources of stormwater contamination on the site. For example, should an oil sheen be observed, facility personnel (preferably members of the pollution prevention team) must conduct an inspection of the area of the site draining to the examined discharge to look for sources of spilled oil, leaks, etc. If a source can be located, then this information would necessitate that the facility permittee immediately conduct a clean-up of the pollutant source, and/or to revise control measures to minimize the contaminant source.

3.3 Benchmark Monitoring

This permit requires benchmark monitoring as a gauge of the performance of facilities' SCM and to further ensure compliance with water quality standards. Benchmark monitoring is employed as a means by which to measure the concentration of a pollutant in a facility's industrial stormwater discharges. Analytical results from benchmark monitoring are quantitative and therefore can be used to compare results from discharge to discharge and to quantify any improvement in stormwater quality attributable to the stormwater control measures, or to identify a pollutant that is not being adequately controlled. The benchmark thresholds are the pollutant concentrations above which represent a level of concern. The level of concern is a concentration at which a stormwater discharge could potentially impair or contribute to impairing water quality or affect human health from ingestion of water or fish. The benchmarks are also set at a level, that if below, a facility's discharges pose less potential for a water quality concern. As such, the benchmarks provide an appropriate level to determine whether a facility's SCMs are successfully implemented.

3.3.1 Applicability of Benchmark Monitoring

Benchmark monitoring requirements described in Part III.C require permittees to collect stormwater samples for laboratory chemical analyses. Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark thresholds for all benchmark parameters for which permittees are required to sample, i.e. sufficiently sensitive methods. For averaging purposes, the permittee may use a value of zero for any individual sample parameter which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit. The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if a corrective action is required as a result of a benchmark exceedance, failure to conduct the required corrective action as specified in Part V is a permit

violation.

3.3.2 Benchmark Monitoring Schedule

Permittees required to conduct sector-specific benchmark monitoring must at a minimum do so quarterly in the first year of permit coverage and again in the event of an exceedance. Requiring additional monitoring allows permittees to better characterize their industrial stormwater discharges and describe industrial SCM performance with additional sampling data throughout their permit coverage. If the permit is administratively continued at the end of its five-year permit term, benchmark monitoring that was applicable at the time of expiration would continue to be required for permittees authorized under the permit prior to its expiration. If monitoring data are unable to be reported electronically after the expiration of the permit, permittees would be required to maintain data on site with the SWPPP and be made available to the Department upon request.

The permit requires that applicable permittees conduct quarterly benchmark monitoring starting in their first year of permit coverage, beginning in the first full quarter of permit coverage. A permittee that does not exceed the benchmark limit in a consecutive four quarter period for a given parameter may be exempted from benchmark monitoring frequency for that parameter down to semi-annually. However, if the average of the last four quarterly samples for a parameter ever exceeds the benchmark threshold, the permittee must comply with Part V of the permit and, in addition, they must conduct quarterly benchmark monitoring for that parameter until results indicate that the average of the last four quarterly samples for that parameter is no longer exceeded, after which the permittee can reduce the frequency benchmark monitoring for that parameter down to semi-annually.

Because some permittees choose to sample more than the required number of times, the Department has included specific language in the permit that the extra samples may be used to calculate their benchmark monitoring average. Any additional sampling does not reduce the requirement that the monitoring be completed over a minimum of four calendar quarters. Therefore, additional samples collected in one quarter for this purpose cannot replace sampling required in other quarters.

3.3.3 Data Exceedance

Part III.C.3 of the permit describes the actions to be taken in the event of a data exceedance.

3.3.4 Benchmark Monitoring Waiver

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Part III.C.4 of the permit describes the requirements to apply for and receive a Benchmark Monitoring Waiver on a discharge point by discharge point and parameter specific basis. Benchmark Monitoring Waivers are applicable after four (4) consecutive monitoring periods where parameter concentrations are below benchmark monitoring concentration values. Waivers will not be able to be requested until at least year two of the permit. One year of permit authorization with four quarters of no exceedances allows for the waiver. After this, permittees may request to be exempt from monitoring for four consecutive monitoring periods during their permit authorization. This timeline starts from the beginning for parameters if benchmark exceedances are observed.

3.4 Effluent Limitations Monitoring

Numeric effluent limitations have been included based on national effluent limitation guidelines for certain industry-specific discharges (see Part III.C.5). Consistent with minimum monitoring requirements for NPDES permit limits established at 40 CFR 122.44(i), permittees must monitor for these parameters at least once each year for the duration of permit coverage. Numeric effluent limitations are specified in the sector-specific requirements in Part VIII. Monitoring for all parameters must be conducted according to the procedures in Part III.A unless otherwise noted. Corrective action is required whenever there is an exceedance of a numeric effluent limitation. Part III.C.5 clarifies that facilities subject to effluent limitation guidelines are required to monitor each discharge point discharging stormwater, and that the flexibility afforded for monitoring substantially identical discharge points does not apply to effluent limitation guidelines monitoring.

The Department also clarifies that, in contrast to benchmarks, an exceedance of an effluent limitation constitutes a violation of the permit. Failure to conduct required corrective action and follow-up monitoring as required in Part V is an additional violation. Applicable control measures for these facilities must be selected, designed, installed, and implemented consistent with the stormwater control requirements established in Part IV of the permit. Part III.C.5 specifies follow-up monitoring requirements for pollutants that exceed any effluent limitation contained in the permit. The Department requires follow-up monitoring to ensure that facilities come back into compliance with applicable effluent limitations as soon as possible. While the NPDES regulations require a minimum of annual monitoring to demonstrate compliance with applicable effluent limitations, the vast majority of NPDES permits for industrial wastewater discharges require more frequent monitoring (up to daily for certain pollutants/sources in some instances). Monitoring at the regulatory minimum of once per year is appropriate for stormwater discharges, provided facilities remain in compliance with the numeric effluent limitations. However, it is appropriate to require more frequent monitoring once the effluent limitation is exceeded otherwise, there would be an additional year to wait to confirm that facilities have come back into compliance with the limitation. The Department notes that failure to complete follow-up monitoring and reporting within the stipulated timeframes constitutes additional violations of the permit, in addition to the initial effluent limitation violation. Consistent with other types of effluent monitoring, the permit requires that permittees report follow-up monitoring results to the Department through the Department's DMR system (see Part VII).

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Procedures and timeframes for reporting exceedances of numeric effluent limitations are described in Part VII.D of the permit.

3.5 Impaired Waters Monitoring

The CWA requires states to adopt standards to protect waters for their designated uses. A water body is considered impaired if it fails to meet any applicable water quality standard. Section 303(d) of the CWA requires states to assess all of their waters for impairments and publish every other year (in the "even" years) a list of impaired waters. Total Maximum Daily Loads (TMDLs) must be established for all impaired waters. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards and includes allocations of that total amount to the pollutant's sources.

When developing TMDLs, EPA and the Department evaluate contributions from upstream segments and contributing waterbodies. As such, in some instances, upstream sources may be identified as a contributor to an impairment. Where the Department has reason to believe that stormwater discharges at permitted facilities will not be controlled as necessary to meet applicable water quality standards, notwithstanding any indication in a facility's NOIs that it does not discharge to an impaired water, the Department may require the permittee to perform additional monitoring and/or adopt additional control measures to address the potential contribution to the impairment, i.e., to ensure that the discharge is controlled as necessary to meet water quality standards. In these instances, the Department will notify the permittee, in writing, of any additional obligations, including monitoring requirements, to meet such water quality-based effluent limit.

The permit requires facilities to monitor for all pollutants for which the receiving waterbody is impaired. For waters impaired by pollutants without an approved TMDL, monitoring is required where a standard analytical test method in 40 CFR Part 136 exists for the pollutant or surrogate parameter. If the pollutant for which the waterbody is impaired is suspended solids, turbidity or sediment/sedimentation, the parameter to be monitored is total suspended solids (TSS). If the pollutant of concern is an indicator or surrogate pollutant, then the pollutant indicator (e.g., dissolved oxygen) must be monitored. No monitoring is required when a waterbody's biological communities are impaired but no pollutant is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modification, impaired hydrology, or other non-pollutant (e.g., exotic species, habitat alterations, objectionable deposits). If a TMDL has been approved or established that applies to the discharge, the Department will notify the facility of any monitoring requirements based on any assumptions and requirements of the TMDL and any waste load allocation for the discharge.

4. Control Measures and Effluent Limitations

This permit is the regulatory mechanism to reduce, minimize, or eliminate contaminated stormwater discharges so that water quality standards are met. This is accomplished through the facility's implementation of stormwater control measures, and through permittee benchmark monitoring and effluent limit monitoring of the stormwater

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discharges for pollutants that are specific to each of the twenty-nine different industrial sectors.

Stormwater discharges can be highly intermittent, are usually characterized by very high flows occurring over relatively short time intervals, and carry a variety of pollutants whose source, nature, and extent varies. This is in contrast to process wastewater discharges from a particular industrial or commercial facility where the effluent is more predictable and can be more effectively analyzed to develop numeric effluent limitations. The Department includes non-numeric effluent limits in the permit mandating facilities to "minimize" various types of pollutant discharges, or to implement control measures unless "infeasible". The Department defines "minimize" as "to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices." The Department defines "feasible" as "technologically possible and economically practicable and achievable in light of best industry practices."

The effluent limits in the permit are expressed as specific pollution prevention requirements for minimizing the pollutant levels in the discharge. Some effluent limits have greater specificity to remove confusion in interpreting what constitutes compliance. The Department asserts that the combination of pollution prevention and structural management practices required by these limits are the best technologically available and economically practicable and achievable controls, as well as the most environmentally sound way to control the discharge of pollutants in stormwater discharges from industrial facilities.

4.1 Stormwater Control Measures

Part IV requires permittees to select, design, install, and implement SCMs, in accordance with good engineering practices and manufacturer's specifications, to meet the technology-based effluent limits listed in Part IV.B and the water quality-based effluent limitations in Part IV.C. Note that compliance with the Part IV.B effluent limits involving SCMs does not compel permittees to undertake any activities that are considered unsafe. Permittees must be aware that regulated stormwater discharges include stormwater run-on from outside sources that commingles with their own stormwater discharges associated with industrial activity, and they must account for the commingled discharges accordingly when selecting SCMs. If permittees find their SCMs are not reducing pollutant discharges adequately, the control measures must be modified in accordance with the Part V corrective action requirements.

The permit's approach to control measures is consistent with the CWA and its implementing regulations at 40 CFR 122.44(k)(4). Section 402(a)(2) of the CWA states: "The administrator shall prescribe conditions for such permits to assure compliance with the requirements in paragraph (1) including conditions on data and information collection, reporting and such other requirements as he deems appropriate." (Section 402(a)(1) includes effluent limitation requirements.) This statutory provision is reflected in the CWA implementing regulations, which state that best management practices (BMPs), i.e., control measures, can be included in permits when "[t]he practices are

reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA." 40 CFR 122.44(k)(4).

4.1.1 Stormwater Control Measure Selection and Design Considerations

In Part IV.A.1 permittees are required to consider certain factors when selecting and designing control measures. The Department recognizes that not all of these considerations will be applicable to every facility, nor will they always affect the choice of control measures. However, permittees should still document that these factors were considered when selecting and designing their control measures. The selection and design considerations are listed in Part IV.A.1.

Where facilities already have emergency and risk management plans or have already implemented such controls due to existing requirements mandated by other state, local or federal requirements, permittees should include in their SWPPP a description of measures in place for such events and a reference to the existing requirement(s). Permittees should also consider how they might bolster existing procedures to account for the impacts on their SCMs (for instance, controls being filled with sediment or clogged by debris) and potential pollutant discharges during major storm events. Permittees are encouraged to consider all reasonably available data and utilize various reference maps, including those published by FEMA, NOAA, and USGS, to help determine if their facility may experience an increased frequency of major storm events that could impact the discharge of pollutants in stormwater.

4.1.2 Minimize Exposure

Part IV.A.2 requires permittees to limit the exposure of manufacturing, processing, and material storage areas to stormwater in order to minimize pollutant discharges by either locating industrial materials and activities inside or protecting them with storm-resistant coverings. Limiting contact with precipitation can reduce the need for control measures to treat or otherwise reduce pollutants in stormwater discharges. Examples include covering materials or activities with temporary structures (e.g., tarps) when wet weather is expected or moving materials or activities to existing or new permanent structures (e.g., buildings, silos, sheds). Even a simple practice such as keeping a dumpster lid closed can be very effective.

4.1.3 Good Housekeeping

Part IV.A.3 of the permit requires that all exposed areas that are potential pollutant sources be kept clean to help receiving waters meet water quality standards. Good housekeeping is an inexpensive way to maintain a clean and orderly facility and keep contaminants out of stormwater discharges. Often the most effective first step towards minimizing pollution in stormwater from industrial sites simply involves common sense improvements to a facility's basic housekeeping methods. A clean and orderly work area can reduce the possibility of accidental spills caused by mishandling of chemicals and equipment and well-maintained material and chemical storage areas can reduce

the possibility of stormwater mixing with pollutants.

There are some simple procedures permittees can implement to meet the good housekeeping requirements in the permit, including improved operation and maintenance of industrial machinery and processes, improved materials storage practices, better materials inventory controls, more frequent and regular clean-up schedules, maintaining well organized work areas, and education programs for employees about these practices.

4.1.4 Maintenance

Part IV.A.3 of the permit describes how permittees must maintain all stormwater control measures, so they remain effective.

If the permittee finds that control measures need maintenance, they must conduct necessary maintenance immediately. If control measures need to be repaired or replaced, permittees must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until the final repair or replacement can be implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events. Final repairs/replacement of stormwater controls should be completed as soon as feasible, and no longer than 45 days unless approved by the Department. If a control measure was never installed, was installed incorrectly, or is not being properly operated or maintained, permittees must conduct corrective action as specified in Part VI of the permit.

The permit specifies that “immediately” means that the day the permittee finds a condition requiring corrective action, they must take all reasonable steps to minimize or prevent the discharge of pollutants until they can implement a permanent solution. However, if the permittee identifies a problem too late in the workday to initiate corrective action, the permittee must perform the corrective action the following workday morning. “All reasonable steps” means that the permittee responds to the conditions triggering the corrective action, such as cleaning up any exposed materials that may be discharged via stormwater (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new SCM to be installed. “All reasonable steps” does not mean taking action when it is unsafe to do so (e.g., due to inclement weather).

Part IV.A.3 of the permit includes language on baghouses to highlight the need for their inspection and maintenance, because baghouses can be significant sources of pollutants. The Department encourages permittees to inspect and maintain baghouses more frequently than quarterly and encourages the use of baghouse leak detectors so that problems are detected as soon as possible. This Part also includes industry-standard catch basin cleaning requirements to prevent this maintenance action from being overlooked. Where possible, the Department encourages permittees to clean catch basins prior to the debris depth reaching 2/3 in order to avoid a SCM failure.

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4.1.6 Spill Prevention and Response Procedures

Part IV.A.5 of the permit requires that the potential for stormwater exposure from leaks, spills, and other releases, which are major sources of stormwater pollution, be minimized. The SWPPP must describe the procedures that will be followed for cleaning up spills or leaks. The procedures and necessary spill response equipment must be made available to those employees who may cause or detect a spill or leak. Where appropriate, the plan must include an explanation of existing or planned material handling procedures, storage requirements, secondary containment, and equipment (e.g., diversion valves) that are intended to minimize spills or leaks at the facility. If applicable, the spill response plan shall address prevention and minimization of releases of oil and hazardous material into the stormwater system. When required, the management of oil and hazardous material shall be performed in accordance with 40 CFR Part 117 and 7 Del.C. Chapters 60, 62, and 63. The permittee must also report spills to the Department when spills are of a certain quantity detailed in 40 CFR Part 117.3.

The Department encourages permittees to identify potential spill areas and keep an inventory of materials handled, used, and disposed. This information would be valuable for complying with the requirement to specify the material handling procedures, storage requirements, containment or diversion equipment, and spill cleanup procedures that will minimize the potential for spills/releases and, in the event of a spill/release, ensure a proper and timely response.

4.1.7 Erosion and Sediment Controls

Part IV.A.6 of the permit requires permittees to minimize pollutant discharges from erosion by stabilizing exposed soils at the facility in order to minimize pollutant discharges and placing flow velocity dissipation devices at discharge locations. Velocity dissipation should control channel and streambank erosion and scour in the immediate vicinity of discharge points. Part IV.A.6 of the permit also requires the use of structural and non-structural controls to minimize the discharge of sediment.

The purpose of this requirement is to prevent discharges of sediment from exposed areas of industrial sites that, due to construction activities, steep slopes, sandy soils or other causes, are prone to soil erosion. Construction and other earth-disturbing activities often result in the exposure of underlying soil to wind and precipitation, while steep slopes or sandy soils may not be able to hold plant life so that soils are exposed, leading to erosion and the need for erosion controls.

The types of erosion controls for exposed areas permittees should consider first include seeding, mulching and sodding to prevent soil from becoming dislodged. Sediment control practices such as silt fences, sediment ponds, and stabilized entrances trap sediment after it has eroded. Sediment control practices, such as flow velocity dissipaters and sediment catchers, must be used to back up erosion control practices.

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The Department acknowledges that portions of some industrial facilities are intended to be left unvegetated or unstabilized. For example, sizable unpaved earthen areas are common at large steel mills. For such areas, compaction of the soil, covering with gravel, and/or application of a soil binder may be adequate erosion control measures.

4.1.8 Management of Stormwater

Part IV.A.7 of the permit requires permittees to divert, infiltrate, reuse, contain, or otherwise reduce stormwater to minimize pollutants in the discharge, and to employ practices that direct the flow of stormwater away from areas of exposed materials or pollutant sources. Such practices can also be used to divert polluted stormwater to natural areas or locations where other kinds of treatment occurs.

To meet this effluent limit, permittees may consider vegetative swales, collection and reuse of stormwater, inlet controls, snow management, infiltration devices, and wet detention/retention basins.

In selecting, designing, installing, and implementing appropriate stormwater control measures, permittees are encouraged to consult with EPA's resources relating to stormwater discharge management, including the sector-specific Industrial Stormwater Fact Sheet Series, (Stormwater Discharges from Industrial Activities-Fact Sheets and Guidance | US EPA).

4.1.9 Salt Storage Piles or Piles Containing Salt

Part IV.A.8 requires that permittees enclose or cover piles completely or partially comprised of salt in order to minimize pollutant discharges. Permittees must also implement appropriate measures to minimize the exposure of the piles during the adding to or removing from processes. Permittees do not need to enclose or cover piles if stormwater from the piles is not discharged or if discharges from the piles are authorized under another NPDES permit.

Options for meeting the salt pile effluent limit include covering the piles or eliminating the discharge from such areas of the facility. Preventing exposure of piles to stormwater or run-on also eliminates the economic loss from materials being dissolved and washed away. A permanent under-roof storage facility is the best way to protect chemicals from precipitation and stormwater, but where this is not possible, salt piles can be located on impermeable bituminous pads and covered with a waterproof cover.

4.1.10 Sector Specific Non-Numeric Effluent Limits.

Part IV.A.9 of the permit reiterates that Part VIII of the permit has additional sector-specific stormwater control measures that must be met.

4.1.11 Employee Training

Part IV.A.10 of the permit requires permittees to train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the limits and conditions of the permit. Training should address topics such as spill response, good housekeeping practices, material management practices, truck wash out procedures, equipment washdown procedures, etc. Detailed training requirements are listed in Part II.F.11 of the permit.

Training sessions should be conducted at least annually to assure adequate understanding of the objectives of the control measures and the individual responsibilities of each employee. More frequent training may be appropriate at facilities with high employee turnover or where stormwater programs are more complicated or multi-faceted. Often, training could be a part of routine employee meetings for safety or fire protection. Contractor personnel also must be trained in relevant aspects of stormwater pollution prevention, as appropriate.

4.2 Numeric Effluent Limitations

The Numeric Effluent Limitations are requirements applicable to facilities depending on the types of industrial activities generating stormwater runoff from the facility. The discharge of pollutants at a level more than that identified and authorized by a specified Numeric Effluent Limitation shall constitute a violation of the permit. Consistent with 40 CFR 122.44(l)(1), the Department will be maintaining the pH effluent limitation for Sector C – Chemical and Allied Product Manufacturing sites.

Table 1. Industries with numeric effluent limitations

Regulated Activity	**40 CFR Part/Subpart**	**Effluent Limit**
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	See Part VIII.A.7
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, final product, by-products or waste products (SIC 2874)	Part 418, Subpart A and Section 9.1.4.3.2.3.1	See Part VIII.C.4
Runoff from asphalt emulsion facilities	Part 443, Subpart A	See Part VIII.D.4
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Part VIII.E.5
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	See Part VIII.J.9
Runoff from hazardous waste landfills	Part 445, Subpart A	See Part VIII.K.6
Runoff from non-hazardous waste landfills	Part 445, Subpart B	See Part VIII.L.10
Runoff from coal storage piles at steam electric generating facilities	Part 423	See Part VIII.O.8

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Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft	Part 449	See Part VIII.S.7

4.3 Water Quality-Based Effluent Limitations

The permit includes water quality-based effluent limits (WQBELs) to ensure that permit authorized discharges will be controlled as necessary to meet applicable water quality standards, pursuant to CWA section 301(b)(1)(C) and 40 CFR 122.44(d)(1).

Prior to or after initial discharge authorization, the Department may require permittees to implement additional measures on a facility-specific basis. The Department may also require permittees to obtain coverage under an individual permit. This shall be done if information in the NOI, required reports, or other sources indicates that, after complying with the technology-based limits and the WQBELs, discharges will not be controlled as necessary to meet water quality standards.

Facilities that achieve the permit's technology-based limits through the careful selection, design, installation, and implementation of effective stormwater control measures are likely to be controlling their stormwater discharges to a degree that would make additional water quality-based measures unnecessary. However, to ensure that this is so, the permit contains additional provisions in Part IV.C, which are as stringent as necessary to achieve water quality standards.

4.3.1 Water Quality Standards

Part IV.C.1 of the permit specifies that permittees must control their discharge as necessary to meet applicable water quality standards of all affected states. The Department expects that compliance with the other conditions in the permit (e.g., the technology-based limits, corrective actions) will result in discharges that are controlled as necessary to meet applicable water quality standards. However, if an permittee becomes aware, or the Department determines, that a discharge is not controlled as necessary such that the receiving waters of the State will not meet applicable water quality standards, corrective actions are required per Part V. In addition, any time the Department determines that the discharge is not meeting the WQBEL (i.e., the discharge is not controlled as necessary such that the receiving water of the United States will not meet applicable water quality standards), the Department may inform the permittee that additional measures are needed or require that the permittee instead apply for an individual permit. The same applies to situations where additional measures are necessary for discharges to be consistent with a Department-established or approved TMDL. In such situations, the Department will be available to help permittees understand what they need to do to ensure that their discharges are consistent with any available wasteload allocations (WLAs).

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4.3.2 Discharges to Water Quality-Impaired Waters

Part IV.C.2 of the permit includes the requirements applicable to stormwater discharges to impaired waters.

4.3.3 Discharge to an Impaired Water with a Department-Approved or Established TMDL

Part IV.C.3 of the permit specifies that the Department may inform permittees that additional requirements are necessary for the discharge to be consistent with the assumptions and requirements of an applicable TMDL and its WLA. Water quality-based effluent limits must be "consistent with the assumptions and requirements of any available wasteload allocation for the discharge," pursuant to 40 CFR 122.44(d)(1)(vii)(B). Where a permittee indicates on its NOI that a discharge is to one of the types of waters this Part covers, the Department will review the applicable TMDL to determine whether it includes provisions that apply to the individual discharger or its industrial sector. If so, the Department will determine whether compliance with the existing permit limits is sufficient or what additional measures are necessary for the discharge to be consistent with the WLA. Alternatively, the Department may decide an individual permit application is necessary. Because WLAs for stormwater discharges may be specified in many different formats, it has not always been clear to permittees what they need to do to ensure that their discharge is consistent with available WLAs. The Department has thus established a process to ensure that these requirements are properly interpreted and communicated by the Department to the facility in a way that is implementable.

4.3.4 Discharge to an Impaired Water without a Department-Approved or Established TMDL

Part IV.C.4 of the permit reiterates that facilities discharging to impaired waters without a Department-approved or established TMDL must still control their discharges as necessary to meet water quality standards. The Department expects a permittee will achieve this if it complies with the other requirements in the permit, including monitoring requirements applicable to impaired waters discharges in Part III. However, if information in the NOI, required reports, or from other sources indicates that discharges are not controlled as necessary to meet applicable water quality standards, the Department may inform a permittee that it needs to implement additional measures on a site-specific basis to ensure the WQBEL is met, or, alternatively, of the need to apply for an individual permit.

4.3.5 Waters of Exceptional Recreational or Ecological Significance (ERES) Antidegradation Requirements for New Dischargers, New Sources, or Increased.

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Part IV.C.5 of the permit applies to new dischargers, new sources, and existing dischargers whose discharges directly to waters designated ERES waters (defined in Appendix A) have increased. In general, any existing discharger required to notify the Department of an increased discharge consistent with Part VII.E. (i.e., a "planned changes" report) will be considered to have an increased discharge. For antidegradation purposes, such dischargers must implement any additional measures that the Department determines are necessary to comply with the permit's WQBEL, including the applicable state or federal antidegradation requirements (state water quality standards are required to contain an antidegradation policy pursuant to 40 CFR 131.12). The Department may also, per the applicable antidegradation policy, notify operators that they cannot be covered under the MSGP due to the unique characteristics of the discharge or the receiving waters, and that they must apply for an individual permit. Conversely, if the Department does not notify an operator that additional measures are needed to ensure compliance with antidegradation requirements, the operator is authorized to discharge under the permit. ERES waters are important, unique, or sensitive from a recreational and/or ecological perspective, but which may or may not have excellent water quality. Such waters shall normally have regional significance with respect to recreational use (fishing, swimming and boating), or have significant or widespread riverine, riparian, or wetland natural areas.

4.3.6 Requirements Relating to Endangered Species, Historic Properties, and CERCLA Sites

Part IV.C.6 of the permit requires permittees to continue to implement any agreed-upon measures that were imposed as a condition or prerequisite for becoming eligible under Part I.A throughout the permit term. Any time a permittee becomes aware, or the Department determines, that discharges and/or discharge-related activities are likely to adversely affect listed species and/or critical habitat, have an effect on historic properties, or that your facility discharges to a CERCLA Site after you have obtained coverage under this permit, the Department may impose additional measures on a site-specific basis, or require the permittee to obtain coverage under an individual permit.

5. Corrective Actions

The permit contains corrective actions required if conditions stipulated in Part V.A occur. The permit requirements listed in Part V.B keep follow-up actions clear, timely, and proportional to the occurrence rate and duration. The permit requirements provide a sequential, stepwise follow-up process as warranted. This process provides more regulatory certainty as to what is required of a permittee and in what timeframe once a condition requiring review and revision occurs. These requirements also facilitate the identification of any issues and implementation of any follow-up responses in a timely manner.

5.1 Conditions Requiring Review and Revisions

If permittees find that any of the conditions in Part V.A of the permit have occurred, they are required to review and revise their SWPPP to eliminate the condition so that the permit's effluent limits are met and pollutant discharges are minimized. Permittees may

become aware of these conditions through an inspection, monitoring, or other means, or if the Department informs the permittee of the condition(s). The SWPPP review should focus on sources of pollution, spill and leak procedures, non-stormwater discharges, selection, design, installation and implementation of stormwater control measures.

Conditions requiring review and revision are listed in Part V.A of the permit.

5.2 Corrective action Deadlines

The permit includes specific deadlines for taking corrective actions to remedy deficiencies. The time limits in Part V are those that the Department considers reasonable for making the necessary repairs or modifications and are included specifically so that inadequacies are not allowed to persist indefinitely.

When conditions exist that trigger corrective action, a facility must immediately take (i.e., on the same day the condition was found) all reasonable steps to minimize or prevent pollutant discharges via stormwater until the permittee can implement a permanent solution.

The permit requires that the permittee take subsequent action to implement a permanent solution no later than 14 calendar days from discovering the corrective action-triggering condition (e.g., by installing a new or modifying an existing control or by completing any needed stormwater control measure repairs).

The Department does recognize that there may be circumstances in which immediate action to initiate corrective action may not be possible within the same day a corrective action condition is found. “All reasonable steps” does not necessitate taking action when it is unsafe to do so (e.g., due to inclement weather). The Department also recognizes that there may be circumstances where it is not feasible to complete needed corrective actions within 14 days, and therefore provides that permittees may modify the schedule for completing the corrective action so that corrective action is taken as soon as practicable after the 14-day timeframe and is completed no later than 45 days after discovery of the triggering condition. If it will take longer than 45 days to complete the corrective action, the permit also allows permittees to take the minimum additional time necessary to complete the corrective action, provided that the permittee notifies the Department. Permittees must provide a rationale for an extension of the timeframe, and a corrective action completion date to the Department, and also include this in their corrective action documentation.

The Department recognizes that identifying both the need to take corrective action and the appropriate modifications to the stormwater control measures will, in some cases, be an iterative process. Several storm events may be needed to determine how to fully resolve the triggering issue(s). For example, if a visual assessment indicates that the facility is discharging suspended solids in stormwater, an appropriate corrective action may be to immediately clean up any signs of visible sources of the pollutants on the site (e.g., through immediate sweeping or vacuuming of exposed surfaces), and then to review the SWPPP to identify additional potential deficiencies or pollutant sources. If

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poor housekeeping is suspected to be the cause, permittees may decide to implement a new schedule of increased sweeping or vacuuming within 14 calendar days. However, if a subsequent visual assessment indicates that suspended solids remain a stormwater pollution issue that would be a separate corrective action-triggering event. In such a case, permittees would undertake the corrective action review process again in order to assess and correct other deficiencies that are suspected to be the cause, meaning that the corrective action deadlines in Part V would be reset.

The Department emphasizes that these timeframes are not grace periods within which a permittee is relieved of any liability for a permit violation that may have triggered the corrective action. If the original inadequacy triggering a corrective action constitutes a permit violation, then that violation is not deferred or erased by the timeframe the Department has allotted for corrective action. In all cases, failing to take corrective action as required in Part V constitutes a permit violation separate and apart from any violation that the triggering event may have constituted.

5.3 Effect of Corrective Action

The permit states that if the condition triggering the corrective action review is a permit violation (e.g., exceedance of a numeric effluent limitation), correcting it does not remove the original violation. Additionally, failure to take corrective action in accordance with Part V is a separate permit violation (in addition to any permit violation that may have triggered corrective action). The Department will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

5.4 Substantially Identical Discharge Points

If the event triggering corrective action is associated with a discharge point that has been identified as a “substantially identical discharge point” (SIDP), permittees must assess the need for corrective action for all related SIDPs. Any necessary changes to control measures that affect these other discharge points must also be made before the next storm event if possible, or as soon as practicable following that storm event. Any corrective actions must be conducted within the timeframes set forth in Part V.B.

5.5 Corrective Action Report

For any event described in Part V, the permittee must document basic information describing the condition that requires corrective action and their response to that event. As described previously, the permit establishes conditions for both immediate and longer response periods. The permittee must maintain a copy of this documentation with their SWPPP as well as summarize this information in the Annual Report.

The permit requires a report to be documented and reported to the Department whenever a condition listed in Part V.A is discovered.

6. Inspections

6.1 Routine Facility Inspections

The department requires quarterly inspections of the areas listed in Part VI.A of the

permit. Increased frequency (i.e., more than quarterly) may be appropriate for some types of equipment, processes and stormwater control measures, or areas of the facility with significant activities and materials exposed to stormwater. For instance, because vehicle and equipment maintenance and cleaning are particularly dirty activities, the Department recommends that they are inspected more frequently. In addition, properly functioning controls for these activities, such as oil-water separators, are very important for an effective stormwater program, and should also be inspected more frequently (but in no case may be inspected less than quarterly). In another example, inspection of outdoor areas associated with regular industrial activity may benefit from more frequent inspections to ensure that the site is swept, garbage is picked up, drips and spills are cleaned, etc., on a regular basis. The relevant inspection schedules must be documented in the SWPPP. During each calendar year, at least one of the routine inspections must be conducted during a period when a stormwater discharge is occurring. This inspection will enable permittees to better identify sources of pollutants discharged in stormwater runoff from the facility and to actively observe the effectiveness of control measures implemented to comply with effluent limits. Discharge points must also be observed during this inspection. If such discharge locations are inaccessible, nearby downstream locations must be inspected.

6.1.1 Routine Facility Inspection Procedures

Part VI.A.1 of the permit requires that qualified personnel must perform the inspections. The Department clarifies that qualified personnel may be a member of the stormwater pollution prevention team, or if the qualified personnel is a third-party the permittee hires (i.e., a contractor), at least one member of the stormwater pollution prevention team must participate in the inspection. Qualified personnel, as defined in Appendix A, are those who are knowledgeable in the principles and practices of industrial stormwater controls and pollution prevention, and who possess the education and ability to assess conditions at the industrial facility that could impact stormwater quality, and the education and ability to assess the effectiveness of stormwater controls selected and installed to meet the requirements of the permit. The inspector must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

6.1.2 Routine Facility Inspection Documentation

Part VI.A.2 of the permit describes the specific information the permittee must document for each routine inspection.

6.1.3 Exceptions to Routine Facility Inspections

Facilities that are unstaffed and inactive are not required to perform these routine inspections as long as they meet the requirements listed in Part VI.A.3 of the permit.

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6.2 Quarterly Visual Assessment

Quarterly visual assessments of stormwater discharges provide a useful and inexpensive means for permittees to evaluate the effectiveness of their control measures. Although the visual examination cannot assess the chemical properties of the facility's stormwater discharges, the examination will provide meaningful results upon which the permittee may act quickly. All industrial sectors covered by the permit must conduct these examinations. Additional details on what is required for the quarterly visual assessments is included in Part III.B.

6.3 Comprehensive Site Inspections

Part VI.C requires that permittees conduct comprehensive site evaluations. The comprehensive site evaluations is used to assess the effectiveness of the current SWPPP. The evaluation(s) are in addition to the routine inspections required by this Part. The evaluations may substitute for a routine inspection if it is conducted during the regularly scheduled routine inspection. The comprehensive site evaluations shall be conducted for the frequency indicated in the table below:

Industrial Activity Code	Minimum Comprehensive Inspection Frequency
Sectors A, B, G, H, I, J, O, T, V, W, X, Y, Z, and AD	Annual
Sectors C, D, E, F, K, L, P, Q, R, S, U, AA, AB, and AC	Semi-annual [evaluations shall be conducted once in the fall (September-November) and once during the spring (April-June)]
Sectors M and N	Quarterly [evaluations shall be conducted at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December]

6.3.1 Comprehensive Site Inspection Procedures

Part VI.C.1 of the permit requires that qualified personnel must perform the inspections. The Department clarifies that qualified personnel may be a member of the stormwater pollution prevention team, or if the qualified personnel is a third-party the permittee hires (i.e., a contractor), at least one member of the stormwater pollution prevention team must participate in the inspection. Qualified personnel, as defined in Appendix A, are those who are knowledgeable in the principles and practices of industrial stormwater controls and pollution prevention, and who possess the education and ability to assess conditions at the industrial facility that could impact stormwater quality, and the education and ability to assess the effectiveness of stormwater controls selected and installed to meet the requirements of the permit. Note that the comprehensive site inspections are not the same as routine facility inspections. Routine facility inspections (Part VI.A) are required more frequently and are meant to be less formal evaluations of

the facility's exposed industrial activities so that permittees have a mechanism for ensuring that problems are not developing. Comprehensive site inspections, as the term implies, include a much more in-depth review of the site and all operations, as they relate to stormwater management and the requirements of this permit.

The comprehensive site inspection must cover all areas of the facility affected by the requirements in the permit including areas where industrial materials or activities are exposed to stormwater, stormwater control measures are used to comply with the effluent limits, and areas where any leaks, spills, or other accidental discharge may have occurred in the last 3 years. The permit identifies the specific activities that may occur at the facility that are to be inspected. Also, the comprehensive site inspection must include observation of stormwater control measures used to meet permit requirements to assess the adequacy of these control measures, including any measures in need of maintenance, repair, or replacement or where additional controls are needed. In addition to documenting findings of the assessment and observations described above, the report must also include basic inspection information (e.g., inspectors, date, and NPDES permit number), must certify if the facility is in compliance with the permit, and must describe any corrective action initiated or completed during the reporting period or required as a result of the inspection.

6.3.2 Comprehensive Site Inspection Documentation

Part VI.C.2 of the permit requires the permittee to document the results of the comprehensive site inspection in a report maintained onsite with the SWPPP.

6.3.3 Comprehensive Site Inspection Schedule

Part VI.C.3 of the permit details the inspection schedule permittees are required to follow when conducting comprehensive site inspections.

7. Reporting and Recordkeeping

7.1 Monitoring Data

The purpose of submitting monitoring data to the Department is to document stormwater quality and identify potential water quality concerns. Monitoring requirements (i.e., parameters required to be monitored and sample frequency) will be prepopulated on a facility's electronic DMR forms based on the information reported on the NOI form (through the NeT system). These forms must be filled out using the Net-DMR reporting tool.

For any monitored discharge points that did not have a discharge within the reporting period, permittees must report using Net-DMR reporting tool that there was no discharge for that discharge point no later than 30 days after the end of the reporting period.

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Waivers for electronic reporting may only be granted on a case-by-case basis and must be based on one of the following conditions: (1) If the permittee's headquarters is physically located in a geographic area (i.e., zip code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or (2) If the permittee has significant issues regarding available computer access or computer capability. This requirement is consistent with EPA's NPDES Electronic Reporting Rule (80 FR 64063).

7.2 Electronic Reporting
Part VII.A of the permit requires all permittees to submit all Notices of Intent (NOIs), No Exposure Certifications (NECs), Notices of Termination (NOTs), Annual Reports, and DMRs electronically through NeT-MSGP and Net-DMR, unless the Department has granted them a waiver.

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.

7.3 Annual Report
The Department requires permittees to submit an Annual Report electronically using NeT-MSGP. This provision, along with SWPPP information being made accessible, will provide citizens and other stakeholders with more information about activities and discharges that could affect their receiving waters. This is consistent with EPA's NPDES Electronic Reporting Rule (80 FR 64063). Permittees must submit Annual Reports by February 15th for each year of permit coverage.

7.4 Exceedance Report for Numeric Effluent Limits
Permittees must conduct follow-up monitoring any time a monitoring event identifies an exceedance of a numeric effluent limitation. Part VII.D of the permit specifies that the permittee must submit an exceedance report to the Department no later than 30 days after receiving laboratory results. Part VII.D also identifies the specific information the permittee must include in this report, which is necessary for the Department to assess the potential impact of this discharge on water quality and the adequacy of the permittee's response in addressing the exceedance.

7.5 Additional Standard Recordkeeping and Reporting Requirements
Part VII.E of the permit includes a list of additional reporting requirements all permittees must comply with.

7.6 Recordkeeping
Part VII.F requires permittees retain copies of their SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to (including documentation related to any corrective actions pursuant to Part V), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least five years from the date that your coverage under this permit expires or is terminated.

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8. Sector-Specific Requirements for Industrial Activity

Section 405 of the Water Quality Act of 1987 added Section 402(p) to the Clean Water Act, which provided a phased approach to regulation of stormwater discharges under the NPDES program. Final Phase I regulations, published November 16, 1990, established permit application requirements for stormwater discharges associated with industrial activity. Stormwater discharges associated with industrial activities are defined by 40 CFR 122.26 (b)(14)(i-xi), which specifies ten categories of regulated industry. These ten categories of industry are broken down into twenty-nine sectors, based on Standard Industrial Classification (SIC) code or narrative activity.

Sector A: Timber Products	**Sector B:** Paper and Allied Products	**Sector C:** Chemical and Allied Products Manufacturing, and Refining
Sector D: Asphalt Paving and Roofing Materials and Lubricant Manufacturing	**Sector E:** Glass, Clay, Cement, Concrete, and Gypsum Products	**Sector F:** Primary Metals
Sector G: Metal Mining	**Sector H:** Coal Mines and Coal Mining-Related Facilities	**Sector I:** Oil and Gas Extraction and Refining
Sector J: Non-Metallic Mineral Dressing and Mining	**Sector K:** Hazardous Waste Treatment, Storage, or Disposal Facilities	**Sector L:** Landfills, Land Application Sites, and Open Dumps
Sector M: Automobile Salvage Yards	**Sector N:** Scrap Recycling and Waste Recycling Facilities	**Sector O:** Steam Electric Generating Facilities
Sector P: Land Transportation and Warehousing	**Sector Q:** Water Transportation	**Sector R:** Ship and Boat Building and Repair Yards
Sector S: Air Transportation	**Sector T:** Treatment Works	**Sector U:** Food and Kindred Products
Sector V: Textile Mills, Apparel, and Other Fabric Products	**Sector W:** Furniture and Fixtures	**Sector X:** Printing and Publishing
Sector Y: Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries	**Sector Z:** Leather Tanning and Finishing	**Sector AA:** Fabricated Metal Products
Sector AB: Transportation Equipment, Industrial, or Commercial Machinery Facilities	**Sector AC:** Electronic and Electrical Equipment and Components, Photographic and Optical Goods	**Sector AD:** Stormwater Discharges Designated by the Secretary as Requiring Permits

This permit contains provisions that require industrial facilities in 30 different industrial sectors to, among other things, implement control measures and develop site-specific

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SWPPPs to comply with NPDES requirements. Specific practices for each industry sector are included in Part VIII of the permit. This includes very specific activities and best practices for the industry as identified in the permit. This permit includes Sector AD, for the Department to permit additional industrial activities which are determined to require permit coverage for industrial stormwater discharges not included in the other 29 industrial sectors.

9. Notice of Intent Requirements

Part VII.B require permittees to use the electronic NPDES eReporting Tool (NeT) system, to prepare and submit NOIs. However, where permittees request and receive approval from the Department consistent with Part VII.A, they are authorized to use the paper NOI form provided online at Industrial Stormwater Runoff - DNREC (delaware.gov) on a case-by-case basis.

The NOI form provides the Department with the information necessary to help determine whether industrial permittees have issues that could affect their eligibility to discharge under the permit and enables the Department to better match permittees with their respective monitoring requirements and to prioritize oversight activities.

Part IX provides information that must be contained within a submitted NOI.

10. General Requirements

Part X of the permit includes the standard NPDES permit conditions consistent with 40 CFR 122.41 and 7 Del. C. Chapter 60.

11. Public Notice and Process for Reaching a Final Decision

The public notice of the Department's receipt of the application and of reaching the tentative determinations outlined herein will be published in the Wilmington News Journal and the Delaware State News on XXX XX, 2024. Interested persons are invited to submit their written views on the Draft Permit and the tentative determinations made with respect to this NPDES permit application. The Department will not hold a public hearing on this application unless the Department receives a meritorious request to do so or unless the notice of this proposal generates substantial public interest. A public hearing request shall be deemed meritorious if it exhibits a familiarity with the application and a reasoned statement of the permit's probable impact. The request for a public hearing shall be in writing and shall state the nature of the issues to be raised at the hearing. All comments received by 4:30 pm on XXX XX, 2024 will be considered by the Department in preparing the final Permit.

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12. Environmental Justice Considerations

Our Environmental Justice (EJ) programs, tools and resources have all been developing as we learn more about our communities where we are permitting activities, discharges and other operations. We now have a protocol for evaluating communities' vulnerabilities as we conduct all aspects of permitting. Our EJ webpages are here: Environmental Justice at DNREC - DNREC (delaware.gov) You'll find our mapping tool, the DNREC EJ Area Viewer in the Data and Information section. We will be using this tool to help us assess vulnerabilities in communities when we are working with permittees. We can evaluate each of the high risk ISW facilities to determine what communities may be challenged and determine whether we should be addressing it with the permittees. In addition, the MSGP public notice will be translated into multiple languages such as Spanish and Haitian Creole.

13. Climate Change Considerations

Climate change is affecting Delaware and will continue to influence our state going forward. From increased temperatures and rising sea levels to heavy precipitation and flooding, our residents are experiencing the impacts of climate change in their daily lives. Part of our efforts included the development of coastal inundation maps that are used when reviewing high risk ISW facilities. During those reviews, we check if stormwater basins are built for 100-year floods. Other state agencies such as DNREC's Climate and Sustainability Section was formed to help reduce the greenhouse gas emissions of the state through technical assistance, financial incentive, policy development, pilot projects, and education initiatives.

14. Department Contact for Additional Information

Gordon Woodrow, Program Manager
Commercial and Government Services Section, Division of Water
Department of Natural Resources and Environmental Control
89 Kings Highway, Dover, DE 19901
Telephone: (302) 739-9946
Email: DNREC_ISW@delaware.gov

Appendix A. Definitions, Abbreviations and Acronyms

Appendix A provides definitions for permit-specific terms and a list of acronyms used throughout the permit.

Appendix B. Facilities and Activities Covered.

Appendix B describes the types of activities covered by the permit by subsector, SIC or Activity Code, and activity represented.

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Appendix C. Calculating Hardness in Receiving Waters for Hardness Dependent Metals.

Appendix C provides guidance to permittees for determining their receiving water's hardness level for hardness-dependent metals benchmark monitoring.

Appendix D. Waters of Exceptional Recreational or Ecological Significance (ERES).

Appendix D provides a list of ERES waters as described in 7401 Surface Water Quality Standards 3.0.

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