Stormwater Pollution Prevention Plan

for:

Duck Island Clean Water Facility
451 First Street Boulevard
Lowell, MA 01850
978-674-1600

SWPPP Contact(s):

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SWPPP Preparation Date:

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SECTION 1: FACILITY DESCRIPTION AND CONTACT INFORMATION

1.1 Facility Information.

Facility Information

Facility Name: Duck Island Clean Water Facility

Street/Location: 451 First Street Boulevard (Route 110)

City: Lowell State: MA ZIP Code: 01850

County or Similar Government Subdivision: Middlesex County

NPDES ID (i.e., permit tracking number): MA0100633 (if covered under a previous permit)

Primary Industrial Activity SIC code, and Sector and Subsector (2021 MSGP, Appendix D and Part 8):
Sector T1 TW

Co-located Industrial Activity(s) SIC code(s), Sector(s) and Subsector(s) (2021 MSGP, Appendix D):
N/A

Is your facility presently inactive and unstaffed and are there no industrial materials or activities exposed to stormwater? ☐ Yes ☒ No

Latitude/Longitude

Latitude: 42.6477º N (decimal degrees)

Longitude: -71.2888º W (decimal degrees)

Method for determining latitude/longitude (check one):

☐Maps (If USGS topographic map used, specify scale:_____) ☐GPS

☒Other (please specify): Google Maps

Horizontal Reference Datum (check one):

☐NAD 27 ☒NAD 83 ☐WGS 84

Is the facility located in Indian country? ☐ Yes ☒ No

If yes, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable).

Are you considered a "federal operator" of the facility?

Federal Operator – an entity that meets the definition of "operator" in [the 2021 MSGP] and is either any department, agency or instrumentality of the executive, legislative, and judicial branches of the Federal government of the United States, or another entity, such as a private contractor, operating for any such department, agency, or instrumentality. ☐ Yes ☒ No

Estimated area of industrial activity at your facility exposed to stormwater: 16.75
(to the nearest quarter acre)

Discharge Information

Does this facility discharge stormwater into a municipal separate storm sewer system (MS4)?
☒ Yes ☐ No

If yes, name of MS4 operator: City of Lowell

Name(s) of surface water(s) that receive stormwater from your facility: Merrimack River

Does this facility discharge industrial stormwater directly into any segment of an "impaired water" (see definition in 2021 MSGP, Appendix A)? ☒ Yes ☐ No

If Yes, identify name of the impaired water(s) (and segment(s), if applicable): Merrimack River, Segments MA84A-02 and MA84A-03

Identify the pollutant(s) causing the impairment(s):

Total phosphorus, E. Coli

Which of the identified pollutants may be present in industrial stormwater discharges from this facility?

The identified pollutants are neither used nor stored on site for any industrial purpose and would not be expected in site discharge other than as typically incurred through natural deposition.

Has a Total Maximum Daily Load (TMDL) been completed for any of the identified pollutants? If yes, please list the TMDL pollutants: N/A

Does this facility discharge industrial stormwater into a receiving water designated as a Tier 2, Tier 2.5 or Tier 3 water (see definitions in 2021 MSGP, Appendix A)? ☐ Yes ☒ No

Are any of your stormwater discharges subject to effluent limitation guidelines (ELGs) (2021 MSGP Table 1-1)? ☐ Yes ☒ No
If Yes, which guidelines apply?

1.2 Contact Information/Responsible Parties.

Facility Owner & Operator:

Name: City of Lowell
Address: 375 Merrimack Street
City, State, Zip Code: Lowell, MA 01852
Telephone Number: 978-674-4000
Fax number: 978-459-3826

SWPPP Contact(s):

SWPPP Contact Name (Primary): Michael Stuer, Engineering Manager
Telephone number: (978) 674-1606
Email address: mstuer@lowellma.gov

SWPPP Contact Name (Backup): Gorden Bergeron, Staff Engineer
Telephone number: 978-674-1620
Email address: gbergeron@lwoellma.gov

1.3 Stormwater Pollution Prevention Team.

The pollution prevention team (PPT) is responsible for the implementation, maintenance, and revision of the SWPPP. In addition, the PPT is responsible for maintaining control measures and taking corrective actions where required.

Staff Names	Individual Responsibilities
Gorden Bergeron, Stormwater Program Coordinator	Overall management and implementation of SWPPP; Inspections and comprehensive site compliance evaluation; Site control measures management.
Cliff Hall, Facilities Engineer	Spill prevention and control management
Jack Taylor, Maintenance Manager	Support SWPPP as requested by Stormwater Program Coordinator.
John Pugh, Stormwater Engineer	Support SWPPP as requested by Stormwater Program Coordinator.

1.4 Site Description.

The Facility occupies a 16.7-acre site on the Merrimack River in Lowell, as shown in Figure 1. The site is bounded by the Merrimack River to the south and east, by the First Street Boulevard (Route 110) to the north and west, and by a condominium complex to the southwest. The Town of Dracut is located immediately to the northeast. The Facility provides treatment for combined wastewater and stormwater flows, and septage from the City of Lowell and the Towns of Dracut, Tewksbury, Chelmsford, and Tyngsboro, and also hauled waste. The average dry weather design flow is 32 million gallons per day (mgd), and the peak flow design capacity is 112 mgd.

The Facility provides secondary treatment using the activated sludge process, incorporating preliminary screening, primary settling, secondary aeration and settling, and chlorination. The treated effluent discharges to the Merrimack River via an outfall equipped with two diffusers. The secondary treatment system was designed to treat a flow of twice the maximum dry weather flow. Flows greater than the design capacity bypass the secondary system following primary treatment and are chlorinated and discharged to the river.

The primary sludge is thickened in gravity thickeners, septage in septage tanks, waste activated sludge (WAS) in a thickened waste activated sludge (TWAS) tank and hauled waste in hauled waste tanks. All the sludge and wastes are pumped to a centrifuge and then dewatered. The dewatered sludge cake is collected in containers and trucked to a composting or landfill facility for final disposal. The sludge processing is located indoors and is not exposed to stormwater. The grit and screenings are collected in containers for disposal. Containers drain into an adjacent trough and catch basin which are tied into a process drain and routed to the plant influent. The Facility includes an administration building, laboratory, maintenance garage, engineering building, and odor control facilities. All potentially hazardous chemicals are contained in appropriate storage facilities.

The Lowell Regional Wastewater Utility (LRWWU) continually maintains and inspects the entire City of Lowell's sewer and drainage systems; ensuring that the system runs properly and that there is no cross

contamination. LRWWU video tapes, inspects, and repairs/replaces each sewer/drainage system that is in need on a day-to-day basis. Various materials are stored on the Facility in the northern portion of DA-002 which is surrounded by an earthen berm and silt fence. The equipment is used and inspected regularly, and the materials are constantly being used and replaced with new materials.

Stormwater runoff from approximately 8 acres of the site is discharged directly to the Merrimack River through the outfalls listed below or it infiltrates into the ground. The 8-acre portion of the site consists of grass and shrubs, paved areas, roofs, and other impervious surfaces. The remaining roughly 9-acre area consists of open tanks, buildings and other areas that are connected to the plant influent. As a result, stormwater runoff from the 9-acre portion of the site does not discharge to the Merrimack River prior to being treated with the wastewater influent.

There are three active stormwater outfalls (Outfalls 001, 002 and 005) and two capped/inactive outfalls (Outfall 003 and 004) located at the Facility. The drainage areas along with their associated outfall is listed in the table below:

Drainage Area	Outfall	Description
DA-001	001	Outfall is 48-in RCP. Receives off-site drainage from Route 110 and a portion of the neighborhood directly uphill of the highway. Note that sampling location for this outfall has been revised in order to capture sample before commingling with non-facility discharges. See Site Plan for details.
DA-002	002	Outfall is 12-in RCP. Outfall was previously believed to be capped, however, recent investigation indicates that retained sheet flow to infiltration area is likely eventually discharging to the existing outfall.
DA-003	003 (capped/inactive)	Outfall is12-in RCP. The outfall pipe has been capped upstream of the outfall so that flows are routed directly to the plant influent for treatment. No stormwater discharges to the Merrimack River.
DA-004	004 (capped/inactive)	Outfall removed. The outfall pipe has been capped upstream of the outfall so that flows are routed directly to the plant influent for treatment. No stormwater discharges to the Merrimack River.
DA-005	005	Outfall is 12-in RCP. Run-off from DA-005 flows to a drainage swale and then to a bioretention area before overflowing to the outfall. This will only occur during a very long, heavy storm. No discharge has been observed/inspected from the Outfall 005 in the past 3 years.

1.5 General Location Map.

The general location map for this facility can be found in Attachment A.

1.6 Site Map.

The site map for this facility can be found in Attachment A.

SECTION 2: POTENTIAL POLLUTANT SOURCES

2.1 Potential Pollutants Associated with Industrial Activity.

Potential stormwater pollutant sources are industrial materials and activities that are or could be exposed to stormwater. Areas where industrial materials and activities have been exposed to stormwater within the last three years must be documented. For most materials at the site, there is no likelihood of exposure under normal operations. For some, however, there could be a spill or leak when they are delivered. All chemicals used for the wastewater treatment process and their delivery areas are located in DA-003 and 004 which flow directly back into the treatment process (i.e: any spills during delivery will not flow into the Merrimack River). Others, such as electrical equipment, are located outdoors but enclosed.

The LRWWU no longer repairs or maintains the Facility's vehicles on-site, and all maintenance on equipment within the Facility is either conducted indoors, within the limits of DA-003 and 004, or inside the Maintenance Garage. The Maintenance Garage includes floor drains that flow to an oil/water separator and then directed back into the wastewater treatment process. In addition, the northern corner of the Facility consists of various materials and debris all of which the runoff is within DA-002, which is largely contained with a silt fence and earthen berm. The sodium bisulfate tanks within DA-002 are aging and known to lack complete containment. Plans are currently underway to replace and relocate these tanks. The Facility provides best management practices (BMPs) for stormwater for each potential pollutant source. These are listed in the table below and discussed further in Section 3 of the SWPPP. The summary of the industrial materials and activities is provided in the table below:

Potential Pollutant Sources					
Potential pollutant sources that were exposed to stormwater during the past three years, currently exposed, and/or could be exposed during transportation.					
Description of Potential Pollutant Sources	**Location as Indicated on the Site Plan**	**Method of Handling, Storage or Disposal**	**Period of Use**	**Quantity Exposed**	**Description of Best Management Practice (e.g., covered pile, sealed drum)**
Sodium Bisulfite	Sodium Bisulfite Tanks	Outdoor Storage Tanks	Year-Round	None Under Normal Operations	Tanks are equipped with some containment and an earthen berm separating tanks from the Merrimack River.
Sodium Hypochlorite	Sodium Hypochlorite Tanks	Outdoor Storage Tanks	Year-Round	None Under Normal Operations	Tanks are equipped with containment structures, which are connected to the plant influent.
Polymer	Polymer Room	Indoor Storage Tanks	Year-Round	None Under Normal Operations	Tanks are located indoors with containment structures, which are connected to the plant influent.
Sodium Hydroxide	Odor Control Room	Indoor Storage	Year-Round	None Under Normal Operations	Tanks are located indoors with containment structures, which are connected to the plant influent.
Citric Acid	Odor Control Room	Indoor Storage	Once a year to clean the odor control equipment	None Under Normal Operations	Tanks are located indoors with containment structures, which are connected to the plant influent.
Petroleum	Aboveground Diesel Fuel Storage Tank	Outdoor Storage Tank	Year-Round	None Under Normal Operations	The catch basin that is located at the fuel loading area is connected to the plant influent.
Calcium Chloride	Walkways	Indoor Storage or in Plastic Barrels	Winter	2,000 lb.	Use minimum quantity necessary for safety. Most catch basins are connected to the plant influent.
Used Oil Tank	Maintenance Garage	Indoor Storage Tank	Year-Round	None Under Normal Operations	Tank is stored inside and floor drains are connected to an oil/water separator; an outside vendor recycles oil and separated water flows directly back into the treatment process.
Loading & Unloading of Chemicals & Materials	Various locations near chemical and material storage areas	Varies	Year-Round	Varies	Spill prevention and response procedures.

Description of Potential Pollutant Sources	Location as Indicated on the Site Plan	Method of Handling, Storage or Disposal	Period of Use	Quantity Exposed	Description of Best Management Practice (e.g., covered pile, sealed drum)
Dewatered Sludge	Sludge Processing	35-cy Containers	Year-Round	None Under Normal Operations	Catch basins are connected to plant influent.
Primary Grit/Screenings	Primary Grit/Screenings Container	20-cy Containers	Year-Round	0-80 cy (Varies)	Catch basins are connected to plant influent.
Scrap Metal	Scrap Metal Container	30-cy Containers	Year-Round	0-60 cy (Varies)	Catch basins are connected to plant influent.
Recyclable Wood	Recyclable Wood Container	30-cy Containers	Year-Round	0-60 cy (Varies)	Catch basins are connected to plant influent.
Comingled Recycling	Comingled Recycling	Dumpster	Year-Round	None Under Normal Operations	Dumpster is covered and catch basins are connected to plant influent.
Garbage Dumpster	Garbage Dumpster	Dumpster	Year-Round	None Under Normal Operations	Dumpster is covered and catch basins are connected to plant influent.
Miscellaneous Materials	Outdoor Material Storage Area	Outdoor Storage	Year-Round	Varies	Silt fence is located along the perimeter of the Merrimack River. Stormwater flows to a large grass area.
Soil	Stockpiled Soil	Outdoor Storage	Year-Round	10-cy	Seeding of the stockpile is not practical due to year-round use of soil. Silt fence is installed down gradient of the stockpile.
Construction Debris	Construction Debris	Outdoor Storage	Year-Round	20-cy	Debris removed or reused; remaining materials periodically inspected. Silt fence is located along the perimeter of the Merrimack River.
Paving Materials	Stockpiled Paving Materials	Outdoor Storage	Year-Round	Varies	Paving materials removed or reused often. Silt fence is located along the perimeter of the Merrimack River. Stormwater flows to a large grass area.
Road Salt	Roadways and Parking Lots	Covered Outside Storage Off-Site and On-site. Applied by DPW Utility Trucks.	Winter	10 tons	Use minimum quantity necessary for safety. Street sweeping and catch basin cleaning to mitigate. Most catch basins are connected to plant influent.
Hazardous Storage Materials	Hazardous Materials Storage Shed	Storage Shed	Year-Round	None Under Normal Operations	Materials are located inside and are not exposed.

Description of Potential Pollutant Sources	Location as Indicated on the Site Plan	Method of Handling, Storage or Disposal	Period of Use	Quantity Exposed	Description of Best Management Practice (e.g., covered pile, sealed drum)
Used Oil Tank	Used Oil Tank	Outdoor Storage Tank	Year-Round	None Under Normal Operations	Double-walled tank; oil in recycled by an outside vendor.
Septage Receiving	Septage Receiving	Covered Storage Tank	Year-Round	None Under Normal Operations	Catch basins are connected to plant influent. Septage Receiving area is kept clean daily.
Hauled Waste Receiving	Hauled Waste Receiving	Covered Storage Tank	Year-Round	None Under Normal Operation	Catch basins are connected to plant influent. Hauled Waste Receiving area is kept clean daily.
Recreational Vehicle Waste Disposal Station	Near Clarifiers	Direct Disposal	Year-Round	None Under Normal Operation	Users are encouraged to use proper disposal practices and area is inspected for accidental spills daily.

2.2 Spills and Leaks.

Areas of Site Where Potential Spills/Leaks Could Occur

Location	Discharge Points
Above-ground diesel fuel storage tank	005
Sodium bisulfate tank	002
Sodium hypochlorite tank	002
Salt shed	002
Recreational vehicle waste disposal stations	002
Used oil tank	001
Hazardous materials storage	001

Description of Past Spills/Leaks

No spills or leaks have occurred at the Facility within the last three years. All significant spills and/or leaks will be documented in the table below:

Date	Description	Discharge Points
Insert date of spill/leak	Insert description of spill/leak (where it occurred, what happened, types of pollutants, extent of damage)	Specify which outfall(s) were affected
[Repeat as necessary]	[Repeat as necessary]	[Repeat as necessary]
[Repeat as necessary]	[Repeat as necessary]	[Repeat as necessary]
[Repeat as necessary]	[Repeat as necessary]	[Repeat as necessary]

2.3 Unauthorized Non-stormwater Discharges Evaluation.

Description of this facility's unauthorized non-stormwater discharge evaluation:

- Date of evaluation: 5/14/21
- Description of the evaluation criteria used: Visual observation
- List of the discharge points or onsite drainage points that were directly observed during the evaluation: DA-001, DA-002, DA-005 were observed as well as Outfalls 001, 002, and 005.
- Action(s) taken: Outfall 001, which is largely draining from the adjacent MS4 area, had dry weather flows during the inspection, which are believed to be due to groundwater infiltration from the MS4. Based on this evaluation, Monitoring Point 1 was moved 'upstream' to the junction at the Facility Access Road so that only stormwater from the Facility will be sampled in the future to isolate and assess potential contributions from the Facility. Outfall 002 has been confirmed to actively

discharge stormwater and therefore will be monitored for the duration of the 2021 MSGP. No non-stormwater discharges were identified.

2.4 Salt Storage.

Salt is used on roadways and parking areas during winter months and is stored under the salt shed in DA-002 when in use.

2.5 Sampling Data Summary.

The Facility discharges stormwater to the Merrimack River which is an impaired waterbody per the 2016 Massachusetts 303(d) list. The pollutants of concern for the Merrimack River from Duck Island in Lowell to the Essex Dam in Lawrence are E. Coli, mercury in fish tissue, and total phosphorus. As of May 2021 a Total Maximum Daily Load (TMDL) has not been approved or established by EPA. Since authorization under the 2015 MSGP, the Facility has been required to monitor each active outfall annually for E. Coli. If the pollutant is not present in the discharge from the Facility or if it is determined that the presence is caused solely by natural background sources, the monitoring may be suspended. Historical E. Coli monitoring data is summarized in the table below. Elevated E. Coli levels at Outfall 001 are anticipated to come from the MS4 system, which drains from adjacent neighborhoods and areas known to attract waterfowl. Under previous MSGPs this monitoring took place at Outfall 001 (also referred to as Monitoring Point 1), however for the current permit cycle Monitoring Point 1 will be moved 'upstream' to a junction at the Access Road where the Facility's drainage network connects to the MS4 in order to confirm that the Facility is not contributing E. Coli to Outfall 001.

Historical E. Coli Monitoring Data

Outfall No.	Date & Time	E. Coli (CFU)
Outfall 001	6/1/2011 8:00	>24,200
Outfall 001	6/10/2011 11:00	933
Outfall 003	7/1/2011 10:50	173
Outfall 001	7/1/2011 10:55	75
Outfall 001	12/6/2012 11:23	41
Outfall 001	11/13/2017 14:30	5290
Outfall 001	11/22/2017 9:11	7380
Outfall 001	6/12/2019 14:20	70
Outfall 001	6/27/2019 12:00	219
Outfall 001	7/31/2019 20:25	291
Outfall 001	4/26/2021 16:13	7

SECTION 3: STORMWATER CONTROL MEASURES (SCM)

3.1 Non-numeric Technology-based Effluent Limits (BPT/BAT/BCT)

The MSGP requires the control of stormwater at the Facility. Stormwater BMPs must be provided for the specific areas where pollutants may be exposed to stormwater to meet the non-numeric effluent limits in the MSGP. A BMP is defined as any program, technology, process, operating method, measure, or device that controls, removes, or reduces pollution. Many BMPs are inexpensive and relatively simple, as well as applicable to a wide variety of activities. Others are designed for specific areas of the Facility.

The MSGP lists the types of BMPs that must be considered for use. Discussed below are the BMPs that are currently in use at the Facility as well as others that the Facility plans to implement or will be considered for implementation.

3.1.1 Minimize Exposure.

Described below are the BMPs that the Facility uses to minimize the exposure of potential pollutants to stormwater.

- Calcium chloride is used for walkway deicing. It is stored indoors and during winter months throughout the facility in plastic buckets equipped with covers minimizing exposure to stormwater. The use of calcium chloride is limited to the minimum amount necessary for pedestrian safety.
- Salt is used on roadways and parking areas to the least extent possible to maintain safety on-site. The salt is stored off-site at the Department of Public Works when there is space or is otherwise stored on-site in DA-002 where it is always covered. The salt is applied by utility trucks. BMPs for the salt are: (1) using the minimum amount necessary for safety; (2) cleaning and maintaining catch basins as described in Section 3.2.6, Preventative Maintenance; (3) street sweeping of roadways and parking lots on an as needed basis, primarily after the winter season, and (4) maintaining straw waddles around catch basins in DA-002.
- Due to operational conditions recyclable materials (wood and metals), and grit/screenings are stored in uncovered containers; however, stormwater runoff from areas where these materials are stored is collected and routed to the plant influent and treated with wastewater before being discharged to the Merrimack River.
- Equipment such as snowplows are stored outside of the Maintenance Garage on a paved area. All equipment is inspected regularly for potential spills and leaks, and maintenance is performed indoors.
- Sludge processing is located indoors and not exposed to stormwater.
- A silt fence is located on the perimeter of the area where the industrial materials are located in DA-002 and chemicals are stored in appropriate containers.
- One of the Facility's drainage areas consists of a drainage swale that drains to a bioretention area. If this bio-retention pond were to ever fill up with stormwater, there is an overflow catch basin located

in the pond which is connected to an outfall. This catch basin is equipped with a hood that prevents any floatables to reach the Merrimack River. Discharge from this outfall is extremely rare.

- The majority of the Facility's stormwater runoff is routed back to the plant influent and treated.
- Solid waste and comingled recycling are stored in covered dumpsters.
- The Facility has three green roofs and a few different locations with porous pavement to treat stormwater at its source.

3.1.2 Good Housekeeping.

Good housekeeping BMPs are designed to maintain a clean and orderly Facility and include the following measures:

- Indoor storage of drums, empty and full
- Proper labeling of empty and full containers
- Trash storage in a covered dumpster with weekly pickup for off-site disposal and keep all dumpster lids closed when not in use
- Sweep or vacuum at regular intervals
- Vacuum porous pavement twice a year
- Materials are stored in appropriate containers
- Grit/screenings, scrap metal, and recycled wood are picked up on an as needed basis
- Routine inspection and cleanup of the Facility is done on a daily basis. Operators on each shift, inspect the Facility for leaks and condition of all the equipment on site.

3.1.3 Maintenance.

Preventive maintenance involves the regular inspection and maintenance of stormwater controls. It also includes inspection, testing, and maintenance of Facility equipment to prevent breakdowns or failures that could release pollutants into the storm drain system. Inspections are described in Section 4.2.

Maintenance of stormwater controls consists of:

- Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris' surface at least six inches below the lowest outlet pipe.
- Oil/water separator located outside of the Maintenance Garage is cleaned every 6 months.
- Maintain non-structural control measures. Spill response supplies are replaced after every use and personnel are trained once per year.
- Facility inspections and preventive maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems are done on a quarterly basis. All corrective actions are applied immediately after inspections.

Maintenance of other equipment focuses on the following:

- Sodium bisulfite, sodium hypochlorite tanks, and used oil tank
- Chemical fill pipes, lines, and connections
- Hydraulic equipment on sludge containers
- Outdoor electrical equipment such as generator
- Fuel oil tanks

As stated before, the Facility is inspected daily and any leaks from equipment will be repaired immediately, or the equipment will be replaced.

3.1.4 Spill Prevention and Response Procedures.

The potential is low for Facility spills that could contaminate stormwater. In the unlikely event of a spill, clean up must be immediate and in accordance with the LRWWU Spill Prevention Control and Countermeasure (SPCC) plan (Attachment B). Most of the chemicals and other materials are loaded and unloaded indoors or in drainage areas in which the stormwater runoff flows directly back into the plant influent. The following BMPs are used for the outdoor material handling areas:

- Any spills that occur at the sludge tanks, septage receiving area, and catch basin debris area would be collected in catch basins that are connected to the plant influent.
- The sodium bisulfate tanks within DA-002 are aging and known to lack complete containment. Plans are currently underway to replace and relocate these tanks. An earthen berm is being installed to prevent any stormwater flows to the Merrimack River.
- The sodium hypochlorite tanks are also equipped with a permanent spill containment structure and connected to the chlorine contact tanks.
- The used oil tank is a double-walled structure. The tank is fenced off and the gate is locked, which prevents unauthorized access. Residents of the City of Lowell can drop off used oil at the site during designated hours. Used oil is collected by an outside contractor and recycled. Should a spill occur during the transfer of used oil, it would be contained on-site using available spill response equipment located in the Maintenance Garage.
- The hazardous materials storage containers are equipped with secondary containment structures.
- The aboveground storage tank located adjacent to the generator building is filled by an outside contractor. The contractor uses spill prevention procedures to avoid any spills during the fueling. Any potential spills occurring during the fueling would be contained on-site using available spill response equipment. In addition, catch basins located in the fueling area are connected to the plant influent.

3.1.5 Erosion and Sediment Controls.

There are few sources of possible erosion and sedimentation at the Facility. Vegetated areas are regularly maintained to prevent erosion. Gravel, asphalt, sand, and salt are also stored in the area with appropriate precautions to ensure minimal transport via stormwater.

Another source of erosion and sedimentation is construction projects that occur occasionally at the site. These include routine operation and maintenance, as well as construction activities for upgrading the Facility.

Whenever soil is exposed, BMPs for erosion and sediment control will be used including:

- Covering stockpiled soils when not in use for extended periods of time
- Silt fences or staked hay bales down-gradient of exposed soils
- Filter boxes over down-gradient catch basins
- Reseeding disturbed soils as soon as possible

Any future construction work at the site will incorporate these BMPs in the contract documents.

3.1.6 Management of Stormwater.

Management of runoff involves the use of structural controls for the removal or treatment of pollutants in stormwater. The catch basins that are connected to the storm drain system provide management of runoff through the removal of suspended sediment and other particulates. In addition, 21 of the plant's 31 catch basins are connected to the plant influent, rather than to the storm drain discharging directly to the Merrimack River. These catch basins collect stormwater runoff from the central portion of the plant where sludge, septage, grit/screenings, and most of the chemicals are transported and handled. Runoff from these areas is collected and diverted to the plant's influent building for treatment along with wastewater flows. Additionally, a swale and rain garden provide stormwater treatment and retention in DA-005.

3.1.7 Salt Storage Piles or Piles Containing Salt.

On-site salt piles remain stored undercover and are accessed on an as-needed basis.

3.1.8 Dust Generation and Vehicle Tracking of Industrial Materials.

Material handling operations located indoors minimizes the off-site tracking of materials and the generation of dust. The tracking of materials from unexposed areas to areas of exposure is likewise minimized. Vegetated areas are maintained on a regular basis to ensure minimal erosion and dust creation.

3.2 Numeric Effluent Limitations Based on Effluent Limitations Guidelines (ELGs).

ELGs do not apply to this facility.

3.3 Water Quality-based Effluent Limitations and Water Quality Standards.

The LRWWU's approach to preventing contamination includes passive and active elements. An emphasis is placed on implementing passive procedures overactive methods where possible because of the inherent benefits of passive systems in preventing storm water contamination.

1. Passive Elements

Options for passive control of potential contaminants include storing materials under cover or in tanks and berming around tanks. Wherever possible, all activities which can result in stormwater contamination will be under cover or bermed.

2. Active Elements

A number of active procedures are to be implemented to prevent storm water contamination. These procedures range from good housekeeping activities to spill cleanup. Specific active elements are listed in Section 4.

3.4 Sector-Specific Non-Numeric Effluent Limits.

See the site descriptions in Section 1.4 for control measures to address Sector T-specific requirements such has solids handling, berming of storage and disposal areas, etc. In addition to the controls listed in Section 1.4, employee training detailed in Section 4.5 addresses the following areas: petroleum product management, process chemical management, spill prevention and controls, fueling procedures, and general good housekeeping practices. Management of fertilizer, herbicides and pesticides is conducted by a third-party contractor.

SECTION 4: SCHEDULES AND PROCEDURES

4.1 Good Housekeeping.

As required by the MSGP, the Facility does not discharge solid materials, including floatable debris, to the stormwater system. Waste materials are picked up according to the following schedule:

Material	Pickup Schedule
Trash/recycling	Weekly from 10-yd covered containers
Used Waste Oil	Monthly within all small quantity generator requirements
Household Hazardous Collection Materials (batteries, propane tanks, light bulbs, etc.)	For public hazardous waste management collection, materials are removed within 2 – 3 days of delivery during monthly public drop off days
Wood/Metal	Annually from 30-yd dumpsters
Grit	Weekly from 20-yd dumpsters
Grease/Scum Disposal	Twice per year
Sludge Disposal	Three trailers are transported offsite daily

Routine inspection for leaks and conditions of drums, tanks, and containers happen on a regular basis, but will also be included in the quarterly Routine Facility Inspections described further in Section 4.6.1. See Attachment C - Stormwater Industrial Routine Facility Inspection Report for inspection results.

4.2 Maintenance.

The MSGP requires that personnel be designated to routinely inspect the Facility and that tracking and record keeping procedures be established. Inspections must be performed by a qualified personnel and at least one member of the Pollution Prevention Team (PPT) identified in Section 1.3. At least once per year, the Facility must also be inspected during a stormwater discharge.

Routine inspections are conducted in several ways. The plant operator conducts a daily inspection using a checklist for individual areas. The operations superintendent also conducts a daily inspection, and the head operator/shift supervisor inspects the Facility twice per shift.

In addition, quarterly Routine Facility Inspections will be performed by at least one member of the PPT. The following identifies the equipment and areas which are inspected and the items that are examined:

- Drainage System - Are catch basins free of debris and sediments? Are there any signs of stains or spills in the rest of system? If there is dry-weather flow, does it appear clean and odorless at the outfalls?
- Loading/Unloading - Are there any signs of leaks or spills in the areas where chemical and other materials are transported and handled? Is cleanup equipment readily available? Are personnel properly trained in spill prevention and response procedures?

- Secondary Containment Structures – Are all the secondary containment structures in good condition? Are the drains free of debris and unclogged?
- Used Oil Tanks and Oil/Water Separator – Are there signs of leaks? Are they well maintained?
- Solid Waste Dumpster - Is the dumpster covered; are there any waste materials around the dumpster or any signs of leaks from the dumpster?
- Construction Equipment/Materials/Debris – Are the erosion/sediment control devices well maintained? Are there any pollutants present in the area?
- Access Roads – Are all access roads free of debris? Are there any evidence of spills or leaks?
- Good Housekeeping - Is any debris present? Is the Facility well maintained?
- Miscellaneous - Are the generators and air conditioner in good condition? Are new activities or materials present that could contaminate stormwater?

The results of the quarterly inspections will be documented and maintained on site with the SWPPP using Attachment C - Stormwater Industrial Routine Facility Inspection Report. The minimum documentation will include the inspection date and time, the name and signature of the inspectors, weather information, and all observations relating to the implementation of control measures at the Facility. In addition, any conditions requiring corrective action will be documented within 24 hours. The documentation will include the identification of the condition triggering the need for corrective action, description of the problem identified, and date the problem was identified. Any corrective actions will be taken no later than 14 days from the discovery and the documentation will include the summary of corrective actions taken, notice of whether SWPPP needs to updated, date of corrective action was initiated, and date corrective action was completed (see Attachment D - Maintenance Records for maintenance documentation).

4.3 Spill Prevention and Response Procedures.

The following spill prevention and response procedures are implemented at the Facility:

- Spill prevention through inspection and maintenance of lines, valves, and connections used to deliver chemicals and septage.
- Maintaining an inventory of cleanup equipment such as brooms, absorbents, containers, and PPE (Personal Protective Equipment). There are three spill response kits on-site that are located where spills may occur. Also, there is a spill response trailer and two vehicles equipped with spill response kits.
- If a spill occurs, using rubber mats or other suitable covers over catch basins to prevent spills from entering the storm drain system.
- All containers (e.g. “used oil,” spent solvents”) are labeled that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur.

- Training personnel regarding spill prevention, containment and cleanup. See Appendix H for the Facility's spill response procedures and an example for a "spill response form." All employees are trained on spill prevention/response once a year.

The Facility also maintains a Spill Prevention Control and Countermeasure (SPCC) which provides spill prevention and response in more detail (Attachment B – SPCC).

4.4 Erosion and Sediment Control.

There are few sources of possible erosion and sedimentation at the Facility. Vegetated areas are regularly maintained to prevent erosion.

4.5 Employee Training.

An employee education and training program is being developed at the Facility. The purpose of the training program is to teach personnel the components and goals of the SWPPP. The training program has two levels. The first level is education, where general information is posted on bulletin boards in common areas. The notices contain information on the sources of, and practices to control, stormwater pollution. The second level is training of designated personnel in specific management practices. The following will be included in the training program:

- Preventive Maintenance - This includes procedures for the following: (1) catch basin inspection and cleaning, (2) inspection of chemical fill pipes, lines and connections, and (3) inspection of electrical equipment.
- Good Housekeeping - This includes: (1) regular sweeping and cleanups and (2) checking for leaks and spills.
- Spill Prevention and Response - This includes: (1) identifying the location of potential spill areas and possible flow direction of a spill, (2) methods to report spills, (3) review of material transfer and storage procedures, and (4) spill response procedures.
- Inspections - This includes the procedures and items for the quarterly inspections detailed in Section 4.6.
- Site-Specific BMPs - These include: (1) sludge handling and storage, (2) materials storage and disposal, (3) stockpiled soils (4) sodium chloride, and (5) sand/salt mixture.

Formal employee training occurs once per year, and training records will be maintained in Attachment E - Employee Training Log.

4.6 Inspections and Assessments.

4.6.1 Routine Facility Inspections.

1. **Person(s) or positions of person(s) responsible for inspection.**
    - Gorden Bergeron, Stormwater Program Coordinator
    - John Pugh, Stormwater Engineer

    Note: Inspections must be performed by qualified personnel with at least one member of your stormwater pollution prevention team participating. Inspectors must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections. Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of control measures.

2. **Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular stormwater discharges.** Routine inspections are conducted quarterly, with at least one conducted during a period when a stormwater discharge is occurring. See Section 4.3 for more information.

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

3. **List areas where industrial materials or activities are exposed to stormwater**. See Section 2.
4. **List areas identified in the SWPPP (section 1 of the SWPPP Template) and those that are potential pollutant sources (see Part 6.2.3).** See Section 2.
5. **Areas where spills and leaks have occurred in the past three years.** See Section 2.2.
6. **Inspection information for discharge points.** See Section 1.4.
7. **List the control measures used to comply with the effluent limits contained in the 2021 MSGP.** See Section 3.

    Other site-specific inspection objectives. When conducting the inspection, walk the site by following the site map (Attachment A) and labelled control measures/areas of industrial activity to be inspected. Also note whether the "Areas of Industrial Materials or Activities exposed to stormwater" have been addressed. Note any required corrective actions and the date and responsible person for the correction. Report results using the Stormwater Industrial Routine Facility Inspection Report, found in Attachment C.

4.6.2 Quarterly Visual Assessment of Stormwater Discharges.

Once each quarter a stormwater sample is collected from each discharge point for visual inspection per the following procedures (any deviations from this schedule will be reported in Attachment G - Deviations in Monitoring Schedule):

1. **Person(s) or positions of person(s) responsible for assessments.**
    - Gorden Bergeron, Stormwater Program Coordinator
    - John Pugh, Stormwater Engineer
2. **Schedules for conducting assessments.**

    Quarterly visual assessments are conducted within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take the sample within the first 30 minutes. In the case of snowmelt, samples must only be taken during a period with a measurable discharge.
3. **Specific assessment activities.**

    The visual assessment at each outfall must be made:
    - Of a discharge sample contained in a clean, colorless glass or plastic container, and examined in a well-lit area;
    - Of samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take the sample within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge; and
    - For storm events, on discharges that occur at least 72 hours (three days) from the previous discharge. The 72-hour (three-day) storm interval does not apply if you document that less than a 72-hour (three-day) interval is representative for local storm events during the sampling period.

    Visually inspect or observe for the following water quality characteristics, which may be evidence of stormwater pollution:
    - Color
    - Odor
    - Clarity (diminished)
    - Floating solids
    - Settled solids
    - Suspended solids

- Foam
- Oil sheen
- Other obvious indicators of stormwater pollution. 3.2.2.5

Record results of the visual inspection using the Quarterly Visual Assessment Form found in Attachment F. Whenever the visual assessment shows evidence of stormwater pollution in the discharge, the corrective action procedures in Part 5.1.1 of the MSGP Permit (Attachment L) will be initiated.

4.7 Monitoring.

Check the following monitoring activities applicable to your facility:

☒ Indicator monitoring

☐ Benchmark monitoring

☐ Effluent limitations guidelines monitoring

☐ State- or tribal-specific monitoring

☒ Impaired waters monitoring

☐ Other monitoring required by EPA

All monitoring data will be collected per the procedures listed in the table below. Monitoring results will be recorded per Attachment H and reported electronically via the EPA's electronic NPDES eReporting tool (NeT) no later than 30 days after receiving complete laboratory results when the system becomes available. Any deviations from the monitoring schedule will be reported in Attachment G.

Monitoring Activity	Monitoring Location(s)	Pollutants to be Sampled	Monitoring Schedules	Numeric Limitations	Procedures
Quarterly Indicator Monitoring	DA-001, Monitoring Point 1 DA-002, Monitoring Point 2 DA-005, Monitoring Point 3	Chemical Oxygen Demand (COD)	Quarterly	Report only/No thresholds or baseline values	The Facility's on-site lab does not have the capability to process COD samples and therefore will utilize approved 40 CFR Part 136 analytical methods.
		Total Suspended Solids (TSS)	Quarterly	Report only/No thresholds or baseline values	2540 D-2011
		pH	Quarterly	Report only/No thresholds or baseline values	Automated electrode: 150.2
Impaired Waters Monitoring[3]		E. Coli	• Once at each discharge point in permit Year 1. • If monitoring results from Year 1 sampling are below the numeric limitation the permittee need only sample once again in Year 4. • If monitoring results from Year 1 are above the numeric limitation the permittee must continue to monitor for the pollutant annually until no longer detected, after which they may discontinue	Not to exceed a geometric mean of 200 organisms in any set of representative samples, nor shall 10% of the samples exceed 400 organisms[1]	Multiple tube/multiple well: 9223 B-2004

		Total Phosphorus	monitoring for that pollutant until monitoring resumes in Year 4. • If monitoring results from Year 4 sampling are below the numeric limitation the permittee may discontinue monitoring for that pollutant for the remainder of permit coverage. • If monitoring results from Year 4 are above the numeric limitation the permittee must continue to monitor for the pollutant annually until no longer detected, after which they may discontinue monitoring for that pollutant for the remainder of permit coverage • Exception: If results from any sampling above indicate the monitored pollutant is, but the permittee has determined that its presence is caused solely by natural background sources, you may discontinue monitoring for that pollutant for the duration of your permit coverage. Documentation of natural sources must be included with the SWPPP per Permit part 4.2.5.1.a.iii.	0.1 mg/L[2]	The Facility's on-site lab does not have the capability to process Total Phosphorus samples and therefore will utilize approved 40 CFR Part 136 analytical methods.

Monitoring Activity	Monitoring Location(s)	Pollutants to be Sampled	Monitoring Schedules	Numeric Limitations	Procedures
Other Monitoring Required by EPA - PAHs		Polycyclic Aromatic Hydrocarbons (PAHs)	Monitoring must be conducted once within a year of paving and at Year 4 of the MSGP Permit (2025).	Report only/No thresholds or baseline values	
	Only required for outfalls where a paving project has occurred within the drainage area.				EPA Method 610/Standard Method 6440B

[1] Per Draft Pathogen TMDL for the Merrimack River Watershed, Table ES-1: https://www.mass.gov/doc/draft-pathogen-tmdl-report-for-the-merrimack-river-watershed-0/download

[2] Per EPA Gold Book: https://www.epa.gov/wqc/quality-criteria-water-gold-book

[3] Note that per Permit Part 4.2.5.1.a. once a TMDL is established permittees are not required to monitor for the pollutants for which the TMDL was written unless otherwise informed by the EPA via direct communication.

SECTION 5: DOCUMENTATION TO SUPPORT ELIGIBILITY CONSIDERATIONS UNDER OTHER FEDERAL LAWS

5.1 Documentation Regarding Endangered Species Act (ESA) Listed Species and Critical Habitat Protection.

See Attachment I - ESA Documentation.

5.2 Documentation Regarding National Historic Preservation Act (NHPA)-Protected Properties.

Per Appendix F of the MSGP, the Facility was covered under the 2015 MSGP, is not constructing or installing any new stormwater control measures and is therefore eligible under Criterion A of the MSGP.

SECTION 6: CORRECTIVE ACTIONS AND ADDITIONAL IMPLEMENTATION MEASURES

See Attachment J - Corrective Action Documentation.

SECTION 7: SWPPP CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Michael Stuer Title: Engineering Manager

Signature: Michael Stuer Date: 5/27/21

SECTION 8: SWPPP MODIFICATIONS

See the SWPP Amendment Log in Attachment K where any changes to the SWPPP will be recorded.

SECTION 9: SWPPP AVAILABILITY

This SWPPP has been attached to the Duck Island Clean Water Facility NOI.

SWPPP ATTACHMENTS

Attachment A	***General Location Map & Site Map***
Attachment B	***LRWWU SPCC***
Attachment C	***Stormwater Industrial Routine Facility Inspection Report***
Attachment D	***Maintenance Records***
Attachment E	***Employee Training Log***
Attachment F	***Quarterly Visual Assessment Form and Results***
Attachment G	***Deviations in Monitoring Schedule***
Attachment H	***Monitoring Procedures and Reports***
Attachment I	***ESA Documentation***
Attachment J	***Corrective Action Documentation***
Attachment K	***SWPP Amendment Log***
Attachment L	***2021 MSGP***

Attachment A - General Location Map & Site Map

SWPPP NOTES

1. ALL STORMWATER IN DRAINAGE AREAS 003 AND 004 IS DIRECTED INTO THE TREATMENT PROCESS AND IS NOT DISCHARGED TO RECEIVING WATERS.
2. THE MERRIMACK RIVER IS AN IMPAIRED WATER BODY MONITORED FOR FECAL COLIFORM, MERCURY IN FISH TISSUE, AND TOTAL PHOSPHOROUS.

LEGEND

- Lite Pole — LP
- Electric Manhole — EMH
- Telephone Manhole — TMH
- Underground Electric — UE
- Underground Gas — G
- Underground Water — W
- Electric Transformer — Trans
- Stormwater Flow Arrow
- Drainage Boundary
- Green Roof
- Treated Stormwater Area – Does not drain to river
- Silt Fence
- Bio-retention/Swale Area
- Pervious Area
- Duck Island Drain Pipe
- MS4 Drain Pipe

Massachusetts State Plane Coordinates NAD83

MERRIMACK RIVER

Plant Outfall

Water Line

Primary Grit/Screenings Recyclable Materials Containers

Garbage Dumpster And Comingled Recycling

Outfall 001

Outfall 002
Monitoring Point No. 2

Outfall 003
(Capped/Inactive)

Outfall 004
(Capped/Inactive)

Outfall 005
Monitoring Point No. 3

Monitoring Point No. 1

DA-001

DA-002

DA-003 & DA-004

DA-005

Sodium Hypochlorite Bulk Storage Tanks & Pump Building

Sodium Bisulfite Storage Tanks

TOWN LINE - DRACUT LOWELL

N/F CITY OF LOWELL PARCEL ID 217-2327-325.1

2:1 RIP RAP SLOPE

MERRIMACK AVENUE (PUBLIC 60' WIDE) (1912 STATE HIGHWAY LAYOUT #1425)

Sign

Water Line

Edge Pavement

White Solid Line

3' Chain Link Fence

Silt Fence

Stockpiled Soil

Storage Container

Construction Debris

Shed

Sand & Gravel

Salt Shed

Recreational Vehicle Waste Disposal Station

Maintenance Facility & Garage

Oil/Water Separator

Hazardous Materials

Used Oil Tank

Chlorine Contact Chamber

Effluent Pump Station

Chlorine Contact Chamber

SGC

Ramp

Catch Basin Screenings

Conc Pad

Shed

Bit Conc Walk

Secondary Clarifier No. 3

Secondary Clarifier No. 4

717,002 SQ. FT. 16.460 ACRES
431 FIRST STREET BLVD
PARCEL ID 216-2327-431

Secondary Clarifier No. 1

Secondary Clarifier No. 2

Aeration No. 4

Aeration No. 2

Aeration No. 3

Aeration No. 1

Blower Room

Conc Pad w/Grate

Conc

Electric Gate

3' Bit Conc Walk

6' Chain Linked Fence

Primary Clarifiers

NO. 6

NO. 4

NO. 2

NO. 5

NO. 3

NO. 1

Grit and Screenings Room

Wetwell and Screw Pumps

Overflow Catch Basin

Bio-Retention

Drainage Swale

Water Line

Engineering Pre-Treatment Office

Loading Dock

Blower Room

Bit Conc

Oxidized Sludge Tank

Oxidized Sludge Tank

Dewatering Press

Sludge Storage

Sludge Processing

Rainwater Tank

Polymer Room

Sludge Holding Tank

Gravity Thickener #1

Gravity Thickener #3

TW

Gravity Thickener #2

Operations/ Laboratory

Administration Building

Conc Pad

Sign

Gravity Thickeners & Pumping Station

Water Line

MERRIMACK RIVER FLOW

Above Ground Diesel Fuel Storage Tank

Conc Pad

Ferrous Chloride Tank

Ferrous Chloride Valve

Fuel Loading Area

Control Structure

Septage Receiving

Gas Gate

Emergency Generator Building

Septage Shed

Bit Conc

Sloped Granite Curb

Gate

Wall

Berm

Berm

Wall

N/F WALKWAY CONDOMINIUM
333 FIRST STREET BLVD
DEED BOOK 3600 PAGE 209
PARCEL ID 2327-325

CITY OF LOWELL
20' WIDE SEWER EASEMENT
PARCEL 47
BOOK 2291 PAGE 349
SEE DETAIL

FIRST STREET BLVD - ROUTE 110
(PUBLIC – VARIABLE WIDTH)
(1934 STATE HIGHWAY ALTERATION 3144)
(1923 STATE HIGHWAY LAYOUT #2110)

Inlet to Culvert

Inlet to Culvert

Inlet to Culvert

Capped Drain Pipe

General Location Map

40 20 0 40 80 120

KLEINFELDER
Bright People. Right Solutions.

ONE BEACON STREET SUITE 8100,
BOSTON MA, 02108

REVISIONS

REV	DESCRIPTION	DSN DWN	CHK APP	DATE

SCALE VERIFICATION

THIS BAR IS 1 INCH IN LENGTH ON ORIGINAL DRAWING

0 1"

IF IT'S NOT 1 INCH ON THIS SHEET ADJUST YOUR SCALES ACCORDINGLY

ORIGINAL DRAWING SIZE IS 24 x 36

LOWELL REGIONAL WASTEWATER UTILITY

SITE MAP
STORMWATER POLLUTION PREVENTION PLAN

DUCK ISLAND WWTF

PROJECT NO.	20220166
ISSUE DATE	5/27/2021
CURRENT REVISION	
DESIGNED BY	RHA
DRAWN BY	RHA
CHECKED BY	PC
APPROVED BY	PC

B-1

SHEET 1 of 1

CAD FILE: G:_clients\Lowell MA\20220166.001 SW Program\Documents\2G - Duck Island MSGP App\2021 SWPPP\CAD\Duck Island WWTF SWPPP Site Map.dwg LAYOUT: Layout1
PLOTTED: 5/27/2021 11:46 AM BY: reed.allen

Attachment B - SPCC Plan

Spill Prevention Control & Countermeasures (SPCC) Plan

Lowell Regional Wastewater Utility
451 First Street Boulevard (Route 110)
Lowell, MA 01850

December 7, 2018

Prepared by:

Clifton Hall
LRWWU Staff Engineer

Confidential to LRWWU

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Attachment A – Mapping of Regulatory References

Attachment B – Facility Diagram(s)

Attachment C – SPCC Plan Review and Amendment Log

A. General Information

This section describes general information about the facility and this SPCC Plan.

1. Introduction

This SPCC Plan has been prepared for the Lowell Regional Wastewater Utility (LRWWU) facility in accordance with the regulations at 40 CFR 112.

The following conventions and abbreviations are used in this plan:

- "SPCC" means "Spill Prevention Control and Countermeasures"
- "Plan", "plan" and "SPCC Plan" mean this SPCC Plan.
- Regulatory references written with "§" refer to Title 40 of the US Code of Federal Regulations (CFR). For example, §112.3 means 40 CFR 112.3.
- "gallons" means U.S. gallons

2. Scope

The U.S. Environmental Protection Agency (USEPA) Requires that the Lowell Waste Water Treatment Facility (Duck Island) create and follow an Oil Spill Prevention Control and Countermeasure plan (SPCC) under federal regulation 40 CFR 112. The purpose of an SPCC plan is to establish procedures, methods, equipment, and other requirements to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States. The Lowell Region Wastewater Facility requires a Spill Prevention Control and Countermeasure plan because it exceeds the regulatory above ground oil storage capacity (for storages 55 gallons or greater) of 1,320 gallons per 40 CFR 112.1(d)(2). Duck Island has approximately 10,300 gallons of above ground oil storage capacity from tanks, drums, and oil-filled operational equipment that each has an individual oil storage capacity of 55 gallons or greater. This Plan is designed to comply with all of the applicable Oil SPCC planning provisions of 40 C.F.R. Part 112 and the applicable notification requirements of the Massachusetts Department of Environmental Protection (MassDEP).

In accordance with 40 CFR 112.20, Duck Island is also required to determine whether it is a high-risk facility that poses a threat of substantial harm to the environment. Duck Island does not meet the substantial harm criteria, and is therefore not required to prepare and submit a Facility Response Plan to USEPA.

The Oil SPCC plan covers the Duck Island Facility located at 451 First Street Boulevard Lowell, Massachusetts. Duck Island is a wastewater facility designed to transport, treat, and safely dispose of wastewater, stormwater, and domestic septage from the City of Lowell and the surrounding towns of Chelmsford, Dracut, Tewksbury, and Tyngsborough.

3. Tier II Qualified Facility §112.3(g), §112.6

As provided in 40 CFR 112.6, the owner or operator of a qualified facility may self-certify technical amendments to their Oil SPCC Plan. A qualified facility is one that meets the following Tier I or Tier II qualified facility criteria:

- A Tier II qualified facility is one that has an aggregate aboveground oil storage capacity of 10,000 gallons or less and has had no single discharge exceeding 1,000 gallons or no two discharges each exceeding 42 gallons within any twelve-month period in the three years prior to the Oil SPCC Plan self-certification date.
- A Tier I qualified facility is one that meets all of the qualification criteria for a Tier II facility and has no individual aboveground oil storage container with a capacity greater than 5,000 gallons.

Duck Island has an aggregate aboveground oil storage capacity of 10,300 gallons and therefore does not meet the criteria for qualified facilities and may not self-certify amendments and changes to this Oil SPCC Plan.

4. Management Approval and Certification §112.3(g), §112.6

Management Approval, Authorization, and Certification
I certify that: • *This SPCC Plan has my full approval;* • *I have the authority to commit all the necessary resources, (i.e., monies, personnel, equipment, and/or facility design) to prepare and fully implement this Plan and to effectively and expeditiously control and remove any quantity of oil, or other pollutant, to minimize the impact to human health and the environment.* • *I am familiar with the requirements of 40 CFR 112 and applicable Subparts addressing SPCC requirements;* • *I have visited, examined, and am familiar with the LRWWU facility;* • *The plan has been prepared in accordance with accepted and sound industry practices and standards, and with the requirements of 40 CFR 112;* • *Procedures for required inspections and testing have been established;* • *The Plan will be fully implemented;* • *The Plan meets the qualification criteria set forth in §112.3(g)(2);* • *The Plan does not deviate from any requirement of this part as allowed by §112.7(a)(2) and 112.7(d) or include measures pursuant to §112.9(c)(6) for produced water containers and any associated piping; and* • *The Plan is adequate for the LRWWU facility.* Name: _____ Signature: _____ Title: _____ Date: _____

5. Facility Description §112.3(g)(2)

Duck Island is a publicly owned treatment works (POTW) for the City of Lowell and surrounding communities – Chelmsford, Dracut, Tewksbury, and Tyngsboro. Duck Island is located on the north bank side of the Merrimack River in the City of Lowell. The facility is operated under the Lowell Regional Wastewater Utility.

The Facility occupies a 16.7-acre site on the Merrimack River in Lowell, as shown in Attachment B. The site is bounded by the Merrimack River to the south and east, by the First Street Boulevard (Route 110) to the north and west, and by a condominium complex to the southwest. The Town of Dracut is located immediately to the northeast. The Facility provides treatment for combined wastewater and stormwater flows, and septage from the City of Lowell and the Towns of Dracut, Tewksbury, Chelmsford, and Tyngsboro, and also hauled waste. The average dry weather design flow is 32 million gallons per day (MGD), and the peak flow design capacity is 112 MGD.

The Facility provides secondary treatment using the activated sludge process, incorporating preliminary screening, primary settling, secondary aeration and settling, and chlorination. The treated effluent discharges to the Merrimack River via an outfall equipped with two diffusers. The secondary treatment system was designed to treat a flow of twice the maximum dry weather flow. Flows greater than the design capacity bypass the secondary system following primary treatment and are chlorinated and discharged to the river.

The primary sludge is thickened in gravity thickeners, septage in septage tanks, waste activated sludge (WAS) in a thickened waste activated sludge (TWAS) tank, and hauled waste in hauled waste tanks. All the sludge and wastes are pumped to a centrifuge and then dewatered. The dewatered sludge cake is collected in containers and trucked to a composting or landfill facility for final disposal. The sludge processing is located indoors and is not exposed to stormwater. The grit and screenings are collected in containers for disposal. Containers drain into an adjacent trough and catch basin. This trough and catch basin are tied into

a process drain and routed to the plant influent. Debris from catch basin cleanings throughout the City of Lowell are now collected in containers that are stored at the City of Lowell Dump. The Facility includes an administration building, laboratory, maintenance garage, engineering building, and odor control facilities.

A large network of underground sewer pipes, ranging in size from 6 inches to 10 feet, conveys wastewater to the Duck Island Wastewater Treatment Facility (WWTF). Another network of drain lines conveys stormwater directly to local waterways – including Beaver Brook, River Meadow Brook, the Concord River, and the Merrimack River. Approximately one-third of the City of Lowell's acreage is served by separate drainage and sewerage pipes; the other two-thirds are served by a combined sewer system that transports both stormwater and wastewater to the Duck Island WWTF.

6. Certification of the Applicability of Substantial Harm Criteria §112.20 Appendix C-II

Facility Name: Lowell Regional Wastewater Facility – Duck Island
Facility Address: 451 First Street Boulevard (Route 110), Lowell, MA 01850

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?	Yes ___ No _X__
2. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage tank area?	Yes ___ No _X__
3. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula[1] such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments? For further description of fish and wildlife and sensitive environments, see Appendices I, II, and III to DOC/NOAA's "Guidance for Facility and Vessel Response Plans: Fish and Wildlife and Sensitive Environments" (see appendix E to this part, section 13, for availability) and the applicable Area Contingency Plan.	Yes ___ No _X__
4. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula[1]) such that a discharge from the facility would shut down a public drinking water intake?[2]	Yes ___ No _X__
5. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years?	Yes ___ No _X__

Footnotes: [1] If a comparable formula is used, documentation of the reliability and analytical soundness of the comparable formula must be attached to this form. [2] For the purposes 40 CFR 112, public drinking water intakes are analogous to public water systems as described 40 CFR 143.2(c).

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

Signature _____

Name (type or print) _____

Title _____

Date _____

7. Compliance §112.7(a)(1) and (2)

This Plan applies to the operations, equipment and activities at Duck Island, located at 451 First Street Boulevard (Route 110), Lowell, MA 01850.

B. Facility Equipment

This section describes the location and physical layout of the facility and the structures and equipment for oil storage and management at the facility.

1. Facility Layout §112.7(a)(3)

Location map(s) and facility diagram(s) are provided Attachment B.

2. Oil Storage Equipment & Capacities §112.7(a)(3)(i)

ID#	Material	Capacity & Container	Comments
Fixed storage tanks/piping:			
1	Diesel fuel	8,000 gallons	Fuel for emergency generator; outdoor near east fence line (double-walled)
2	Used oil	500 gallons	Outdoor community tank, near North entrance (double-walled)
3	Diesel fuel	275 gallons	Inside maintenance building
4	Waste oil	275 gallons	Inside maintenance building
5	Waste oil	275 gallons	Inside maintenance building
Mobile storage tanks:			
6	Diesel fuel	100 gallons	Mobile generator, 'Silenced Dry Prime', inside maintenance building*
7	Diesel fuel	75 gallons	Mobile generator, Kohler '30', inside maintenance building*
Mobile containers (≥ 55 gallons):			
8	Various oils	770 gallons (14 drums)	Oil rack inside maintenance building
9	Motor oil	55 gallons (1 drum)	Inside maintenance building
Oil-filled operational equipment:			
10	Engine oil	75 gallons	Fixed (main) emergency generator, motor oil inside the generator
Transformers			
11	FR3 oil	669 gallons	Influent Building
12	FR3 oil	669 gallons	Influent Building
13	FR3 oil	537 gallons	Sludge Courtyard
14	FR3 oil	537 gallons	Sludge Courtyard
TOTAL:		**12,812 gallons**	

*Mobile generators are moved (sometimes offsite) based on necessity, but when not is use they are placed in the maintenance building.

3. Bulk storage containers §112.8(c)

Duck Island uses an 8,000 gallon above ground diesel oil tank. The steel tank is a 10 foot diameter and 14 foot tall double wall steel storage tank with 2 inch pour foam insulation and carbon steel outer wrap. The top of the tank includes a 4 inch SCH 40 carbon steel primary vent (with rain cap) as well as a 4 inch SCH 40 carbon steel emergency vent (with rain cap). For spill prevention there is an overfill protection valve with remote fill connection at the top of the tank which would move to a horizontal spill container by a 2 inch SCH 40 carbon steel fuel oil fill pipe. Double wall fuel feed pipes are used to move oil from the tank to the generator tank. A connection to the fuel feed pipe at the base of the tank is made through a 4 inch flanged tank discharge nozzle connected to a lockable ball valve.

In addition to the 8,000 gallon diesel tank, Duck Island also has uses a 275 gallon diesel oil tank located in the maintenance garage. The tank is walled off to prevent spills from spreading outside of the garage. Additionally, any spill would flow into the floor drain in the garage, which would flow into the oil-water

separator prior to moving back to the headworks in the treatment facility. Next to the diesel tank are two identical 275-gallon tanks for used oil. These tanks would also flow into the maintenance garage floor drain in the event of a spill. These tanks are out of use when oil is not being pumped out or added to the tanks. Procedure is to keep the taps to the tanks closed unless in use.

Various Oil tanks are kept stored in the maintenance garage on an oil rank within the maintenance garage. If the tanks are in use they are taped, but otherwise are not altered. The tap is closed when not in use. Any minor spill would be picked up by the padding at the base of the rack. In the event of a larger spill the oils would flow to the maintenance garage floor drain. Mobile tanks that are onsite are stored in the same area of the maintenance garage and would also spill to the floor drain.

The Citizens used oil tank is located outside of the maintenance garage. Once per month citizens of Lowell dispose of their used oils to this location so that we may collect and dispose of it as hazardous waste. There is a short walled area around the tank that would absorb the oil within the tank in the event of a spill. If the tank were to spill in an area outside of the containment it would flow into drainage area 1, and move to outfall 1.

4. Qualified oil-filled operational equipment §112.7(k)

There are four transformers (two in the influent building and two in the sludge courtyard) at Duck Island. These transformers can hold 500 to 700 gallons of FR3 fuel. Transformers are three-phase pad-mounted transformers made with stainless steel. The four Copper Power series transformers are designed for both indoor and outdoor use. If a spill from a transformer were to occur it would flow into drainage area 3 or 4, which would flow to headworks and receive treatment.

5. Facility tank car and tank truck loading/unloading rack §112.7(h)

All areas that require loading/unloading would drain into the treatment facility (and not into the river) in the event of a spill during loading/unloading. If loading/unloading were to occur outside of these areas a containment system to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility would need to be implemented.

C. Discharge Prevention

This section describes the equipment and procedures for preventing oil spills and discharges.

1. Discharge Prevention Measures & Controls §112.7(a)(3)(ii) and (iii)

The primary method of spill response is spill prevention. Preventative measures are taken to prevent spills from occurring including regular inspections of the tanks, opening tanks only when necessary, and proper handling of equipment during loading/unloading. All loading, unloading, and transfer of our used oil is handled by the Department of Public work (DPW) in Lowell MA. When any waste oil tank is approaching capacity the Maintenance Superintendent will notify the State waste oil recycler to remove the waste oil

2. Discharge Potential §112.7(b)

In the event of a spill that would go beyond secondary containment, the direction of the flow of the spill is outline in our SWPPP documentation. The 8,000 gallon diesel fuel tank would flow in the north-east direction into drainage area 4 due to walls/curbs between the river and the tank as well as slope of the area. The likely rate of flow would not be large enough for the spill to flow directly towards the river. Transformer oil in the area would follow a similar flow pattern though may move more towards the east. Again the flow would not be great enough to go directly to the river. Transformers in the sludge courtyard would discharge towards the east, but would fall to catch basins near the odor control room prior to moving towards the river. All tanks and drums in the maintenance garage would not have a large enough flow to exit the garage. All spills would move into the floor drains before moving outside of the garage. Spills from the Citizens used oil tank would move into the north direct towards street. The spill would not move directly to the river but

instead into the catch basins along the south side of the street. Based on the size of the tank and the distance between the tank and the nearest catch basin it is unlikely that the flow would reach the catch basin as the oil would pool in the vicinity of the tank.

3. Containment / Diversionary Structures §112.7(c)

Secondary walls and curbing are the primary containment/diversion structures use at Duck Island. Elevation and curbing is used around outdoor areas like the clarifiers and aeration tanks to ensure that any kind of flow (storm or spill) would avoid entering the process. Walls are used as extra containment between tanks and the river.

4. Facility Drainage §112.8(b)

Duck Island is located on the north bank side of the Merrimack River. The stormwater collection system at the site consists of storm drains and catch drains that flow into the LRWWU combined sewer and storm drainage system. There are a total of 32 catch basins on the Duck Island facility, each of which flows back to the headworks (the beginning of the wastewater treatment process) or flows directly to one of the five Duck Island outfalls, draining directly to the Merrimack River. In addition to the catch basins there are also three floor drains that would drain into an Oil/Water Separator prior to reaching the drain line. Duck Island is broken down into five difference drainage areas, each of which drains to their own outfall. Drainage areas 2, 3, and 4 (corresponding to outfalls 2, 3, and 4) each would drain to a capped outfall. Without the outfall in drainage area 2, all flow would move to an infiltration area. With outfalls 3 and 4 capped the flow would instead drain back to the headworks of the plant to go through the treatment process. Duck Island maintains a Stormwater Pollution Prevention Plan (SWPPP) to monitor the stormwater within the facility and prevent polluted storm runoff from entering the Merrimack River.

5. Impracticability of Containment Structures §112.7(d)

If the installation of any of the structures or pieces of equipment to prevent a discharge from any onshore or offshore facility is not practicable then it must be clearly explained in the SPCC plan why such measures are not practicable. It has been determined that the installations of all of the structures or pieces of equipment to prevent a discharge are practical.

D. Countermeasures and Discharge Response

This section describes facility procedures for handling any oil spills/discharges that may occur.

1. Discharge Countermeasures & Response Procedures §112.7(a)(3)(iv)

Minor spills can occur upon delivery of the oil or from spills during routine maintenance. After the spill is identified, proper teams are notified, and proper equipment is applied the spill cleanup procedure can begin. If the spill occurs indoors the space must first be ventilated. If the spill occurs on the surface (either indoor or outdoor) and absorbent (Speedy-Dry or equivalent) is mixed into the spill to absorb the oil. The mixture of oil and absorbent should be collected and disposed (with a shovel) in a waste container. If the spill moves into a catch basin then absorbent pads should be placed on top of the contaminated water to allow the pads to absorb the oil. Contaminated pads are also disposed of in waste containers.

Spills that are a result of a tank or piping failure require that the Oil SPCC Coordinator be notified. If a tank or piping failure causes a minor spill then the same minor spill procedures can be used for the cleanup of the spilled oil. Spilled oil aside the tank or piping must be inspected to prevent additional spills. If oil is released due to faulty equipment or broken piping then Duck Island must correct the problem. If it is determined that the tank leaked, the Oil SPCC Coordinator will contact an emergency response contractor to pump out the tank, which will remain out of service until it is repaired or replaced.

2. Handling & Disposal of Discharged Materials §112.7(a)(3)(v)

Proper personal protective equipment (PPE) must be used when handing oil spills both for safety and efficiency of cleanup. The minimum requirement for minor oil spill cleanup is latex gloves and eye protection

(goggles). Recommended equipment includes chemical-resistant gloves, suit, and boots as well as a face shield. Any spill that is unknown or outside of the minor spill scope requires at minimum the recommended PPP be worn.

Any absorbent that is used to clean up small spills may be disposed of as if it were trash. It is DEP's position that oily, non-saturated, industrial wipers and sorptive minerals do not typically pose a significant threat to human health when managed properly and that this policy provides a sufficient degree of environmental protection. If the spill clean-up is larger, then the disposal of the clean-up materials must be considered as hazardous waste. Proper handling of hazardous waste includes segregating each type of waste; keeping containers closed (except to add or remove waste), and labelling each container with a classification and the date accumulation began in that container.

3. Emergency Contacts §112.7(a)(3)(vi)

CONTACT	Office	CELL PHONE
MA DEP Spill Response Contact	888-304-1133	
Lowell Fire Department	978-459-5553	
Mill City Environmental:		
Scott McKiel	978-654-6741	978-420-2113

Lowell Wastewater

CONTACT	PLANT	CELL PHONE
LRWWU Executive Director:		
Mark Young	978-674-1601	508-962-5727
Administration:		
Lisa Malcuit	978-674-1602	
Cheryl Daigneault	978-674-1603	
Oil SPCC Coordinator:		
Cliff Hall	978-674-1624	978-758-1127

Head Operator/Incident Commander:	978-674-1600	
Erik Willet	978-674-1600	978-430-6747
Mike Cassidy	978-674-1600	978-726-4426
Tom Kawa	978-674-1605	978-423-7774
Dave Bernier	978-674-1600	978-479-4976
Rick Toohey	978-674-1672	978-848-8290
Jason O'Neil	978-674-1600	978-239-7169

Collection System Spill Response Team:		
Shannon Cohan	978-674-1633	978-423-5294
Jeff Paquette	978-674-1634	978-804-9696

Fred Hamel	978-674-1623	603-303-1905
Jason O'Neil	978-674-1600	978-239-7169
John Pugh	978-674-1625	978-390-5946

Plant Spill Response Team:		
John Pugh	978-674-1625	978-390-5946
Fred Hamel	978-674-1623	603-303-1905
Jeff Paquette	978-674-1634	978-804-9696
Jason O'Neil	978-674-1600	978-239-7169

4. Discharge Procedures §112.7(a)(4), §112.7(a)(5)

The person who will likely coordinate oil release response at Duck Island is the Oil SPCC Coordinator. The general responsibilities of the Oil SPCC Coordinator include:

- Assess the type, magnitude, and extent of the spill;
- Oversee the development, implementation, and maintenance of the Oil SPCC Plan and oil spill prevention program;
- Serve as the designated person responsible for oil spill prevention;
- Identify any facility changes that would warrant amendments to the Oil SPCC Plan;
- Coordinate, organize and/or conduct training and annual spill prevention briefings for oil-handling personnel; and
- Implement the Oil SPCC Plan upon discovery of a spill.
- Contact the facility responders to bring spill containment equipment to the spill location;
- Supervise oil-handling employees during spill containment and clean-up;
- Contact and coordinate with local off-site facility responders if necessary;
- In the event of a spill which poses a fire hazard, the Oil SPCC Coordinator will notify the Fire Department as necessary.
- Provide for emergency medical care or arrange transportation via ambulance for off-scene medical services, if necessary;
- Arrange for the clean-up and proper disposal of any released oil; and
- Report any spill of a reportable quantity.

After assessment the SPCC Coordinator will refer to the appropriate procedural section of the SPCC to determine the affective action. Minor spills can be handled by the internal spill response team. Major spills require that the head operator notifies a major spill contractor as well as the Fire Department, Executive Director and the Department of Environmental Protection (DEP).

E. Management Systems

This section describes key aspects of the facility's management systems related to oil storage and handling.

1. Designated Individual §112.7(f)(2)

At Duck Island, __Cliff Hall (Staff Engineer)__, who reports to the Executive Director, has overall accountability for discharge prevention at the facility.

2. Review and updating of SPCC Plan §112.4, §112.5

This section describes when the Plan will be reviewed and updated. Duck Island is required to sustain an SPCC Plan in accordance with the general requirements in 40 CFR 112.7. In accordance with 40 CFR 112.5(a) Duck Island is required to review and amend the plan if there is a change in the facility design, construction,

operation, or maintenance that materially affects its potential for a discharge. Any amendment made under this condition should be certified by a licensed Professional Engineer (P.E.) within six months and implemented as soon as possible.

Review SPCC Plan every five years: §112.5(b)
Duck Island will review and evaluate this SPCC Plan at least once every five years. This review will determine the plan's accuracy and continued suitability for addressing SPCC requirements and for preventing and managing oil discharges. Records of the review will be maintained and will include a formal determination about whether changes to the plan are necessary. The following words will suffice, "I have completed review and evaluation of the SPCC Plan for (name of facility) on (date), and will (will not) amend the Plan as a result."

- Should any changes be necessary, the Plan must be amended within six months of the change.

Amendment when changes occur:
In addition to any changes resulting from the five-year review, the Plan will be updated whenever facility changes occur that require amendment of the Plan. Such changes include, but are not limited to: commissioning or decommissioning containers; replacement, reconstruction, or movement of containers; reconstruction, replacement, or installation of piping systems; construction or demolition that might alter secondary containment structures; changes of product or service; or revision of standard operation or maintenance procedures at a facility.

- The Plan must be amended within six months of the change.

Amendment when requested by Regional Administrator or state officials: §112.4(d)
Should a significant spill occur, the Regional Administrator or state agency may request to review this SPCC Plan. As a result of that review the Regional Administrator or state agency may require further Plan amendments (which may be appealed by LRWWU).

- The Plan must be amended within 30 days of the request (or 'final decision' if appealed).

Implementing changes:

- Any changes made to the Plan must be implemented as soon as possible, but not later than six months following preparation of the amendment.
- If any change(s) is/are such that the facility no longer meets the Tier II qualifying criteria because it exceeds 10,000 U.S. gallons in aggregate aboveground storage capacity you must, within six months following the change, prepare and implement a Plan in accordance with the general Plan requirements in §112.7 and the applicable requirements in subparts B and C of this part.

3. Training §112.7(f)(1) and (3)

Training in oil handling procedures and this SPCC Plan will be provided to LRWWU personnel as follows:

- Personnel will be trained prior to undertaking oil-handling activities for the first time.
- All oil-handling personnel will receive refresher training annually.
- Additional training will be provided when, in the judgement of the facility management, a change is made to the plan that requires training.

Training will cover the following minimum topics:

- Operation and maintenance of equipment to prevent discharges;
- Discharge procedure protocols;
- Applicable pollution control laws, rules, and regulations;
- General facility operations; and
- The contents of the facility SPCC Plan.

Training records will be kept, including a list of oil-handling personnel subject to this training requirement and records of training that has been provided.

Beyond oil spills, Duck Island institutes gas spill response program for safety purposes. Part of the spill response program includes required yearly training on the different elements of spill response including identifying the type of spill, understanding roles and responsibilities in clean up, proper equipment, clean-up procedure, and spill notification forms. While Duck Island has a spill response team to handle all spills, all employees are trained in spill response.

Part of the spill response training focuses on oil spill response. All certified employees are instructed on the hazards of the oil spills as well as the procedure on how to handle based on location, type of oil, and amount of spill. In addition to the plant spill response training, members of our spill response team also receive Hazardous Waste Operations and Emergency Response (HAZWOPER) training (either 24 hour or 40 hour training).

4. Inspections §112.7(e)

Regular Visual Inspections
All containers that have oil storage capacities equal to or greater than 55 gallons are visually inspected on a monthly and annual basis. Visible piping and tank equipment are inspected along with the tank itself and periodically tested to ensure that they remain in good working order. These inspections ensure early detection and prompt correction of visible leaks and removal of oil accumulated in containment structures. In addition to the frequent visual inspections, formal exterior inspections, and integrity testing, Duck Island will perform regular testing of devices for all equipment associated with oil storage.

Tank Inspections
Duck Island will retain the services of a qualified tank testing contractor to perform a tank integrity test if one of the following conditions is met:

- Material repairs or alterations are made to the tank;
- Evidence of a leak is detected;
- There is damage to the tank or containment structure; or
- The results of a tank inspection reveal evidence of leakage or deterioration.

An affected tank will remain out of service until it is repaired and tested to confirm its integrity or it is otherwise replaced.

55-gallon Drum Inspections
Duck Island ensures that 55-gallon drums are visually inspected on a monthly basis. Duck Island uses the following usual and customary business practices to ensure the integrity of 55-gallon drums:

- **Retirement Schedule.** All 55-gallon drums are retired after a maximum of 5 years of use.
- **Replacement and Disposal.** If monthly visual inspections or informal inspections reveal that a drum is leaking, dented, corroded, rusted to the extent that a release is possible, or compromised in some way, facility personnel will immediately transfer the product in the drum to a new drum and ensure that the empty drum is disposed of properly.

Record Keeping
Tracking and results of inspections will be managed by the Oil SPCC Coordinator. Files must be maintained for a minimum of three years.

5. Security §112.7(g)

The facility is staffed by full time personnel. A minimum of two employees are always on site at the facility, 24 hours a day. Employees monitor those who enter the facility to ensure proper security.

Access to the facility is controlled by a metal fence surrounding the plant, with two road access points. During the day both access points are open, and in the evening/night one of the access points is closed off to control access to the plant. Various gate accesses occur throughout the fence line, all of which are locked. Only employees of Duck Island hold keys to the gate locks.

All control boxes throughout the plant are also under lock and key. Access to our SCADA system requires log-in and password to ensure that only employees can alter process conditions. Equipment is put back into stock when not in use and locked up when personnel are not in the vicinity.

Pipeline connections are securely capped and locked when they are not in use and blank-flanged when they are in standby service for an extended time. Out of service pipelines are evacuated of their contents.

The facility has overhead area lighting that will assist in the discovery of discharges occurring during hours of darkness, both by operating personnel, if present, and by non-operating personnel (the general public, local police, etc.); and prevention of discharges through acts of vandalism.

6. Changes related to field-constructed aboveground containers §112.7(i)

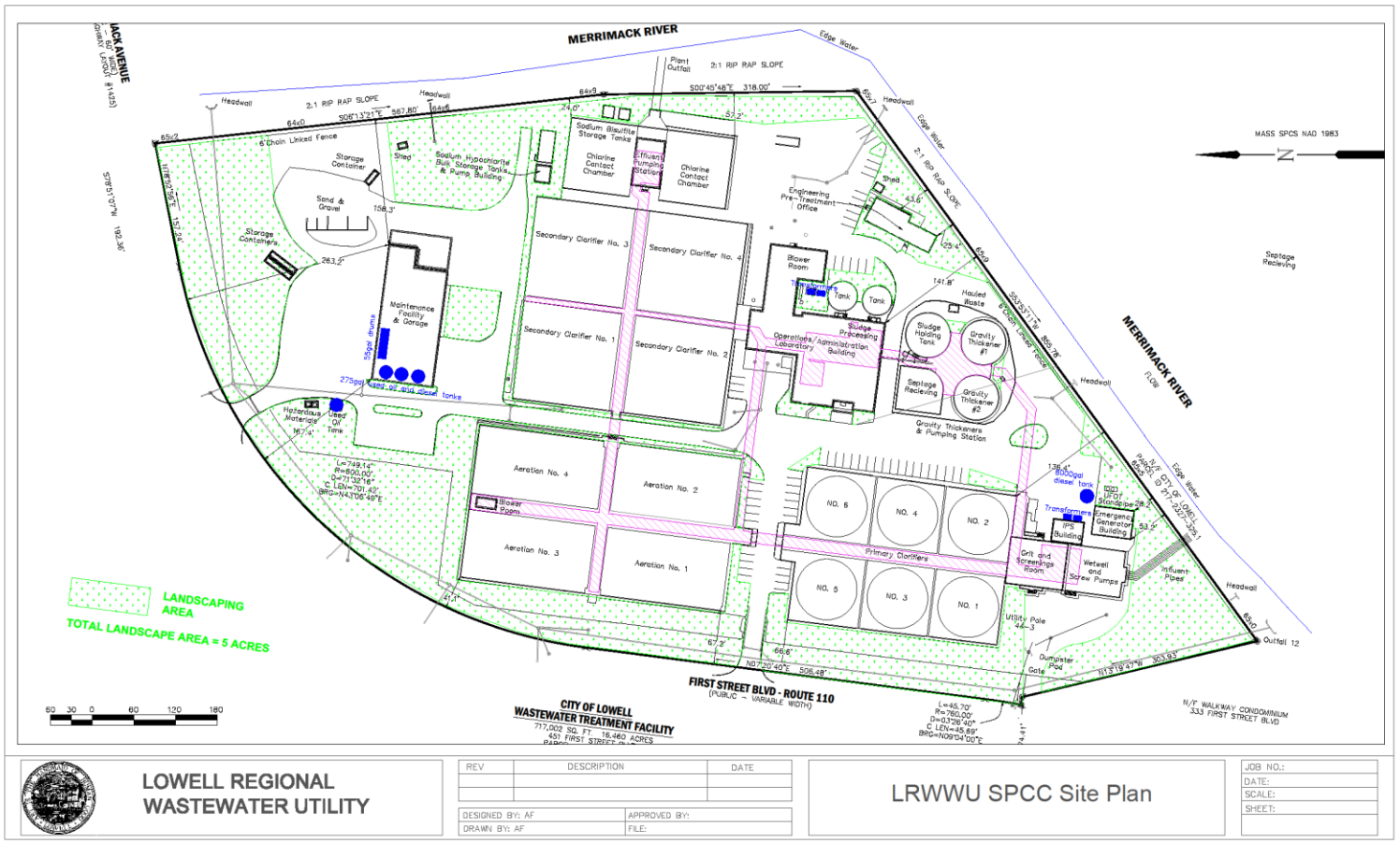
If a field-constructed aboveground container undergoes a repair, alteration, reconstruction, or a change in service that might affect the risk of a discharge the container will be evaluated as necessary. No changes to above ground structures have been made that meet the qualifications of this standard.

Attachment A – Regulatory Cross-References

This table maps the relevant SPCC regulations, presented here in numerical order, to the section(s) of the plan in which that regulatory subject is addressed (§=40 CFR). N/A indicates §112.7

Reference	Regulatory topic	Section of Plan
§112.3(g)(2)	Tier II Qualified Facility	Section A-3
§112.3(g)	Management Approval and Certification	Section A-4
§112.3(g)	Facility Description	Section A-5
§112.5	Review and amendment of the SPCC Plan	Section E-2
§112.6	Qualified facilities plan requirements	Section A-3
§112.7	Plan organization and cross-referencing	Attachment A
§112.7(a)(1)	Conformance description	Section A-7
§112.7(a)(2)	Compliance with key parts, deviations	Section A-7
§112.7(a)(3)	Facility layout and diagram(s)	Section B-1, Attachment B
§112.7(a)(3)(i)	Oil-containing equipment & capacities	Section B-2
§112.7(a)(3)(ii)	Discharge prevention measures, routine handling	Section C-1
§112.7(a)(3)(iii)	Discharge controls, secondary containment, procedures	Section C-1
§112.7(a)(3)(iv)	Discharge countermeasures & response procedures	Section D-1
§112.7(a)(3)(v)	Disposal of recovered materials	Section D-2
§112.7(a)(3)(vi)	Emergency contacts	Section D-3
§112.7(a)(4)	Discharge notification, specific details	Section D-4
§112.7(a)(5)	Organization of discharge response procedures	Section D-5
§112.7(b)	Discharge potential, prediction	Section C-2
§112.7(c)	Containment/diversionary structures	Section C-3
§112.7(d)	Impracticability of containment structures	Section C-5
§112.7(e)	Inspections	Section E-4
§112.7(f)	Training	Section E-3
§112.7(g)	Security	Section E-5
§112.7(h)	Tank car and tank truck loading/unloading rack	Section B-5
§112.7(i)	Field-constructed aboveground containers	Section E-6
§112.7(j)	Conformance with other applicable requirements	N/A
§112.7(k)	Qualified oil-filled operational equipment	Section B-4
§112.8(a)	Meet requirements of 112.7 (see items above)	see above
§112.8(b)	Facility drainage	Section C-4
§112.8(c)	Bulk storage containers	Section B-3
§112.8(d)	Transfer operations, pumping, and facility process	Section C-1
§112.20 Appendix C-II	Applicability of substantial harm criteria	Section A-6

Attachment B – Facility Map(s) and Diagram(s)



Attachment C – SPCC Plan Review and Amendment Log

Review Log

Date	Requirement for Review	Comments

Amendment Log

Date	Requirement for Update	Changes Made to Plan	Revision Number
12/7/18	New Plan	New Plan Written	1

Attachment C - Stormwater Industrial Routine Facility Inspection Report

Instructions:

- Include in your records copies of all routine facility inspection reports completed for the facility.
- The sample inspection report is consistent with the requirements in Part 3.1.2 of the 2015 MSGP relating to routine facility inspections. Facilities subject to state industrial stormwater permits may also find this form useful. **If your permitting authority provides you with an inspection report, use that form.**

Using the Sample Routine Facility Inspection Report

- This inspection report is designed to be customized according to the specific control measures and activities at your facility. For ease of use, you should take a copy of your site plan and number all of the stormwater control measures and areas of industrial activity that will be inspected. A brief description of the control measures and areas that were inspected should then be listed in the site-specific section of the inspection report.
- You can complete the items in the "General Information" section that will remain constant, such as the facility name, NPDES tracking number, and inspector (if you only use one inspector). Print out multiple copies of this customized inspection report to use during your inspections.
- When conducting the inspection, walk the site by following your site map and numbered control measures/areas of industrial activity to be inspected. Also note whether the "Areas of Industrial Materials or Activities exposed to stormwater" have been addressed (customize this list according to the conditions at your facility). Note any required corrective actions and the date and responsible person for the correction.

Stormwater Industrial Routine Facility Inspection Report

General Information			
Facility Name	Duck Island Clean Water Facility		
NPDES Tracking No.	MA0100633		
Date of Inspection	Insert Date	**Start/End Time**	Insert Start/End Time
Inspector's Name(s)	Insert Name		
Inspector's Title(s)	Insert Title		
Inspector's Contact Information	Insert Contact Info		
Inspector's Qualifications	Member of the SWPP Team		

Weather Information

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

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

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

Control Measures

- *Number the structural stormwater control measures identified in your SWPPP on your site map and list them below (add as many control measures as are implemented on-site). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required control measures at your facility.*
- *Identify if maintenance or corrective action is needed.*
  - *If maintenance is needed, fill out section B of this template*
  - *If corrective action is needed, fill out section G of this template*

	Structural Control Measure	Control Measure is Operating Effectively?	If No, In Need of Maintenance, Repair, or Replacement?	Maintenance or Corrective Action Needed and Notes
1	DA-001 Used Oil Tank (outside)	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	Describe Maintenance and/or Corrective Actions Needed
2	DA-001 Used Oil Tank (garage)	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	Describe Maintenance and/or Corrective Actions Needed

	Structural Control Measure	Control Measure is Operating Effectively?	If No, In Need of Maintenance, Repair, or Replacement?	Maintenance or Corrective Action Needed and Notes
3	DA-001 Hazardous Materials Storage Containers	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	Describe Maintenance and/or Corrective Actions Needed
4	DA-002 Silt Fence/Earthen Berm	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	Describe Maintenance and/or Corrective Actions Needed
5	DA-002 Stockpiled Materials Containment	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	Describe Maintenance and/or Corrective Actions Needed
6	DA-002 Salt Shed	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	Describe Maintenance and/or Corrective Actions Needed
7	DA-002 Sodium Hypochlorite Tanks and Containment	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	Describe Maintenance and/or Corrective Actions Needed
8	DA-002 Sodium Bisulfate Tanks and Containment	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	Describe Maintenance and/or Corrective Actions Needed
9	DA-005 Bioretention Area/Swale	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	Describe Maintenance and/or Corrective Actions Needed
10	DA-005 Aboveground Diesel Fuel Storage Tank	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	Describe Maintenance and/or Corrective Actions Needed
	Insert Control Measure Name	❑Yes ❑No	❑ Maintenance ❑ Repair ❑ Replacement	Describe Maintenance and/or Corrective Actions Needed

Areas of Industrial Materials or Activities Exposed to Stormwater

Below are some general areas that should be assessed during routine inspections. Customize this list as needed for the specific types of industrial materials or activities at your facility that are potential pollutant sources. Identify if maintenance or corrective action is needed. If maintenance is needed, fill out section B of this template. If corrective action is needed, fill out section G of this template.

	Area/Activity		Controls Adequate (appropriate, effective and operating)?	Maintenance or Corrective Action Needed and Notes
1	**Evidence spills or leaks at material loading/unloading and storage areas?**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed

	Area/Activity		Controls Adequate (appropriate, effective and operating)?	Maintenance or Corrective Action Needed and Notes
2	**Are there any leaks from the mobile equipment and do they need to be maintained?**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
3	**Evidence spills or leaks at fueling areas?**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
4	**Evidence spills or leaks at outdoor vehicle and equipment washing areas to stormwater system?**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
5	**Evidence spills or leaks at waste handling and disposal areas to stormwater system?**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
6	**Any eroding areas?**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
7	**Any non-stormwater/ illicit connections?**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
8	**Evidence spills or leaks at salt storage piles or pile containing salt?**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
9	**Evidence of dust generation, blowing of materials, and/or vehicle tracking?**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
10	**Evidence spills or leaks at processing areas to stormwater system?**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
11	**Is there evidence of or potential for pollutants in the facility's stormwater drainage system (catch basins, drainage swale, bio-retention pond, infiltration, manholes, etc.)?**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
12	**Are any additional BMPs needed?**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed

	Area/Activity		Controls Adequate (appropriate, effective and operating)?	Maintenance or Corrective Action Needed and Notes
13	**(Other)**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed
14	**(Other)**	❑Yes ❑No ❑ N/A	❑Yes ❑No	Describe Maintenance and/or Corrective Actions Needed

Discharge Points

At discharge points, describe any evidence of, or the potential for, pollutants entering the drainage system. Also describe observations regarding the physical condition of and around all outfalls, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water. Identify if any corrective action is needed.
Describe Discharge Points Observations

Non-Compliance

Describe any incidents of non-compliance observed and not described above:

Additional Control Measures

Describe any additional control measures needed to comply with the permit requirements:

Notes

Use this space for any additional notes or observations from the inspection:

CERTIFICATION STATEMENT

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Print name and title: _____

Signature: _____Date:_____

Attachment D - Maintenance Records

Instructions:

- Include in your records documentation of maintenance and repairs of control measures and industrial equipment (see Part 2.1.2.3 and 5.5), including:
  - the control measure/equipment maintained,
  - date(s) of regular maintenance,
  - date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure/equipment was returned to full function, and
  - the justification for any extended maintenance/repair schedules and the notification to your EPA Region that you need an extension past 45 days to complete repairs/maintenance.
- As a reminder:
  - you are required to take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented.
  - final repair/replacements of stormwater controls should be completed as soon as feasible but no later than 14 days, or if that is infeasible within 45 days.
  - if the completion of stormwater control repairs/replacement will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the maintenance, provided you notify the EPA Regional Office and document your rationale in your SWPPP.
- Provide information, as shown below, to document your maintenance activities for each control measure and industrial equipment. Repeat as necessary by copying and pasting the information below for additional control measures.

Note that maintenance documentation in this section is separate from required corrective action documentation.

Control Measure Maintenance Records (copy information below for each control measure and associated maintenance measure)

Control Measure: DA-002 Silt Fence/Earthen Berm
Regular Maintenance Activities: Describe maintenance activities
Regular Maintenance Schedule: Insert Maintenance Schedule

Date of Maintenance Action: Insert Date of Action
Reason for Action: ☐ **Regular Maintenance** ☐ **Discovery of Problem**
If Problem,
- **Description of Action Required:** Describe actions taken in response to problem
- **Date Control Measure Returned to Full Function:** Insert Date
- **Justification for Extended Schedule, if applicable:** Insert Justification (if applicable)

Notes: Insert Notes (if applicable)

Control Measure: DA-002 Stockpiled Materials Containment
Regular Maintenance Activities: Describe maintenance activities
Regular Maintenance Schedule: Insert Maintenance Schedule

Date of Maintenance Action: Insert Date of Action
Reason for Action: ☐ **Regular Maintenance** ☐ **Discovery of Problem**
If Problem,
- **Description of Action Required:** Describe actions taken in response to problem
- **Date Control Measure Returned to Full Function:** Insert Date
- **Justification for Extended Schedule, if applicable:** Insert Justification (if applicable)

Notes: Insert Notes (if applicable)

Control Measure: DA-005 Bioretention Area/Swale
Regular Maintenance Activities: Describe maintenance activities
Regular Maintenance Schedule: Insert Maintenance Schedule

Date of Maintenance Action: Insert Date of Action
Reason for Action: ☐ **Regular Maintenance** ☐ **Discovery of Problem**
If Problem,
- **Description of Action Required:**
- **Date Industrial Equipment Returned to Full Function:** Insert Date
- **Justification for Extended Schedule, if applicable:** Insert Justification (if applicable)

Notes: Insert Notes (if applicable)

Industrial Equipment and Systems Maintenance Records (copy information below for each industrial equipment/system and associated maintenance measure)

Industrial Equipment/Systems: DA-001 Used Oil Tank
Regular Maintenance Activities: Describe maintenance activities
Regular Maintenance Schedule: Insert Maintenance Schedule

Date of Maintenance Action: Insert Date of Action
Reason for Action: ☐ **Regular Maintenance** ☐ **Discovery of Problem**
If Problem,
- **Description of Action Required:** Describe actions taken in response to problem
- **Date Industrial Equipment Returned to Full Function:** Insert Date
- **Justification for Extended Schedule, if applicable:** Insert Justification (if applicable)

Notes: Insert Notes (if applicable)

Industrial Equipment/Systems: DA-001 Hazardous Materials Storage Containers
Regular Maintenance Activities: Describe maintenance activities
Regular Maintenance Schedule: Insert Maintenance Schedule

Date of Maintenance Action: Insert Date of Action
Reason for Action: ☐ **Regular Maintenance** ☐ **Discovery of Problem**
If Problem,
- **Description of Action Required:** Describe actions taken in response to problem
- **Date Industrial Equipment Returned to Full Function:** Insert Date
- **Justification for Extended Schedule, if applicable:** Insert Justification (if applicable)

Notes: Insert Notes (if applicable)

Industrial Equipment/Systems: DA-002 Salt Shed
Regular Maintenance Activities: Describe maintenance activities
Regular Maintenance Schedule: Insert Maintenance Schedule

Date of Maintenance Action: Insert Date of Action
Reason for Action: ☐ **Regular Maintenance** ☐ **Discovery of Problem**
If Problem,
- **Description of Action Required:** Describe actions taken in response to problem
- **Date Industrial Equipment Returned to Full Function:** Insert Date
- **Justification for Extended Schedule, if applicable:** Insert Justification (if applicable)

Notes: Insert Notes (if applicable)

Industrial Equipment/Systems: DA-002 Sodium Hypochlorite Tanks and Containment
Regular Maintenance Activities: Describe maintenance activities
Regular Maintenance Schedule: Insert Maintenance Schedule

Date of Maintenance Action: Insert Date of Action

Reason for Action: ☐ **Regular Maintenance** ☐ **Discovery of Problem**
If Problem,
- **Description of Action Required:** Describe actions taken in response to problem
- **Date Industrial Equipment Returned to Full Function:** Insert Date
- **Justification for Extended Schedule, if applicable:** Insert Justification (if applicable)

Notes: Insert Notes (if applicable)

Industrial Equipment/Systems: DA-002 Sodium Bisulfate Tanks and Containment
Regular Maintenance Activities: Describe maintenance activities
Regular Maintenance Schedule: Insert Maintenance Schedule

Date of Maintenance Action: Insert Date of Action
Reason for Action: ☐ **Regular Maintenance** ☐ **Discovery of Problem**
If Problem,
- **Description of Action Required:** Describe actions taken in response to problem
- **Date Industrial Equipment Returned to Full Function:** Insert Date
- **Justification for Extended Schedule, if applicable:** Insert Justification (if applicable)

Notes: Insert Notes (if applicable)

Industrial Equipment/Systems: DA-005 Aboveground Diesel Fuel Storage Tank
Regular Maintenance Activities: Describe maintenance activities
Regular Maintenance Schedule: Insert Maintenance Schedule

Date of Maintenance Action: Insert Date of Action
Reason for Action: ☐ **Regular Maintenance** ☐ **Discovery of Problem**
If Problem,
- **Description of Action Required:** Describe actions taken in response to problem
- **Date Industrial Equipment Returned to Full Function:** Insert Date
- **Justification for Extended Schedule, if applicable:** Insert Justification (if applicable)

Notes: Insert Notes (if applicable)

Attachment E - Employee Training Log

Instructions:

- Keep records of employee training, including the date of the training (see Parts 2.1.2.8 and 5.2.5.1 of the 2015 MSGP).
- For in-person training, consider using the tables below to document your employee trainings. For computer-based or other types of training, keep similar records on who was trained, the training date, and the type of training conducted.

Training Date: Insert Date of Training	
Training Description: Insert Description of Training	
Trainer: Insert Trainer(s) names	
Employee(s) trained	**Employee signature**
Insert Name	
Insert Name	
Insert Name	
Insert Name	
Insert Name	
Insert Name	

Training Date: Insert Date of Training	
Training Description: Insert Description of Training	
Trainer: Insert Trainer(s) names	
Employee(s) trained	**Employee signature**
Insert Name	
Insert Name	
Insert Name	
Insert Name	
Insert Name	
Insert Name	

Training Date: Insert Date of Training	
Training Description: Insert Description of Training	
Trainer: Insert Trainer(s) names	
Employee(s) trained	**Employee signature**
Insert Name	
Insert Name	
Insert Name	
Insert Name	
Insert Name	
Insert Name	

Attachment F - Quarterly Visual Assessment Form and Results

Duck Island Quarterly Visual Assessment Form

(Complete a separate form for each outfall you assess)

Name of Facility: Duck Island Clean Water Facility

NPDES Tracking No. MA0100633

Outfall Name: Name

"Substantially Identical Discharge Point"?

☐ Yes (identify substantially identical outfalls):
☒ No

Person(s)/Title(s) collecting sample: Name/Title

Person(s)/Title(s) examining sample: Name/Title

Date & Time Discharge Began:
Enter date and time

Date & Time Sample Collected:
Enter date and time. If sample not taken within first 30 minutes, explain why.

Date & Time Sample Examined:
Enter date and time

Substitute Sample? ☐ No ☐ Yes (identify quarter/year when sample was originally scheduled to be collected):

Nature of Discharge: ☐ Rainfall ☐ Snowmelt

If rainfall: Rainfall Amount: No of inches

Previous Storm Ended > 72 hours Before Start of This Storm? ☐ Yes ☐ No* (explain):

Pollutants Observed

Color ☐ None ☐ Other (describe): _____

Odor ☐ None ☐ Musty ☐ Sewage ☐ Sulfur ☐ Sour ☐ Petroleum/Gas ☐ Solvents ☐ Other (describe): _____

Clarity ☐ Clear ☐ Slightly Cloudy ☐ Cloudy ☐ Opaque ☐ Other

Floating Solids ☐ No ☐ Yes (describe): _____

Settled Solids** ☐ No ☐ Yes (describe): _____

Suspended Solids ☐ No ☐ Yes (describe): _____

Foam (gently shake sample) ☐ No ☐ Yes (describe): _____

Oil Sheen ☐ None ☐ Flecks ☐ Globs ☐ Sheen ☐ Slick ☐ Other (describe): _____

Other Obvious Indicators of Stormwater Pollution ☐ No ☐ Yes (describe): _____

* The 72-hour interval can be waived when the previous storm did not yield a measurable discharge or if you are able to document (attach applicable documentation) that less than a 72-hour interval is representative of local storm events during the sampling period.

** Observe for settled solids after allowing the sample to sit for approximately one-half hour.

Identify probably sources of any observed stormwater contamination. Also, include any additional comments, descriptions of pictures taken, and any corrective actions necessary below (attach additional sheets as necessary).
Insert details

Certification Statement (Refer to MSGP Subpart 11 Appendix B for Signatory Requirements)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

A. Name:

B. Title:

C. Signature:

D. Date Signed:

Attachment G - Deviations in Monitoring Schedule

Instructions:

Include in your records:

- A description of any deviations from the schedule you provided in your SWPPP for visual assessments and/or monitoring (Part 5.5), and
- The reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (Parts 3.2.3 and 6.1.5 of the 2015 MSGP).

Use the fields below to document the deviations. Repeat as necessary for any deviations.

Date: Insert Date
☐ **Visual assessments** ☐ **Monitoring**
Describe deviation from schedule: Describe deviation
Reason for deviation: Describe reason

Date: Insert Date
☐ **Visual assessments** ☐ **Monitoring**
Describe deviation from schedule: Describe deviation
Reason for deviation: Describe reason

Date: Insert Date
☐ **Visual assessments** ☐ **Monitoring**
Describe deviation from schedule: Describe deviation
Reason for deviation: Describe reason

Date: Insert Date
☐ **Visual assessments** ☐ **Monitoring**
Describe deviation from schedule: Describe deviation
Reason for deviation: Describe reason

Attachment H - Monitoring Procedures and Reports

Duck Island Quarterly Indicator Monitoring Report

1. Instructions

The Duck Island Facility must conduct quarterly indicator monitoring per Section 4.7 of the SWPPP and Part 4.2.1. of the MSGP. Results must be reported electronically within 30 days of receiving monitoring results. Any variation to the monitoring schedule must be reported in Attachment G of the SWPPP.

Include copies of all monitoring results (including analytical laboratory data/reports and other monitoring conducted) for the facility in the Storm Water Binder. Also include copies of monitoring data submitted to EPA's NetDMR reporting system.

2. Monitoring Information

General Information			
Facility Name	Duck Island Clean Water Facility		
NPDES Tracking No.	MA0100633		
Date of Monitoring	Insert Date	**Start/End Time**	Insert Start/End Time
Technician's Name(s)	Insert Name		
Technician's Title(s)	Insert Title		
Technician's Contact Information	Insert Contact Info		
Technician's Qualifications	Insert qualifications or add reference to the SWPPP		
Weather Information			
Weather at time of this inspection? ❑ Clear ❑Cloudy ❑ Rain ❑ Sleet ❑ Fog ❑ Snow ❑ High Winds ❑ Other: Temperature:			
Discharge Information			
Nature of discharge? ❑ Rainfall ❑Snowmelt			

3. Monitoring Results

Sample Location(s)	Pollutants to be Sampled	Numeric Limitations	Results
DA-001: Monitoring point #1	Chemical Oxygen Demand (COD)	Report only/No thresholds or baseline values	
	Total Suspended Solids (TSS)	Report only/No thresholds or baseline values	
	pH	Report only/No thresholds or baseline values	
DA-002: Monitoring point #2	Chemical Oxygen Demand (COD)	Report only/No thresholds or baseline values	
	Total Suspended Solids (TSS)	Report only/No thresholds or baseline values	
	pH	Report only/No thresholds or baseline values	
DA-005: Monitoring point #3	Chemical Oxygen Demand (COD)	Report only/No thresholds or baseline values	
	Total Suspended Solids (TSS)	Report only/No thresholds or baseline values	
	pH	Report only/No thresholds or baseline values	

4. Attach Lab Reports (as needed)

Attached copies of analytical laboratory reports here to each Quarterly Indicator Monitoring Report (as necessary).

Duck Island Annual Impaired Waters Monitoring Report

1. Instructions

The Duck Island Facility must conduct quarterly indicator monitoring per Section 4.7 of the SWPPP and Part 4.2.1. of the MSGP. Results must be reported electronically within 30 days of receiving monitoring results. Any variation to the monitoring schedule must be reported in Attachment G of the SWPPP.

Include copies of all monitoring results (including analytical laboratory data/reports and other monitoring conducted) for the facility in the Storm Water Binder. Also include copies of monitoring data submitted to EPA's NetDMR reporting system.

2. Monitoring Information

General Information			
Facility Name	Duck Island Clean Water Facility		
NPDES Tracking No.	MA0100633		
Date of Monitoring	Insert Date	**Start/End Time**	Insert Start/End Time
Technician's Name(s)	Insert Name		
Technician's Title(s)	Insert Title		
Technician's Contact Information	Insert Contact Info		
Technician's Qualifications	Insert qualifications or add reference to the SWPPP		
Weather Information			
Weather at time of this inspection? ❑ Clear ❑Cloudy ❑ Rain ❑ Sleet ❑ Fog ❑ Snow ❑ High Winds ❑ Other: Temperature:			
Discharge Information			
Nature of discharge? ❑ Rainfall ❑Snowmelt			

3. Monitoring Results

Sample Location(s)	Pollutants to be Sampled	Numeric Limitations	Results
DA-001: Monitoring point #1	E. Coli	Not to exceed a geometric mean of 200 organisms in any set of representative samples, nor shall 10% of the samples exceed 400 organisms[1]	
	Total Phosphorus	0.1 mg/L[2]	
DA-002: Monitoring point #2	E. Coli	Not to exceed a geometric mean of 200 organisms in any set of representative samples, nor shall 10% of the samples exceed 400 organisms[1]	
	Total Phosphorus	0.1 mg/L[2]	
DA-005: Monitoring point #3	E. Coli	Not to exceed a geometric mean of 200 organisms in any set of representative samples, nor shall 10% of the samples exceed 400 organisms[1]	
	Total Phosphorus	0.1 mg/L[2]	

[1] Per Draft Pathogen TMDL for the Merrimack River Watershed, Table ES-1: https://www.mass.gov/doc/draft-pathogen-tmdl-report-for-the-merrimack-river-watershed-0/download

[2] Per EPA Gold Book Standards: https://www.epa.gov/wqc/quality-criteria-water-gold-book

4. Attach Lab Reports (as needed)

Attached copies of analytical laboratory reports here to each Quarterly Indicator Monitoring Report (as necessary).

Attachment I - ESA Documentation

Drawn Action Area & Overlapping S7 Consultation Areas

Area of Interest (AOI) Information

Area : 2,637.39 acres

May 18 2021 18:54:53 Eastern Daylight Time

Summary

Name	Count	Area(acres)	Length(mi)
Atlantic Sturgeon	0	0	N/A
Shortnose Sturgeon	0	0	N/A
Atlantic Salmon	0	0	N/A
Sea Turtles	0	0	N/A
Atlantic Large Whales	0	0	N/A
In or Near Critical Habitat	0	0	N/A

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
http://www.fws.gov/newengland

IPaC Record Locator: 883-102377538 May 24, 2021

Subject: Consistency letter for the 'Duck Island MSGP' project indicating that any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

Dear Gorden Bergeron:

The U.S. Fish and Wildlife Service (Service) received on May 24, 2021 your effects determination for the 'Duck Island MSGP' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. You indicated that no Federal agencies are involved in funding or authorizing this Action. This IPaC key assists users in determining whether a non-Federal action may cause "take"[1] of the northern long-eared bat that is prohibited under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

Please report to our office any changes to the information about the Action that you entered into IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation.

If your Action proceeds as described and no additional information about the Action's effects on species protected under the ESA becomes available, no further coordination with the Service is required with respect to the northern long-eared bat.

---

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

Duck Island MSGP

2. Description

The following description was provided for the project 'Duck Island MSGP':

> Notice of Intent for MSGP stormwater permit.

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@42.647268249999996,-71.2883461736939,14z

Determination Key Result

This non-Federal Action may affect the northern long-eared bat; however, any take of this species that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o).

Determination Key Description: Northern Long-eared Bat 4(d) Rule
This key was last updated in IPaC on **May 15, 2017**. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for non-Federal actions is to assist determinations as to whether proposed actions are excepted from take prohibitions under the northern long-eared bat 4(d) rule.

If a non-Federal action may cause prohibited take of northern long-eared bats or other ESA-listed animal species, we recommend that you coordinate with the Service.

Determination Key Result

Based upon your IPaC submission, any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o).

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

   No

2. Will your activity purposefully **Take** northern long-eared bats?

   No

3. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

   Automatically answered
   No

4. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

   Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

   Yes

5. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

   No

6. Will the action involve Tree Removal?

   No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

United States Department of the Interior

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In Reply Refer To: May 24, 2021
Consultation Code: 05E1NE00-2021-SLI-3472
Event Code: 05E1NE00-2021-E-10446
Project Name: Duck Island MSGP

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
(603) 223-2541

Project Summary

Consultation Code: 05E1NE00-2021-SLI-3472
Event Code: 05E1NE00-2021-E-10446
Project Name: Duck Island MSGP
Project Type: WASTEWATER FACILITY
Project Description: Notice of Intent for MSGP stormwater permit.
Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@42.647268249999996,-71.2883461736939,14z

Counties: Middlesex County, Massachusetts

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis*	Threatened

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/9045

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Attachment J - Corrective Action Documentation

Instructions:

Within 24 hours of becoming aware of a condition identified in Parts 4.1 or 4.2 of the 2015 MSGP, document the existence of the condition and subsequent actions. Note that this information must be summarized in the annual report (as required in Part 7.5 of the 2015 MSGP).

Description of Condition: Insert description of condition trigering the need for corrective action
For Spills and Leaks:
Description of Incident: Insert Description
Material: Insert description of material
Date/Time: Insert Date/Time
Amount: Insert Estimated Amount of Spill/Leak
Location: Insert Location of Spill/Leak
Reason for Spill: Insert Reason for Spill/Leak
Discharge to Waters of U.S.: Insert Whether Spill/Leak discharged to a Water of the U.S.
Date: Insert Date Condition was Identified
Immediate Actions: Insert Description of Immediate Actions Taken
Actions Taken within 14 Days: Insert Description of Actions Taken within 14 days of discovery
14 Day Infeasibility: If Applicable, document why it is infeasible to complete necessary installations or repairs within 14-day timeframe and describe schedule
45 Day Extension: If Applicable, document rationale sent to EPA for extension of 45 day timeframe

Description of Condition: Insert description of condition trigering the need for corrective action
For Spills and Leaks:
Description of Incident: Insert Description
Material: Insert description of material
Date/Time: Insert Date/Time
Amount: Insert Estimated Amount of Spill/Leak
Location: Insert Location of Spill/Leak
Reason for Spill: Insert Reason for Spill/Leak
Discharge to Waters of U.S.: Insert Whether Spill/Leak discharged to a Water of the U.S.
Date: Insert Date Condition was Identified
Immediate Actions: Insert Description of Immediate Actions Taken
Actions Taken within 14 Days: Insert Description of Actions Taken within 14 days of discovery
14 Day Infeasibility: If Applicable, document why it is infeasible to complete necessary installations or repairs within 14-day timeframe and describe schedule
45 Day Extension: If Applicable, document rationale sent to EPA for extension of 45 day timeframe

Attachment K - SWPPP Amendment Log

Instructions:

Include in your records:

- A log of the date and description of any amendments to your SWPPP.

Fill in the appropriate columns of this table for each amendment to your SWPPP. Copy and paste additional rows into the table as necessary.

Amend. No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]
1	Insert description of amendment	Insert date	Insert name/title
2	Insert description of amendment	Insert date	Insert name/title
3	Insert description of amendment	Insert date	Insert name/title
4	Insert description of amendment	Insert date	Insert name/title
5	Insert description of amendment	Insert date	Insert name/title
6	Insert description of amendment	Insert date	Insert name/title
7	Insert description of amendment	Insert date	Insert name/title
8	Insert description of amendment	Insert date	Insert name/title
9	Insert description of amendment	Insert date	Insert name/title
10	Insert description of amendment	Insert date	Insert name/title
11	Insert description of amendment	Insert date	Insert name/title

Attachment L – 2021 MSGP

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

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

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

This permit becomes effective on **March 1, 2021.** This permit and the authorization to discharge shall expire at 11:59 pm eastern time, **February 28, 2026.**

Signed and issued this 15th day of January 2021

DENNIS DEZIEL
Digitally signed by DENNIS DEZIEL
Date: 2021.01.15 11:27:28 -05'00'

Dennis Deziel,
Regional Administrator, EPA Region 1.

Signed and issued this 15th day of January 2021

CHARLES MAGUIRE
Digitally signed by CHARLES MAGUIRE
DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=CHARLES MAGUIRE, 0.9.2342.19200300.100.1.1=68001003650036
Date: 2021.01.15 12:41:18 -06'00'

Charles Maguire,
Director, Water Division, EPA Region 6.

Signed and issued this 15th day of January 2021

JEFFREY GRATZ
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Jeffrey Gratz,
Deputy Director, Water Division, EPA Region 2.

Signed and issued this 15th day of January 2021

JEFFERY ROBICHAUD
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Jeffery Robichaud,
Director, Water Division, EPA Region 7.

Signed and issued this 15th day of January 2021

CARMEN GUERRERO PEREZ
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Carmen R. Guerrero-Perez,
Director, Caribbean Environmental Protection Division, EPA Region 2.

Signed and issued this 15th day of January 2021

DARCY OCONNOR
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Darcy O'Connor,
Director, Water Division, EPA Region 8.

Signed and issued this 15th day of January 2021

CATHERINE LIBERTZ
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Catherine A. Libertz,
Director, Water Division, EPA Region 3.

Signed and issued this 15th day of January 2021

TOMAS TORRES
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Date: 2021.01.15 15:00:36 -08'00'

Tomás Torres,
Director, Water Division, EPA Region 9.

Signed and issued this 15th day of January 2021

JEANEANNE GETTLE
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Jeaneanne Gettle,
Director, Water Division, EPA Region 4.

Signed and issued this 15th day of January 2021

DANIEL OPALSKI
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Daniel D. Opalski,
Director, Water Division, EPA Region 10.

Signed and issued this 15th day of January 2021

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Date: 2021.01.15 11:31:25 -06'00'

Tera L. Fong,
Director, Water Division, EPA Region 5.

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1 How to Obtain Coverage Under the 2021 MSGP

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

1.1 Eligibility Conditions

1.1.1 Location of Your Facility. Your facility must be located in an area where EPA is the permitting authority and where coverage under this permit is available (see Appendix C); [1]

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

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

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

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

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

a. Stormwater discharges associated with industrial activity that are currently covered under an individual NPDES permit or an alternative NPDES general permit;

b. Stormwater discharges covered within five years prior to the effective date of this permit by an individual NPDES permit or alternative NPDES general permit where that permit established site-specific numeric water quality-based effluent limitations developed for the industrial stormwater component of the discharge; or

c. Discharges from facilities where any NPDES permit has been or is in the process of being denied, terminated, or revoked by EPA (this does not apply to the routine expiration and reissuance of NPDES permits every five years).

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

[1] This condition also applies in the limited circumstances where your facility is located in a jurisdiction where EPA is not the permitting authority, but your discharge point location is to a water of the United States where EPA is the permitting authority.

1.1.4 **Eligibility Related to Endangered Species Act (ESA) Listed Species and Critical Habitat Protection.** You are able to demonstrate that your stormwater discharges, authorized non-stormwater discharges, and stormwater discharge-related activities are not likely to adversely affect any species that are federally listed as endangered or threatened ("ESA-listed") and are not likely to adversely affect habitat that is designated as "critical habitat" under the Endangered Species Act (ESA), or said discharges and activities were the subject of an ESA Section 7 consultation or an ESA Section 10 permit. You must follow the procedures outlined in the Endangered Species Protection section of the NOI in EPA's NPDES eReporting Tool (NeT-MSGP) and meet one of the criteria listed in Appendix E. You must comply with any measures that formed the basis of your criteria eligibility determination to be in compliance with the MSGP. These measures become permit requirements per Part 2.3. Documentation of these measures must be kept as part of your Stormwater Pollution Prevention Plan (SWPPP) (see Part 6.2.6.1).

1.1.5 **Eligibility related to National Historic Preservation Act (NHPA)-Protected Properties.** You must follow the procedures outlined in the Historic Properties section of the NOI in NeT-MSGP to demonstrate that your stormwater discharges, authorized non-stormwater discharges, and stormwater discharge-related activities meet one of the eligibility criteria in Appendix F.

1.1.6 **Eligibility for "New Dischargers" and "New Sources" (as defined in Appendix A)[2] ONLY**

1.1.6.1 **Eligibility for "New Dischargers" and "New Sources" Based on Water Quality Standards.** Your stormwater discharge must be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards. You are ineligible for coverage under this permit if EPA determines prior to your authorization to discharge that your stormwater discharges will not be controlled as necessary such that the receiving water of the United States will not meet an applicable water quality standard. In such case, EPA may notify you that an individual permit application is necessary per Part 1.3.8, or, alternatively, EPA may authorize your coverage under this permit after you implement additional control measures so that your stormwater discharges will be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards.

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

- **a.** Prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with your SWPPP;
- **b.** When submitting your NOI in NeT-MSGP, provide the technical information or other documentation to support your claim that the pollutant(s) for which the waterbody

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

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

is impaired is not present at your facility, and retain such documentation with your SWPPP; or

c. When submitting your NOI in NeT-MSGP, provide either data or other technical documentation, to support a conclusion that the stormwater discharge will be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards and retain such information with your SWPPP. The information you submit must demonstrate:

i. For discharges to waters without an EPA-approved or established total maximum daily load (TMDL), that the discharge of the pollutant for which the water is impaired will be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards at the point of discharge to the waterbody; or

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

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

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

a. For new dischargers and new sources to Tier 2 or Tier 2.5 waters, your discharge must not lower the water quality of the applicable water. See a list of Tier 2 and Tier 2.5 waters in Appendix L.

b. For new dischargers and new sources to waters designed by a state or tribe as Tier 3 waters[3] (i.e., outstanding national resource waters) for antidegradation purposes under 40 CFR 131.13(a)(3), you are not eligible under this permit and you must apply for an individual permit. See a list of Tier 3 waters in Appendix L.

1.1.7 Eligibility for Discharges to a Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Site. If you discharge to a federal CERCLA Site listed in Appendix P, you must notify the EPA Region 10 Office when submitting your NOI, and the EPA Region 10 Office must determine that you are eligible for permit coverage. In determining eligibility for coverage under this Part, the EPA Region 10 Office may evaluate whether you are implementing or plan to implement adequate controls and/or procedures to ensure that your discharge will not lead to

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

recontamination of aquatic media at the CERCLA Site (i.e., your stormwater discharge will be controlled as necessary such that the receiving water of the United States will meet an applicable water quality standard). If it is determined that your facility discharges to a CERCLA Site listed in Appendix P after you have obtained coverage under this permit, you must contact the EPA Region 10 Office and ensure that you either have implemented or will implement adequate controls and/or procedures to ensure that your discharges will not lead to recontamination of aquatic media at the CERCLA Site such that your stormwater discharge will be controlled as necessary such that the receiving water of the United States will meet an applicable water quality standard.

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

1.2 Types of Discharges Authorized Under the MSGP[4]

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

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

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

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

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

Table 1-1. Stormwater-Specific Effluent Limitations Guidelines

Regulated Discharge	40 CFR Section	MSGP Sector	New Source Performance Standard (NSPS)	New Source Date
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A	Yes	1/26/81
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	C	Yes	4/8/74
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D	Yes	7/28/75
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E	Yes	2/20/74

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

Regulated Discharge	40 CFR Section	MSGP Sector	New Source Performance Standard (NSPS)	New Source Date
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J	No	N/A
Runoff from hazardous waste and non-hazardous waste landfills	Part 445, Subparts A and B	K, L	Yes	2/2/00
Runoff from coal storage piles at steam electric generating facilities	Part 423	O	Yes	11/19/82 (10/8/74)[1]
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449	S	Yes	6/15/1

[1] NSPS promulgated in 1974 were not removed via the 1982 regulation; therefore, wastewaters generated by 40 CFR Part 423-applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS.

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

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

a. Discharges from emergency/unplanned fire-fighting activities;

b. Fire hydrant flushings;

c. Potable water, including uncontaminated water line flushings;

d. Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gases or liquids;

e. Irrigation/landscape drainage, provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;

f. Pavement wash waters, provided that detergents or hazardous cleaning products are not used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities (see Part 6.2.3), or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);

g. External building/structure washdown / power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach,

hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);

h. Uncontaminated ground water or spring water;

i. Foundation or footing drains where flows are not contaminated with process materials;

j. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown; drains); and

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

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

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

a. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;

b. Water used to control dust; and

c. Dewatering water that has been treated by an appropriate control under Parts 8.G.4.2.9, 8.H.4.2.9, or 8.J.4.2.9.

1.3 Obtaining Authorization to Discharge

1.3.1 Prepare Your Stormwater Pollution Prevention Plan (SWPPP) Prior to Submitting Your Notice of Intent (NOI). You must develop a SWPPP or update your existing SWPPP per Part 6 prior to submitting your NOI for coverage under this permit, per Part 1.3.2 below. You must make your SWPPP publicly available by either attaching it to your NOI, including a URL in your NOI, or providing additional information from your SWPPP on your NOI, per Part 6.4.

1.3.2 How to Submit Your NOI to Get Permit Coverage. To be covered under this permit, you must use EPA's NPDES eReporting Tool for the MSGP (NeT-MSGP) to electronically prepare and submit to EPA a complete and accurate NOI by the deadline applicable to your facility presented in Table 1-2. The NOI certifies to EPA that you are eligible for coverage according to Part 1.1 and provides information on your industrial activities

and related discharges. Per Part 7.1, you must submit your NOI electronically via NeT-MSGP, unless the applicable EPA Regional Office grants you a waiver from electronic reporting, in which case you may use the paper NOI form in Appendix G. To access NeT-MSGP, go to https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#accessingmsgp

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

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

Category of Facility/Operator	NOI Submission Deadline	Discharge Authorization Date[1, 2]
Existing MSGP facility. Operators of industrial activities whose stormwater discharges were covered under the 2015 MSGP.	No later than May 30, 2021.	30 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization has been denied or delayed. Note: You must review and update your SWPPP to ensure that this permit's requirements are addressed prior to submitting your NOI. Provided you submit your NOI in accordance with the deadline, your authorization under the 2015 MSGP is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
Operator operating consistent with EPA's No Action Assurance and submitted an Intent to Operate (ITO) form. Operators of industrial activities who commenced discharging between June 4, 2020 and March 1, 2021 and have been operating consistent with EPA's June 3, 2020 'No Action Assurance for the NPDES Stormwater Multi-Sector General Permit for Industrial Activities.'	As soon as possible, but see the June 3, 2020 'No Action Assurance for the NPDES Stormwater Multi-Sector General Permit for Industrial Activities' (and any updates to that document) for additional guidance on deadlines.	30 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization has been denied or delayed.
New facility without MSGP coverage. Operators of industrial activities that will commence discharging after March 1, 2021.	At least 30 calendar days prior to commencing discharge.	30 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization has been denied or delayed.
Existing facility covered under an alternative permit. Operators seeking coverage for stormwater discharges previously covered under an individual permit or an alternative general permit.	At least 30 calendar days prior to commencing discharge.	

Category of Facility/Operator	NOI Submission Deadline	Discharge Authorization Date[1, 2]
Existing MSGP facility with a new operator. New operators of existing industrial activities with stormwater discharges previously authorized under the 2021 MSGP.	At least 30 calendar days prior to the date of transfer of control to the new operator.	
Existing facility without MSGP coverage. Operators of industrial activities that commenced discharging prior to March 1, 2021, but whose stormwater discharges were not covered under the 2015 MSGP or another NPDES permit and have not been operating consistent with EPA's No Action Assurance for EPA's NPDES MSGP.	Immediately; your stormwater discharges are currently unpermitted.[1]	

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

[2] Discharges are not authorized if your NOI is incomplete or inaccurate or if you are ineligible for permit coverage.

1.3.4 **Modifying your NOI.** If after submitting your NOI, you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT-MSGP. Per Part 7.1, you must submit your Change NOI electronically via NeT-MSGP, unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you may use the suggested format for the paper Change NOI form.

1.3.4.1 For an existing operator, if any of the information supplied on the NOI changes, you must submit a Change NOI form within thirty (30) calendar days after the change occurs.

1.3.4.2 At a facility where there is a transfer in operator or a new operator takes over operational control at an existing facility, the new operator must submit a new NOI no later than thirty (30) calendar days after a change in operators. The previous operator must submit a Notice of Termination (NOT) no later than thirty (30) calendar days after MSGP coverage becomes active for the new operator, as specified in Part 1.4.

1.3.5 **Requirement to Post a Sign of your Permit Coverage.** You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to your facility. Public signage is not required where other laws or local ordinances prohibit such signage, in which case you must document in your SWPPP a brief explanation for why you cannot post a sign and a reference to the law or ordinance. You must use a font large enough to be readily viewed from a public right-of-way and perform periodic maintenance of the sign to ensure that it remains legible, visible, and factually correct. At minimum, the sign must include:

1.3.5.1 The following statement: "[*Name of facility*] is permitted for industrial stormwater discharges under the U.S. EPA's Multi-Sector General Permit (MSGP)";

1.3.5.2 Your NPDES ID number;

1.3.5.3 A contact phone number for obtaining additional facility information;

1.3.5.4 **One** of the following:

a. The Uniform Resource Locator (URL) for the SWPPP (if available), and the following statement: "To report observed indicators of stormwater pollution, contact [*optional: include facility point of contact and*] EPA at: [*include the applicable MSGP Regional Office contact information found at https://www.epa.gov/npdes/contact-us-stormwater#regional*]; **or**

b. The following statement: "To obtain the Stormwater Pollution Prevention Plan (SWPPP) for this facility or to report observed indicators of stormwater pollution, contact [*optional: include facility point of contact and*] EPA at [*include the applicable MSGP Regional Office contact information found at https://www.epa.gov/npdes/contact-us-stormwater#regional*]."

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

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

1.3.6.2 You receive coverage under a different NPDES permit or a reissued or replacement version of this permit after it expires on February 28, 2026; or

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

1.3.7 **Continuation of Coverage for Existing Operators After the Permit Expires**

1.3.7.1 Note that if the 2021 MSGP is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act (see 40 CFR 122.6) and remain in force and effect for operators that were covered prior to its expiration. All operators authorized to discharge prior to the expiration date of the 2021 MSGP will automatically remain covered under the 2021 MSGP until the earliest of:

a. The date the operator is authorized for coverage under a new version of the MSGP following the timely submittal of a complete and accurate NOI. Note that if a timely NOI for coverage under the reissued or replacement permit is not submitted, coverage will terminate on the date that the NOI was due; or

b. The date of the submittal of a Notice of Termination; or

c. Issuance of an individual permit for the facility's discharge(s); or

d. A final permit decision by EPA not to reissue the MSGP, at which time EPA will identify a reasonable time period for covered operators to seek coverage under an alternative general permit or an individual permit. Coverage under the 2021 MSGP will terminate at the end of this time period.

1.3.7.2 EPA reserves the right to modify or revoke and reissue the 2021 MSGP under 40 CFR 122.62 and 63, in which case operators will be notified of any relevant changes or procedures to which they may be subject. If EPA fails to issue another general permit prior to the expiration of a previous one, EPA does not have the authority to provide coverage to industrial operators not already covered under that prior general permit. If the five-year expiration date for the 2021 MSGP has passed and a new MSGP has not

been reissued, new operators seeking discharge authorization should contact EPA regarding the options available, such as applying for individual permit coverage.

1.3.8 **Coverage Under Alternative Permits.** EPA may require you to apply for and/or obtain authorization to discharge under an alternative permit, i.e., either an individual NPDES permit or an alternative NPDES general permit, in accordance with 40 CFR 122.64 and 124.5. If EPA requires you to apply for an alternative permit, the Agency will notify you in writing that a permit application or NOI is required. This notification will include a brief statement of the reasons for this decision and will contain alternative permit application or NOI requirements, including deadlines for completing your application or NOI.

1.3.8.1 **Denial of Coverage for New or Previously Unpermitted Facilities.** For new or previously unpermitted facilities, following the submittal of your NOI, you may be denied coverage under this permit and must apply for and/or obtain authorization to discharge under an alternative permit.

1.3.8.2 **Loss of Authorization Under the 2021 MSGP for Existing Permitted Facilities.** If your stormwater discharges are covered under this permit, you may receive a written notification that you must either apply for coverage under an individual NPDES permit or submit an NOI for coverage under an alternative general NPDES permit. In addition to the reasons for the decision and alternative permit application or NOI deadlines, the notice will include a statement that on the effective date of your alternative permit coverage, your coverage under the 2021 MSGP will terminate. EPA will terminate your MSGP permit coverage in NeT-MSGP at that time. EPA may grant additional time to submit the application or NOI if you request it. If you fail to submit an alternative permit application or NOI as required by EPA, then your authorization to discharge under the 2021 MSGP is terminated at the end of the day EPA required you to submit your alternative permit application or NOI. EPA may take appropriate enforcement action for any unpermitted discharge.

1.3.8.3 **Operators Requesting Coverage Under an Alternative Permit.** You may request to be covered under an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of 40 CFR 122.28(b)(3)(iii), with reasons supporting the request, to the applicable EPA Regional Office listed in Part 7.8 of this permit. The request may be granted by issuance of an individual permit if your reasons are adequate to support the request. When you are authorized to discharge under an alternative permit, your authorization to discharge under the 2021 MSGP is terminated on the effective date of the alternative permit.

1.4 Terminating Permit Coverage

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

Your authorization to discharge under this permit terminates at midnight of the day that you are notified that your complete NOT has been processed. If you submit a NOT without meeting one or more of the conditions in Part 1.4.2 then your NOT is not valid.

Until you terminate permit coverage, you must comply with all conditions and effluent limitations in the permit.

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

1.4.2.1 A new owner or operator has received authorization to discharge under this permit; or

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

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

1.4.2.4 You obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit, unless EPA terminates your coverage for you per Part 1.3.8.

1.5 Conditional Exclusion for No Exposure

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

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

1.6 Permit Compliance

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

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

1.7 Severability

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. EPA's intent is that the permit is to remain in effect to the extent possible; in the

event that any part of this permit is invalidated, EPA will advise the regulated community as to the effect of such invalidation.

2. Control Measures and Effluent Limits

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

2.1 Stormwater Control Measures

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

The selection, design, installation, and implementation of control measures to comply with Part 2 must be in accordance with good engineering practices and manufacturer's specifications. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures, consistent with Part 6.2.4. You must modify your stormwater control measures per Part 5.1 if you find that your control measures are not achieving their intended effect of minimizing pollutant discharges (i.e., your discharges will be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards or meet any of the other non-numeric effluent limits in this permit). Regulated stormwater discharges from your facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at your facility.

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

2.1.1.1 Preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;

2.1.1.2 Using stormwater control measures in combination may be more effective than using control measures in isolation for minimizing pollutants in your stormwater discharge;

2.1.1.3 Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective stormwater control measures that will achieve the limits in this permit;

2.1.1.4 Minimizing impervious areas at your facility and infiltrating stormwater onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce the frequency and volume of discharges and improve ground water recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;

2.1.1.5 Attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;

2.1.1.6 Conserving and/or restoring riparian buffers will help protect streams from stormwater discharges and improve water quality;

2.1.1.7 Using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants; and

2.1.1.8 Implementing structural improvements, enhanced/resilient pollution prevention measures, and other mitigation measures can help to minimize impacts from stormwater discharges from major storm events such as hurricanes, storm surge, extreme/heavy precipitation,[5] and flood events. If such stormwater control measures are already in place due to existing requirements mandated by other state, local or federal agencies, you should document in your SWPPP a brief description of the controls and a reference to the existing requirement(s). If your facility may be exposed to or has previously experienced such major storm events,[6] additional stormwater control measures that may be considered include, but are not limited to:

a. Reinforce materials storage structures to withstand flooding and additional exertion of force;

b. Prevent floating of semi-stationary structures by elevating to the Base Flood Elevation (BFE)[7] level or securing with non-corrosive device;

c. When a delivery of exposed materials is expected, and a storm is anticipated within 48 hours, delay delivery until after the storm or store materials as appropriate (refer to emergency procedures);

d. Temporarily store materials and waste above the BFE level;

e. Temporarily reduce or eliminate outdoor storage;

f. Temporarily relocate any mobile vehicles and equipment to higher ground;

g. Develop scenario-based emergency procedures for major storms that are complementary to regular stormwater pollution prevention planning and identify emergency contacts for staff and contractors; and

[5] Heavy precipitation refers to instances during which the amount of rain or snow experienced in a location substantially exceeds what is normal. What constitutes a period of heavy precipitation varies according to location and season. Heavy precipitation does not necessarily mean the total amount of precipitation at a location has increased—just that precipitation is occurring in more intense or more frequent events.

[6] To determine if your facility is susceptible to an increased frequency of major storm events that could impact the discharge of pollutants in stormwater, you may reference FEMA, NOAA, or USGS flood map products at https://www.usgs.gov/faqs/where-can-i-find-flood-maps?qt-news_science_products=0#qt-news_science_products.

[7] Base Flood Elevation (BFE) is the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE. (Source: https://www.fema.gov/node/404233). The FEMA Flood Map Service Center can be accessed through https://msc.fema.gov/portal/search.

h. Conduct staff training for implementing your emergency procedures at regular intervals.

Note: Part 2.1.1 requires that you must consider Parts 2.1.1.1 through 2.1.1.8 when selecting and designing control measures to minimize pollutant discharges via stormwater. Part 2.1.1 does not require nor prescribe specific control measure to be implemented; however, you must document in your SWPPP per Part 6.2.4 the considerations made to select and design control measures at your facility to minimize pollutants discharged via stormwater.

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

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

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

a. Use grading, berming or curbing to prevent discharges of contaminated flows and divert run-on away from these areas;

b. Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge;

c. Store leaky vehicles and equipment indoors;

d. Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent discharges and run-on and also that capture any overspray; and

e. Drain fluids from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks.

[8] BPT is Best Practicable Control Technology Currently Available, as set forth in CWA section 304(b)(1) and Appendix A; BAT is Best Available Technology Economically Achievable, as set forth in CWA section 304(b)(2) and Appendix A; and BCT is Best Conventional Pollutant Control Technology, as set forth in CWA section 304(b)(4) and Appendix A.

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

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

a. Sweep or vacuum at regular intervals or, alternatively, wash down the area and collect and/or treat, and properly dispose of the washdown water;

b. Store materials in appropriate containers;

c. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment). Consistent with Part 1.2.2 above, this permit does not authorize dry weather discharges from dumpsters or roll off boxes;*

d. Minimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged.

e. Plastic Materials Requirements: Facilities that handle pre-production plastic must implement control measures to eliminate discharges of plastic in stormwater.[9] Examples of plastic material required to be addressed as stormwater pollutants include plastic resin pellets, powders, flakes, additives, regrind, scrap, waste and recycling.

2.1.2.3 **Maintenance.**

a. **Maintenance Activities.** You must maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges. This includes:

ii. Performing inspections and preventive maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in discharges of pollutants via stormwater.

iii. Maintaining non-structural control measures (e.g., keep spill response supplies available, personnel appropriately trained).

iv. Inspecting and maintaining baghouses at least quarterly to prevent the escape of dust from the system and immediately removing any accumulated dust at the base of the exterior baghouse.*

[9] Examples of appropriate control measures include but are not limited to: installing a containment system, or other control, at each on-site storm drain discharge point down gradient of areas containing plastic material, designed to trap all particles retained by a 1 mm mesh screen; using a durable sealed container designed not to rupture under typical loading and unloading activities at all points of plastic transfer and storage; using capture devices as a form of secondary containment during transfers, loading, or unloading plastic materials, such as catch pans, tarps, berms or any other device that collects errant material; having a vacuum or vacuum-type system for quick cleanup of fugitive plastic material available for employees; for facilities that maintain outdoor storage of plastic materials, do so in a durable, permanent structure that prevents exposure to precipitation that could cause the material to be discharged via stormwater.

v. Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth, or in line with manufacturer specifications, whichever is lower, and keeping the debris surface at least six inches below the lowest outlet pipe.*

b. **Maintenance Deadlines**.

ii. If you find that your control measures need routine maintenance, you must conduct the necessary maintenance immediately in order to minimize pollutant discharges.

iii. If you find that your control measures need to be repaired or replaced, you must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events. Final repairs/replacement of stormwater controls should be completed as soon as feasible but must be no later than the timeframe established in Part 5.1.3 for corrective actions, i.e., within 14 days or, if that is infeasible, within 45 days. If the completion of stormwater control repairs/replacement will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the maintenance, provided that you notify the EPA Regional Office of your intention to exceed 45 days, and document in your SWPPP your rationale for your modified maintenance timeframe. If a control measure was never installed, was installed incorrectly or not in accordance with Parts 2 and/or 8, or is not being properly operated or maintained, you must conduct corrective action as specified in Part 5.1.

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

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

a. Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;

b. Use drip pans and absorbents if leaky vehicles and/or equipment are stored outdoors;

c. Use spill/overflow protection equipment;

d. Plainly label containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides") that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;*

e. Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;

f. Develop training on the procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;

g. Keep spill kits onsite, located near areas where spills may occur or where a rapid response can be made; and

h. Notify appropriate facility personnel when a leak, spill, or other release occurs.

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

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

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

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

2.1.2.8 Employee Training.

a. Types of Personnel Who Require Training. You must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to comply with this permit (e.g., inspectors, maintenance personnel), including all members of your stormwater pollution prevention team. You must ensure the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:

i. Personnel who are responsible for the design, installation, maintenance, and/or repair of controls (including pollution prevention measures);

ii. Personnel responsible for the storage and handling of chemicals and materials that could become pollutants discharged via stormwater;

iii. Personnel who are responsible for conducting and documenting monitoring and inspections as required in Parts 3 and 4; and

iv. Personnel who are responsible for taking and documenting corrective actions as required in Part 5.

b. Areas of Required Training. Personnel must be trained in at least the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

i. An overview of what is in the SWPPP;

ii. Spill response procedures, good housekeeping, maintenance requirements, and material management practices;

iii. The location of all the controls required by this permit, and how they are to be maintained;

iv. The proper procedures to follow with respect to the permit's pollution prevention requirements; and

v. When and how to conduct inspections, record applicable findings, and take corrective actions; and

vi. The facility's emergency procedures, if applicable per Part 2.1.1.8.

2.1.2.9 Non-Stormwater Discharges. You must evaluate for the presence of non-stormwater discharges. You must eliminate any non-stormwater discharges not explicitly authorized in Part 1.2.2 or covered by another NPDES permit, including vehicle and equipment/tank wash water (except for those authorized in Part 1.2.2.3 for Sectors G, H, and J). If not covered under a separate NPDES permit, wastewater, wash water and any other unauthorized non-stormwater must be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or otherwise disposed of appropriately.

2.1.2.10 Dust Generation and Vehicle Tracking of Industrial Materials. You must minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutants discharged via stormwater.

2.1.3 **Numeric Effluent Limitations Based on Effluent Limitations Guidelines.** If you are in an industrial category subject to one of the effluent limitations guidelines identified in Table 4-3 (see Part 4.2.3.1), you must meet the effluent limits referenced in Table 2-1 below:

Table 2-1. Applicable Effluent Limitations Guidelines

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

2.2 Water Quality-Based Effluent Limitations

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

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

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

2.2.2 **Discharges to Water Quality-Impaired Waters.** You are considered to discharge to an impaired water if the first water of the United States to which your discharge is

identified by a state, tribe or EPA as not meeting an applicable water quality standard, and:

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

Note: For discharges that enter a separate storm sewer system[10] prior to discharge, the first water of the United States to which you discharge is the waterbody that receives the water from the storm sewer system.

2.2.2.1 **Existing Discharge to an Impaired Water with an EPA-Approved or Established TMDL.** If you discharge to an impaired water with an EPA-approved or established TMDL, EPA will inform you whether any additional measures are necessary for your discharge to be consistent with the assumptions and requirements of the applicable TMDL and its wasteload allocation, or if coverage under an individual permit is necessary per Part 1.3.8.

2.2.2.2 **Existing Discharger to an Impaired Water without an EPA-Approved or Established TMDL.** If you discharge to an impaired water without an EPA-approved or established TMDL, you are still required to comply with Part 2.2.1 and the monitoring requirements of Part 4.2.5.1. Note that the impaired waters monitoring requirements of Part 4.2.5.1 also apply where EPA determines that your discharge is not controlled as necessary such that the receiving water of the United States will not meet applicable water quality standards in an impaired downstream water segment, even if your discharge is initially to a receiving water(s) that is not identified as impaired according to Part 2.2.2.

2.2.2.3 **New Discharger or New Source to an Impaired Water.** If your authorization to discharge under this permit relied on Part 1.1.6.2 for a new discharger or a new source to an impaired water, you must implement and maintain any measures that enabled you to become eligible under Part 1.1.6.2, and modify such measures as necessary pursuant to any Part 5 corrective actions. You also must comply with Part 2.2.1 and the monitoring requirements of Parts 4.2.5.1.

2.2.3 **Tier 2 Antidegradation Requirements for New Dischargers, New Sources, or Increased Discharges.** If you are a new discharger or a new source (as defined in Appendix A), or an existing discharger required to notify EPA of an increased discharge consistent with Part 7.6 (i.e., a "planned changes" report), and you discharge directly to waters designated by a state or tribe as Tier 2 or Tier 2.5 for antidegradation purposes under 40 CFR 131.12(a), EPA may require that you undertake additional control measures as necessary to ensure compliance with the applicable antidegradation requirements, or notify you that an individual permit application is necessary in accordance with Part 1.3.8. See list of Tier 2 and 2.5 waters in Appendix L.

2.3 **Requirements Relating to Endangered Species, Historic Properties, and CERCLA Sites**

If your eligibility under either Part 1.1.4, Part 1.1.5, and/or Part 1.1.7 was made possible through your, or another operator's, agreement to undertake additional measures, you must comply with all such measures to maintain eligibility under the MSGP. Note that if

[10] Separate storm systems include both municipal storm sewer systems (MS4s) and non-municipal separate storm sewers. Separate storm systems do not include combined sewer systems or sanitary sewer systems.

at any time you become aware, or EPA determines, that your discharges and/or discharge-related activities have the potential to adversely affect listed species and/or critical habitat, have an effect on historic properties, or that your facility discharges to a CERCLA Site listed in Appendix P after you have obtained coverage under this permit, EPA may inform you of the need to implement additional measures on a site-specific basis to meet the effluent limits in this permit, or require you to obtain coverage under an individual permit.

3. Inspections

3.1 Routine Facility Inspections

3.1.1 **Inspection Personnel.** Qualified personnel (as defined in Appendix A) must perform the inspections. The qualified personnel may be a member of your stormwater pollution prevention team, or if the qualified personnel is a third-party you hire (i.e., a contractor), at least one member of your stormwater pollution prevention team must participate in the inspection. Inspectors must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

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

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

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

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

3.1.2.4 Discharge points; and

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

3.1.3 **What You Must Look for During an Inspection.** During the inspection, the qualified personnel must examine or look out for, including, but not limited to, the following:

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

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

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

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

3.1.3.5 Erosion of soils at your facility, channel and streambank erosion and scour in the immediate vicinity of discharge points, per Part 2.1.2.5;

3.1.3.6 Non-authorized non-stormwater discharges, per Part 2.1.2.9;

3.1.3.7 Control measures needing replacement, maintenance or repair; and

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

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

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

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing) are not required to meet the "no industrial materials or activities exposed to stormwater" standard to be eligible for this exception from routine inspections, per Parts 8.G.8.4, 8.H.9.1, and 8.J.9.1.

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

Do not submit your routine facility inspection report to EPA, unless specifically requested to do so. However, you must summarize your findings in the Annual Report per Part 7.4. Document all findings, including but not limited to, the following information.

3.1.6.1 The inspection date and time;

3.1.6.2 The name(s) and signature(s) of the inspector(s);

3.1.6.3 Weather information;

3.1.6.4 All observations relating to the implementation of stormwater control measures at the facility, including:

- **a.** A description of any stormwater discharges occurring at the time of the inspection;
- **b.** Any previously unidentified stormwater discharges from and/or pollutants at the facility;
- **c.** Any evidence of, or the potential for, pollutants entering the stormwater drainage system;
- **d.** Observations regarding the physical condition of and around all stormwater discharge points, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
- **e.** Any stormwater control measures needing maintenance, repairs, or replacement;

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

3.1.6.6 Any incidents of noncompliance; and

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

3.2 Quarterly Visual Assessment of Stormwater Discharges

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

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

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

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

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

3.2.2.4 Visually inspect or observe for the following water quality characteristics, which may be evidence of stormwater pollution:

a. Color;

b. Odor;

c. Clarity (diminished);

d. Floating solids;

e. Settled solids;

f. Suspended solids;

g. Foam;

h. Oil sheen; and

i. Other obvious indicators of stormwater pollution.

3.2.2.5 Whenever the visual assessment shows evidence of stormwater pollution in the discharge, you must initiate the corrective action procedures in Part 5.1.1.

3.2.3 **Visual Assessment Documentation**. You must document the results of your visual assessments and maintain this documentation onsite with your SWPPP as required in Part 6.5. Any corrective action required as a result of a quarterly visual assessment must be conducted consistent with Part 5 of this permit. You are not required to submit your visual assessment findings to EPA, unless specifically requested to do so. However, you must summarize your findings in the annual report per Part 7.4. Your documentation of the visual assessment must include, but not be limited to:

3.2.3.1 Sample location(s);

3.2.3.2 Sample collection date and time, and visual assessment date and time for each sample;

3.2.3.3 Personnel collecting the sample and conducting visual assessment, and their signatures;

3.2.3.4 Nature of the discharge (i.e., stormwater from rain or snow);

3.2.3.5 Results of observations of the stormwater discharge;

3.2.3.6 Probable sources of any observed stormwater contamination;

3.2.3.7 If applicable, why it was not possible to take samples within the first 30 minutes; and

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

3.2.4 Exceptions to Quarterly Visual Assessments

3.2.4.1 **Adverse Weather Conditions.** When adverse weather conditions prevent the collection of stormwater discharge sample(s) during the quarter, you must take a substitute

sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with your SWPPP records as described in Part 6.5. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, or situations that otherwise make sampling impractical, such as extended frozen conditions.

3.2.4.2 **Climates with Irregular Stormwater Discharges.** If your facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) or in an area where freezing conditions exist that prevent discharges from occurring for extended periods, then your samples for the quarterly visual assessments may be distributed during seasons when precipitation more regularly occurs.

3.2.4.3 **Areas that Receive Snow.** If the facility is in an area that typically receives snow and the facility receives snow at least once over a period of four quarters, at least one quarterly visual assessment must capture snowmelt discharge, as described in Part 4.1.3, taking into account the exception described above for climates with irregular stormwater discharges.

3.2.4.4 **Inactive and Unstaffed Facilities.** The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must maintain a statement in your SWPPP per Part 6.2.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Appendix B, Subsection 11. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies, and you must immediately resume quarterly visual assessments. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility becomes inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part 6.5. Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the "no industrial materials or activities exposed to stormwater" standard to be eligible for this exception from quarterly visual assessments, consistent with the requirements established in Parts 8.G.8.4, 8.H.9.1, and 8.J.9.1.

3.2.4.5 **Substantially Identical Discharge Points (SIDP).** If your facility has two or more discharge points that discharge substantially identical stormwater effluents, as documented in Part 6.2.5.3, you may conduct quarterly visual assessments of the discharge at just one of the discharge points and report that the results also apply to the SIDPs provided that you conduct visual assessments on a rotating basis of each SIDP throughout the period of your coverage under this permit. If stormwater contamination is identified through visual assessment conducted at a SIDP, you must assess and modify your stormwater control measures as appropriate for each discharge point represented by the monitored discharge point.

4. Monitoring

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

4.1 Monitoring Procedures

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

4.1.2 Commingled Discharges. If any authorized stormwater discharges commingle with discharges not authorized under this permit, you must conduct any required sampling of the authorized discharges at a point before they mix with other waste streams, to the extent practicable.

4.1.3 Measurable Storm Events. You must conduct all required monitoring on a storm event that results in an actual discharge ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (three days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, you must conduct monitoring at a time when a measurable discharge occurs.

For each monitoring event, except snowmelt monitoring, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, you must identify the date of the sampling event.

4.1.4 Sample Type. You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 4.1.3. You must collect samples within the first 30 minutes of a discharge associated with a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, you must collect the sample as soon as possible after the first 30 minutes and keep documentation with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, you must take samples during a period with a measurable discharge.

For indicator monitoring and benchmark monitoring, you may choose to use a composite sampling method instead of taking grab samples. This composite method may be either flow-weighted or time-weighted and performed manually or with the use of automated sampling equipment. For the purposes of this permit, a flow-

weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant or variable time interval, where the volume of each aliquot included in the composite sample is proportional to the estimated or measured incremental discharge volume at the time of the aliquot collection compared to the total discharge volume estimated or measured over the monitoring event. For the purposes of this permit, a time-weighted composite sample means a composite sample consisting of a mixture of equal volume aliquots collected at a regular defined time interval over a specific period of time. Composite sampling must be initiated during the first 30 minutes of the same storm event. If it is not possible to initiate composite sampling within the first 30 minutes of a measurable storm event, you must initiate composite sampling as soon as possible after the first 30 minutes and keep documentation with the SWPPP explaining why it was not possible to initiate composite sampling within the first 30 minutes. You must submit all monitoring results to EPA per Part 4.1.9. Composite sampling may not be used in situations where hold times for processing or sample preservation requirements cannot be satisfied. For parameters measured in-situ with a probe or meter such as dissolved oxygen, conductivity, pH, or temperature, the composite sampling method shall be modified by calculating an average all individual measurements, weighted by flow volume if applicable.

4.1.5 **Adverse Weather Conditions.** When adverse weather conditions as described in Part 3.2.4.1 prevent the collection of stormwater discharge samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to file a benchmark monitoring report in accordance with your sampling schedule. As specified in Part 7.4, you must indicate in Net-DMR any failure to monitor during the regular reporting period.

4.1.6 **Facilities in Climates with Irregular Stormwater Discharges.** If your facility is located in areas where limited rainfall occurs during parts of the year (e.g., arid or semi-arid climates) or in areas where freezing conditions exist that prevent discharges from occurring for extended periods, you may distribute your required monitoring events during seasons when precipitation occurs, or when snowmelt results in a measurable discharge from your facility. You must still collect the required number of samples. As specified in Part 7.4, you must also indicate in Net-DMR that there was no monitoring for the respective monitoring period.

4.1.7 **Monitoring Periods.** Your monitoring requirements in this permit begin in the first full quarter following either May 30, 2021or your date of discharge authorization, whichever date comes later.

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

For example, if you obtain permit coverage on April 10, 2021, then your first monitoring quarter for benchmark monitoring is– July 1, 2021 – September 30, 2021 and your first monitoring year for discharges to impaired waters or discharges subject to an effluent limitation guideline is July 1, 2021 – June 30, 2022. This monitoring schedule may be modified in accordance with Part 4.1.6 if you document the revised schedule in your SWPPP. However, you must indicate in Net-DMR any 3-month interval that you did not take a sample.

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

4.1.9 **Monitoring Reports.** You must report monitoring data using Net-DMR, EPA's electronic DMR tool, as described in Part 7.3 (unless the applicable EPA Regional Office grants you a waiver from electronic reporting, in which case you may submit a paper DMR form).

4.2 Required Monitoring

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

- Indicator monitoring (Part 4.2.1);
- Benchmark monitoring (Part 4.2.2);
- Annual effluent limitations guidelines monitoring (Part 4.2.3);
- State- or tribal-specific monitoring (Part 4.2.4);
- Impaired waters monitoring (Part 4.2.5); and
- Other monitoring as required by EPA (Part 4.2.6).

Unless otherwise specified, samples must be analyzed consistent with 40 CFR Part 136 analytical methods that are sufficiently sensitive for the monitored parameter. When more than one type of monitoring for the same pollutant at the same discharge point applies (e.g., total suspended solids once per year for an effluent limitation and once per quarter for benchmark monitoring at a given discharge point), you may use a single sample to satisfy both monitoring requirements (i.e., one sample satisfying both the annual effluent limitation sample and one of the four quarterly benchmark monitoring samples). Similarly, when the same type of monitoring is required for the same pollutant but for different activities, you may use a single sample to satisfy both monitoring requirements (i.e., when you are required to monitor for PAHs in stormwater discharges from paved surfaces that will be sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit and you are also required to monitor for PAHs in stormwater discharges since you manufacture, use, or store creosote or creosote-treated wood in areas that are exposed to precipitation).

When the effluent limitation is lower than the benchmark threshold for the same pollutant, your Additional Implementation Measure (AIM) trigger is based on an exceedance of the effluent limitation threshold, which would subject you to the AIM requirements of Part 5.2. Exceedance of an effluent limitation associated with the results of any analytical monitoring type required by this Part subjects you to the corrective action requirements of Part 5.1. You must conduct all required monitoring in accordance with the procedures described in Appendix B, Subsection B.10.

Per Part 1.3.7, in the event that the permit is administratively continued, monitoring requirements remain in force and effect at their original frequency during any continuance for operators that were covered prior to permit expiration. In the event that monitoring results are unable to be electronically reported in Net-DMR, operators must maintain monitoring results and records within their SWPPP.

Table 4-1. Summary of Each Type of Monitoring

Monitoring Type	Monitoring Type Applies To	Frequency	Duration	Follow-up Action	Permit Part Reference
Indicator – pH, TSS, COD	Subsectors B2, C5, D2, E3, F5, I1, J3, L2, N2, O1, P1, R1, T1, U3, V1, W1, X1, Y2, Z1, AB1, AC1, and AD1	Quarterly	Entirety of permit coverage	None	Part 4.2.1.1.a
Indicator – PAHs*	Operators with stormwater discharges from paved surfaces that will be sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit; sectors; Sector A facilities that manufacture, use, or store creosote or creosote-treated wood in areas that are exposed to precipitation; and Sectors C (SIC 2911), D, F, H, I, M, O, P (SIC 4011, 4013, and 5171), Q (SIC 4491), R, and S	Bi-annually (2 times per year)	First year and fourth year	None	Part 4.2.1.1.b
Benchmark	Subsectors A1, A2, A3, A4, B1, C1, C2, C3, C4, D1, E1, E2, F1, F2, F3, F4, G1, G2, H1, J1, J2, K1, L1, M1, N1, Q1, S1, U1, U2, Y1, AA1, AA2	Quarterly	First year and fourth year	AIM. See Part 5.2.	Part 4.2.2
Effluent limitation guidelines (ELG)	See Part 4.2.3	Annually	Entirety of permit coverage	See Part 5.1	Part 4.2.3
State- or tribal-specific	Depends on the discharge location of your facility. See Part 9				
Impaired Waters	Depends on the receiving waterbody. See Part 4.2.5				
Other as required by EPA	See Part 4.2.6				

* Monitoring is required for the 16 individual PAHs identified at Appendix A to 40 CFR Part 423: naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, benzo[g,h,i]perylene, indeno[1,2,3-c,d]pyrene, and dibenz[a,h]anthracene.

4.2.1 **Indicator Monitoring.** This permit requires indicator monitoring of stormwater discharges for three parameters – pH, Total Suspended Solids (TSS), and Chemical Oxygen Demand (COD) – for certain sectors/subsectors (see Part 4.2.1.1.a below) and for polycyclic aromatic hydrocarbons (PAHs) for certain sectors/activities, with additional limitations (see Part 4.2.1.1.b below). Indicator monitoring data will provide you and EPA with a baseline and comparable understanding of industrial stormwater discharge quality and potential water quality problems. The indicator monitoring parameters are "report-only" and do not have thresholds or baseline values for comparison, therefore no follow-up action is triggered or required under this part. The requirement in Part 2.2.1

that your stormwater discharge be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards still applies. You may find it useful to evaluate and compare your indicator monitoring data over time to identify any fluctuating values and why they may be occurring, and to further inform any revisions to your SWPPP/SCMs if necessary.[11] Indicator monitoring is report-only and is neither benchmark monitoring nor an effluent limitation. Instead, it is a permit condition. Thus, failure to conduct indicator monitoring is a permit violation.

4.2.1.1 Applicability and Schedule of Indicator Monitoring

a. pH, Total Suspended Solids (TSS), and Chemical Oxygen Demand (COD).

i. Applicability. Operators in the following subsectors must monitor stormwater discharges for pH, TSS, and COD (also specified in the sector-specific requirements in Part 8): B2, C5, D2, E3, F5, I1, J3, L2, N2, O1, P1, R1, T1, U3, V1, W1, X1, Y2, Z1, AB1, AC1, and AD1). Samples must be analyzed consistent with 40 CFR Part 136 analytical methods.

ii. Schedule. You must conduct indicator monitoring of stormwater discharges for pH, TSS, and COD each quarter, beginning in your first full quarter of permit coverage as identified in Part 4.1.7.

b. Polycyclic Aromatic Hydrocarbons (PAH).

i. Applicability. The following operators must monitor stormwater discharges for the 16 individual priority pollutant PAHs (also specified in the sector-specific requirements in Part 8): operators in all sectors with stormwater discharges from paved surfaces that will be sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit; operators in sectors A (facilities that manufacture, use, or store creosote or creosote-treated wood in areas that are exposed to precipitation), C (SIC Code 2911), D, F, H, I, M, O, P (SIC Codes 4011, 4013, and 5171), Q (SIC Code 4491), R, and S. Monitoring is required for the 16 individual PAHs identified at Appendix A to 40 CFR Part 423: naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, benzo[g,h,i]perylene, indeno[1,2,3-c,d]pyrene, and dibenz[a,h]anthracene. Samples must be analyzed using EPA Method 625.1, or EPA Method 610/Standard Method 6440B if preferred by the operator, consistent with 40 CFR Part 136 analytical methods.

ii. Schedule. You must conduct indicator monitoring of stormwater discharges for PAHs bi-annually (i.e., sample twice per year) in the first and fourth years of permit coverage. Your first year of permit coverage begins in your first full quarter of permit coverage, identified in Part 4.1.7, commencing no earlier than May 30, 2021, followed by two years of no monitoring. Bi-annual monitoring resumes in your fourth year of permit coverage for another year,

[11] Examples of possible reviews and revisions to the SWPPP/SCMs that could be informed by indicator monitoring values include: reviewing sources of pollution or any changes to performed industrial activities and processes; reviewing spill and leak procedures, and/or non-stormwater discharges; conducting a single comprehensive clean-up, implementing a new control measure, and/or increasing inspections. EPA notes, however, that these actions are not required under the 2021 MSGP in response to indicator monitoring.

after which you may discontinue bi-annual PAH monitoring for the remainder of your permit coverage.

4.2.1.2 **Exception for Facilities in Climates with Irregular Stormwater Discharges**. As described in Part 4.1.6, facilities in climates with irregular stormwater discharges may modify this schedule provided you report this revised schedule directly to EPA by the due date of the first indicator monitoring sample (see EPA Regional contacts in Part 7.8), and you keep this revised schedule with the facility's SWPPP as specified in Part 6.5. As noted in Part 4.1.7, you must indicate in Net-DMR any 3-month interval that you did not take a sample.

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

a. Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix B, Subsection 11.

b. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable indicator monitoring requirements under Part 4.2.1 as if you were in your first year of permit coverage. You must indicate in your NOI that your facility has materials or activities exposed to stormwater or has become active and/or staffed.

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

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

4.2.2 **Benchmark Monitoring.** This permit requires benchmark monitoring parameters of stormwater discharges for certain sectors/subsectors. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your stormwater control measures and to assist you in determining when additional action(s) may be necessary to comply with the effluent limitations in Part 2.

The benchmark thresholds are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if a benchmark exceedance triggers Additional Implementation Measures (AIM) in Part 5.2, failure to conduct any required measures is a permit violation. At your discretion, you may take more than four samples during separate stormwater discharge events to determine the average benchmark parameter value for facility discharges.

4.2.2.1 Applicability of Benchmark Monitoring.

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

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark thresholds for all benchmark parameters for which you are required to sample, i.e. sufficiently sensitive methods. For averaging purposes, you 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 limit 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.

4.2.2.2 Summary of the 2021 MSGP Benchmark Thresholds

The Table 4-2 presents the 2021 MSGP's freshwater and saltwater benchmark thresholds. Sector-specific benchmark requirements are detailed in Part 8. Values match the original units found in the source documents, detailed in the corresponding section of the fact sheet.

Table 4-2 2021 MSGP Benchmark Thresholds

Pollutant		2021 MSGP Benchmark Threshold
Total Recoverable Aluminum (T)		1,100 µg/L
Total Recoverable Beryllium		130 µg/L
Biochemical Oxygen Demand (5-day)		30 mg/L
pH		6.0 – 9.0 s.u.
Chemical Oxygen Demand		120 mg/L
Total Phosphorus		2.0 mg/L
Total Suspended Solids (TSS)		100 mg/L
Nitrate and Nitrite Nitrogen		0.68 mg/L
Turbidity		50 NTU
Total Recoverable Antimony		640 µg/L
Ammonia		2.14 mg/L
Total Recoverable Cadmium	Freshwater [a]	1.8 µg/L
	Saltwater	33 µg/L
Total Recoverable Copper	Freshwater	5.19 µg/L
	Saltwater	4.8 µg/L

Pollutant		2021 MSGP Benchmark Threshold
Total Recoverable Cyanide	Freshwater	22 µg/L
	Saltwater	1 µg/L
Total Recoverable Mercury	Freshwater	1.4 µg/L
	Saltwater	1.8 µg/L
Total Recoverable Nickel	Freshwater [a]	470 µg/L
	Saltwater	74 µg/L
Total Recoverable Selenium	Freshwater	1.5 µg/L for still/standing (lentic) waters 3.1 µg/L for flowing (lotic) waters
	Saltwater	290 µg/L
Total Recoverable Silver	Freshwater [a]	3.2 µg/L
	Saltwater	1.9 µg/L
Total Recoverable Zinc	Freshwater [a]	120 µg/L
	Saltwater	90 µg/L
Total Recoverable Arsenic	Freshwater [a]	150 µg/L
	Saltwater	69 µg/L
Total Recoverable Lead	Freshwater [a]	82 µg/L
	Saltwater	210 µg/L

[a] These pollutants are dependent on water hardness where discharged into freshwaters. The freshwater benchmark value listed is based on a hardness of 100 mg/L. When a facility analyzes receiving water samples for hardness, the operator must use the hardness ranges provided in Table 1 in Appendix J of the 2021 MSGP and in the appropriate tables in Part 8 of the 2021 MSGP to determine applicable benchmark values for that facility. Benchmark thresholds for discharges of these pollutants into saline waters are not dependent on receiving water hardness and do not need to be adjusted.

4.2.2.3 **Benchmark Monitoring Schedule.** Benchmark monitoring of stormwater discharges is required quarterly, as identified in Part 4.1.7, in the first and fourth year of permit coverage, as follows:

a. **Year one of permit coverage:** You must conduct benchmark monitoring for all parameters applicable to your subsector(s) for four quarters in your first year of permit coverage, beginning in your first *full* quarter of permit coverage, no earlier than May 30, 2021.

i. If the annual average[12] for a parameter does not exceed the benchmark threshold, you can discontinue benchmark monitoring for that parameter for the next two years (i.e., eight quarters).

[12] For this permit, an annual average exceedance for a parameter can occur if: (a) The four-quarter annual average for a parameter exceeds the benchmark threshold; or (b) Fewer than four quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter. The result in (b) indicates an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold). For pH, an annual average exceedance can only occur if the four-quarter annual average exceeds the benchmark threshold.

ii. If the annual average for a parameter exceeds the benchmark threshold, you must comply with Part 5.2 (Additional Implementation Measures responses and deadlines) and continue quarterly benchmark monitoring for that parameter until results indicate that the annual average is no longer exceeded, after which you can discontinue benchmark monitoring for that parameter until monitoring resumes in year four of permit coverage, per Part 4.2.2.3.b below.

b. Year four of permit coverage: You must conduct benchmark monitoring for all parameters applicable to your subsector(s) for four quarters in your fourth year of permit coverage (i.e., your thirteenth through sixteenth quarters), unless the first quarter of your fourth year of permit coverage occurs on or after the date this permit expires.

i. If the annual average[13] for a parameter does not exceed the benchmark threshold, you can discontinue benchmark monitoring for that parameter for the remainder of your permit coverage.

ii. If the annual average for a parameter exceeds the benchmark threshold, you must comply with Part 5.2 (Additional Implementation Measures responses and deadlines) and continue quarterly benchmark monitoring for that parameter until results indicate that the annual average is no longer exceeded, after which you can discontinue benchmark monitoring for that parameter for the remainder of permit coverage.

4.2.2.4 **Exception for Facilities in Climates with Irregular Stormwater Discharges**. As described in Part 4.1.6, facilities in climates with irregular stormwater discharges may modify this quarterly schedule provided you report this revised schedule directly to EPA by the due date of the first benchmark sample (see EPA Regional contacts in Part 7.8), and you keep this revised schedule with the facility's SWPPP as specified in Part 6.5. When conditions prevent you from obtaining four samples in four consecutive quarters, you must continue monitoring until you have the four samples required for calculating your benchmark monitoring average. As noted in Part 4.1.7, you must indicate in Net-DMR any 3-month interval that you did not take a sample.

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

a. Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix B, Subsection 11.

b. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part 4.2.2 as if you were in your first year of permit coverage. You must indicate in your NOI that your facility has

[13] *Ibid*.

materials or activities exposed to stormwater or has become active and/or staffed.

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

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

4.2.3 Effluent Limitations Monitoring

4.2.3.1 Monitoring Based on Effluent Limitations Guidelines. Table 4-3 identifies the stormwater discharges subject to effluent limitation guidelines that are authorized for coverage under this permit. An exceedance of the effluent limitation is a permit violation. Beginning in the first full quarter following May 30, 2021 or your date of discharge authorization, whichever date comes later, you must monitor once per year at each stormwater discharge point containing the discharges identified in Table 4-3 for the parameters specified in the sector-specific section of Part 8.

Table 4-3. Required Monitoring for Effluent Limits Based on Effluent Limitations Guidelines

Regulated Activity	Effluent Limit	Monitoring Frequency	Sample Type
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	See Part 8.A.8	1/year	Grab
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	See Part 8.C.5	1/year	Grab
Runoff from asphalt emulsion facilities	See Part 8.D.5	1/year	Grab
Runoff from material storage piles at cement manufacturing facilities	See Part 8.E.6	1/year	Grab
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	See Part 8.J.10	1/year	Grab
Runoff from hazardous waste landfills	See Part 8.K.7	1/year	Grab
Runoff from non-hazardous waste landfills	See Part 8.L.11	1/year	Grab
Runoff from coal storage piles at steam electric generating facilities	See Part 8.O.8	1/year	Grab
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non- propeller aircraft departures.	See Part 8.S.9	1/year	Grab

4.2.3.2 Substantially Identical Discharge Points Not Applicable. You must monitor each discharge point discharging stormwater from any regulated activity identified in Table

4-3. The substantially identical discharge points (SIDP) monitoring provisions are not available for numeric effluent limit monitoring.

4.2.3.3 **Follow-up Actions if Discharge Exceeds Numeric Effluent Limitation.** If any monitoring value exceeds a numeric effluent limitation contained in this permit, you must indicate the exceedance on a "Change NOI" form in the NPDES eReporting Tool (NeT), and you must conduct follow-up monitoring within 30 calendar days (or during the next measurable storm event, should none occur within 30 days) of implementing corrective action(s) taken per Part 5.1. If your follow-up monitoring exceeds the applicable effluent limitation, you must:

a. **Submit an Exceedance Report:** You must submit an Exceedance Report no later than 30 days after you have received your laboratory result consistent with Part 7.5; and

b. **Continue to Monitor:** You must monitor, at least quarterly, until your stormwater discharge is in compliance with the effluent limit or until EPA waives the requirement for additional monitoring. Once your discharge is back in compliance with the effluent limitation you must indicate this on a "Change NOI" form per Part 7.3.

4.2.4 State or Tribal Required Monitoring

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

4.2.4.2 **State or Tribal Monitoring Schedule.** If a monitoring frequency is not specified for an applicable requirement in Part 9, you must monitor once per year for the duration of your permit coverage.

4.2.5 **Impaired Waters Monitoring.** For the purposes of this permit, your facility is considered to discharge to an impaired water if the first water of the United States to which you discharge is identified by a state, tribe, or EPA pursuant to section 303(d) of the CWA as not meeting an applicable water quality standard (i.e., without an EPA-approved or -established TMDL, see Part 4.2.5.1.a below), or has been removed from the 303(d) list either because the impairments are addressed by an EPA-approved or established TMDL or is covered by pollution control requirements that meet the requirements of 40 CFR 130.7(b)(1) (see Part 4.2.5.1.b below). For discharges that enter a separate storm sewer system[14] prior to discharge, the first water of the United States to which you discharge is the waterbody that receives the stormwater discharge from the separate storm sewer system.

4.2.5.1 Facilities Required to Monitor Stormwater Discharges to Impaired Waters.

a. Discharges to impaired waters without an EPA-approved or established TMDL:

Monitoring is required annually in the first year of permit coverage and again in the fourth year of permit coverage as follows, unless you detect a pollutant causing an impairment, in which case annual monitoring must continue.

[14] Separate storm sewer systems do not include combined sewer systems or sanitary sewer systems. Separate storm sewer systems include both municipal storm sewer systems (MS4s) and non-municipal separate storm sewers.

i. **Year one of permit coverage:** You must take your first annual sample in your first year of permit coverage, which begins in the first full quarter following May 30, 2021 or your date of discharge authorization, whichever date comes later. You must monitor for all pollutants causing impairments using a standard analytical method, provided one exists (see 40 CFR Part 136), once at each discharge point (except substantially identical discharge points) discharging stormwater to impaired waters without an EPA-approved or established TMDL. *Note*: Except where otherwise directed by EPA, if the pollutant of concern for the impaired waterbody is suspended solids, turbidity, or sediment/sedimentation, you must monitor for Total Suspended Solids (TSS). If a pollutant of concern is expressed in the form of an indicator or surrogate pollutant, you must monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or other non-pollutant. Operators must consult the applicable EPA Regional Office for any available guidance regarding required monitoring parameters under this part.

   1) If monitoring results indicate the monitored pollutant is not detected in your discharge, or is within the acceptable range for a given parameter for the waterbody to meet its designated use (e.g., pH or temperature),[15] you may discontinue monitoring for that pollutant for the next two years. You must resume monitoring for that pollutant in year four of permit coverage, if applicable, per Part 4.2.5.1.a.ii.

   2) If monitoring results indicate that the monitored pollutant is detected in your stormwater discharge, or is outside the acceptable range for a given parameter (e.g., pH or temperature) for the waterbody to meet its designated use,[16] you must continue to monitor for the pollutant(s) annually until no longer detected, after which you may discontinue monitoring for that pollutant until monitoring resumes in year four of permit coverage, if applicable, per Part 4.2.5.1.a.ii.

ii. **Year four of permit coverage.** Annual monitoring resumes in your fourth year of permit coverage for another year for a sub-set of parameters monitored for in the first monitoring year. In the fourth year of permit coverage, you must monitor for all pollutants causing impairment(s) that are associated with your industrial activity and/or are listed as a benchmark parameter for your subsector(s) (regardless of whether you have satisfied benchmark monitoring for the parameter per Part 4.2.2). To determine these pollutants, start with the list of pollutants for which the receiving waterbody is impaired and for which a standard analytical method exists (see 40 CFR Part 136), then compare that list to the industrial pollutants you identified in Part 6.2.3.2 and any sector-specific benchmark monitoring pollutants in Part 8 and, if applicable, Part 9. You must monitor for pollutants that appear on both the impairments list and either your industrial pollutants and/or your benchmark parameter list, including "indicator" or "surrogate" pollutants (as described in the "note" in 1 above). You must monitor once at each discharge point (except

[15] Refer to your state's Water Quality Standards or contact the EPA Regional Office for assistance.
[16] *Ibid*.

substantially identical discharge points (SIDPs)) for these pollutants. Consistent with Part 4.2, annual samples may be used to also satisfy any single remaining quarterly benchmark monitoring requirement applicable to your discharge.

1) If monitoring results indicate the monitored pollutant is not detected in your discharge, or is within the acceptable range for a given parameter for the waterbody to meet its designated use (e.g., pH or temperature),[17] you may discontinue monitoring for that pollutant for the remainder of your permit coverage.

2) If the monitoring results indicate that the monitored pollutant is detected in your discharge, or is outside the acceptable range for a given parameter (e.g., pH or temperature) for the waterbody to meet its designated use, you must continue to monitor for the pollutant(s) annually until no longer detected, after which you may discontinue monitoring for that pollutant for the remainder of your permit coverage.

iii. ***Exception****:* If sampling results in either Part 4.2.5.1.a.i or Part 4.2.5.1.a.ii above indicate the monitored pollutant is detected in your discharge, but you have determined that its presence is caused solely by natural background sources, you may discontinue monitoring for that pollutant for the duration of your permit coverage.

To support a determination that the pollutant's presence is caused solely by natural background sources, you must document and maintain with your SWPPP, as required by Part 6.5:

1) An explanation of why you believe that the presence of the pollutant of concern in your discharge is not related to the activities or materials at your facility; and

2) Data and/or studies that tie the presence of the pollutant of concern inyour discharge to natural background sources in the watershed.

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

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

[17] *Ibid*.

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

a. Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix B, Subsection 11.

b. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable impaired waters monitoring requirements under Part 4.2.5 as if you were in your first year of permit coverage. You must indicate in a "Change NOI" form per Part 7.2 that your facility has materials or activities exposed to stormwater or has become active and/or staffed.

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

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

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

5. Corrective Actions and Additional Implementation Measures (AIM)

5.1 Corrective Action

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

5.1.1.1 An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit to a water of the United States) occurs at your facility.

5.1.1.2 A discharge violates a numeric effluent limit listed in Table 2-1 and/or in your Part 8 sector-specific requirements.

5.1.1.3 Your stormwater control measures are not stringent enough for your stormwater discharge to be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards or to meet the non-numeric effluent limits in this permit.

5.1.1.4 A required control measure was never installed, was installed incorrectly, ornot in accordance with Parts 2 and/or 8, or is not being properly operated or maintained.

5.1.1.5 Whenever a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).

5.1.2 **Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary.** If construction or a change in design, operation, or maintenance at your facility occurs that significantly changes the nature of pollutants discharged via stormwater from your facility, or significantly increases the quantity of pollutants discharged, you must review your SWPPP (e.g., sources of pollution, spill and leak procedures, non-stormwater discharges, selection, design, installation and implementation of your stormwater control measures) to determine if modifications are necessary to meet the effluent limits in this permit.

5.1.3 Deadlines for Corrective Actions

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

5.1.3.2 **Subsequent Actions.** If additional actions are necessary beyond those implemented pursuant to Part 5.1.3.1, you must complete the corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next storm event if possible, and within 14 calendar days from the time of discovery that the condition in Part 5.1.1 is not met. If it is infeasible to complete the corrective action within 14 calendar days, you must document why it is infeasible to complete the corrective action within the 14-day timeframe. You must also identify your schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45-day timeframe, you may take the minimum additional time necessary to complete the corrective action, provided that you notify the appropriate EPA Regional Office of your intention to exceed 45 days, your rationale for an extension, and a completion date, which you must also include in your corrective action documentation (see Part 5.3). Where your corrective actions result in changes to any of the controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 14 calendar days of completing corrective action work.

These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are

included in this permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely.

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

5.1.5 **Substantially Identical Discharge Points.** If the event triggering corrective action is associated with a discharge point that had been identified as a "substantially identical discharge point" (SIDP) (see Parts 3.2.4.5 and 4.1.1), your review 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 5.1.3.

5.2 Additional Implementation Measures (AIM)

If any of the following AIM triggering events in Parts 5.2.3, 5.2.4, or 5.2.5 occur, you must follow the response procedures described in those parts, called "additional implementation measures" or "AIM." There are three AIM levels: AIM Level 1, Level 2, and Level 3. You must respond as required to different AIM levels which prescribe sequential and increasingly robust responses when a benchmark exceedance occurs. You must follow the corresponding AIM level responses and deadlines described in Parts 5.2.1, 5.2.2, and 5.2.3 unless you qualify for an exception under Part 5.2.6.

5.2.1 Baseline Status

Once you receive discharge authorization under this permit per Part 1.3, you are in a baseline status for all applicable benchmark parameters. If an AIM triggering event occurs and you have proceeded sequentially to AIM Level 1, 2 or 3, you may return directly to baseline status once the corresponding AIM-level response and conditions are met.

5.2.2 **AIM Triggering Events.** If an annual average exceeds an applicable benchmark threshold based on the following events, the AIM requirements have been triggered for that benchmark parameter. You must follow the corresponding AIM-level responses and deadlines described in Parts 5.2.3, 5.2.4, and 5.2.5 unless you qualify for an exception under Part 5.2.6. An annual average exceedance for a parameter can occur if:

5.2.2.1 The four-quarterly annual average for a parameter exceeds the benchmark threshold, or

5.2.2.2 Fewer than four quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter. This result indicates an exceedance is mathematically

certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold).[18]

5.2.3 AIM Level 1

Your status changes from baseline to AIM Level 1 if quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has occurred, unless you qualify for an exception under Part 5.2.6.

5.2.3.1 AIM Level 1 Responses. If any of the triggering events in Part 5.2.2 occur, you must:

a. Review SWPPP/Stormwater Control Measures. Immediately review your SWPPP and the selection, design, installation, and implementation of your stormwater control measures to ensure the effectiveness of your existing measures and determine if modifications are necessary to meet the benchmark threshold for the applicable parameter,[19] and

b. Implement Additional Measures. After reviewing your SWPPP/stormwater control measures, you must implement additional measures, considering good engineering practices, that would reasonably be expected to bring your exceedances below the parameter's benchmark threshold; or if you determine nothing further needs to be done with your stormwater control measures, you must document per Part 5.3 and include in your annual report why you expect your existing control measures to bring your exceedances below the parameter's benchmark threshold for the next 12-month period.

5.2.3.2 AIM Level 1 Deadlines. If any modifications to or additional control measures are necessary in response to AIM Level 1, you must implement those modifications or control measures within 14 days of receipt of laboratory results, unless doing so within 14 days is infeasible. If doing so within 14 days is infeasible, you must document per Part 5.3 why it is infeasible and implement such modifications within 45 days.

5.2.3.3 Continue Quarterly Benchmark Monitoring. After compliance with AIM Level 1 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected stormwater discharge points, beginning no later than the next full quarter after compliance.

5.2.3.4 AIM Level 1 Status Update. While in AIM Level 1 status, you may either:

a. Return to Baseline Status. Your AIM Level 1 status will return to baseline status if the AIM Level 1 responses have been met and continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in year 4 of permit coverage per Part 4.2.2.3 or if you have fulfilled all benchmark monitoring

[18] For pH, an annual average exceedance can only occur if the four-quarter annual average exceeds the benchmark threshold.

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

requirements per Part 4.2.2.3, then you may discontinue monitoring for that parameter for the remainder of the permit.

b. Advance to AIM Level 2. Your AIM Level 1 status advances to AIM Level 2 status if you have completed AIM Level 1 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)).

5.2.4 AIM Level 2

Your status changes from AIM Level 1 to AIM Level 2 if your continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the parameter(s)), unless you qualify for an exception under Part 5.2.6.

5.2.4.1 AIM Level 2 Responses. If any of the events in Part 5.2.2 occur, you must review your SWPPP and implement additional pollution prevention/good housekeeping SCMs, considering good engineering practices, beyond what you did in your AIM Level 1 responses that would reasonably be expected to bring your exceedances below the parameter's benchmark threshold. Refer to the MSGP sector-specific fact sheets for recommended controls found at [https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-fact-sheets-and-guidance].

5.2.4.2 AIM Level 2 Deadlines. You must implement additional pollution prevention/good housekeeping SCMs within 14 days of receipt of laboratory results that indicate an AIM triggering event has occurred and document per Part 5.3 how the measures will achieve benchmark thresholds. If it is feasible for you to implement a measure, but not within 14 days, you may take up to 45 days to implement such measure. You must document per Part 5.3 why it was infeasible to implement such measure in 14 days. EPA may also grant you an extension beyond 45 days, based on an appropriate demonstration by you, the operator.

5.2.4.3 Continue Quarterly Benchmark Monitoring. After compliance with AIM Level 2 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance.

5.2.4.4 AIM Level 2 Status Update. While in AIM Level 2 status, you may either:

a. Return to Baseline Status. Your AIM Level 2 status will return to baseline status if the AIM Level 2 responses have been met and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in year 4 of permit coverage per Part 4.2.2.3, or if you have fulfilled all benchmark monitoring requirements per Part 4.2.2.3, then you may discontinue monitoring for that parameter for the remainder of the permit.

b. Advance to AIM Level 3. Your AIM Level 2 status advances to AIM Level 3 status if you have completed the AIM Level 2 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2

has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)).

5.2.5 AIM Level 3

Your status changes from AIM Level 2 to AIM Level 3 if your continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the parameter(s)), unless you qualify for an exception per Part 5.2.6.

5.2.5.1 AIM Level 3 Responses. if any of the triggering events in Part 5.2.2 occur, you must install structural source controls (e.g., permanent controls such as permanent cover, berms, and secondary containment), and/or treatment controls (e.g., sand filters, hydrodynamic separators, oil-water separators, retention ponds, and infiltration structures), except as provided in Part 5.2.6 (AIM Exceptions). The controls or treatment technologies or treatment train you install should be appropriate for the pollutants that triggered AIM Level 3 and should be more rigorous than the pollution prevention/good housekeeping-type stormwater control measures implemented under AIM Tier 2 in Part 5.2.4. You must select controls with pollutant removal efficiencies that are sufficient to bring your exceedances below the benchmark threshold. You must install such stormwater control measures for the discharge point(s) in question and for substantially identical discharge points (SIDPs), unless you individually monitor those SIDPs and demonstrate that AIM Level 3 requirements are not triggered at those discharge points.

5.2.5.2 AIM Level 3 Deadlines. You must identify the schedule for installing the appropriate structural source and/or treatment stormwater control measures within 14 days and install such measures within 60 days. If is not feasible within 60 days, you may take up to 90 days to install such measures, documenting in your SWPPP per Part 5.3 why it is infeasible to install the measure within 60 days. EPA may also grant you an extension beyond 90 days, based on an appropriate demonstration by you, the operator.

5.2.5.3 Continue Quarterly Benchmark Monitoring. After compliance with AIM Level 3 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance.

5.2.5.4 AIM Level 3 Status Update. While in AIM Level 3 status, you may either:

a. Return to Baseline Status. Your AIM Level 3 status will return to baseline status if the AIM Level 3 response(s) have been met and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in what would be year 4 of permit coverage per Part 4.2.2.3, or if you have fulfilled all benchmark monitoring requirements per Part 4.2.2.3, then you may discontinue monitoring for that parameter for the remainder of the permit.

b. Continue in AIM Level 3. Your AIM Level 3 status will remain at Level 3 if you have completed the AIM Level 3 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)). You must continue quarterly benchmark monitoring for the next

four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance. If you continue to exceed the benchmark threshold for the same parameter even after compliance with AIM Level 3, EPA may require you to apply for an individual permit.

5.2.6 AIM Exceptions

Following the occurrence of an AIM triggering event per Part 5.2.2, at any point or tier level of AIM and following four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data), you may qualify for an exception below from AIM requirements and continued benchmark monitoring. Regardless if you qualify for and claim an exception, you must still review your SCMs, SWPPP, and other on-site activities to determine if actions or modifications are necessary or appropriate in light of your benchmark exceedance(s). If claiming an AIM exception, you must follow the requirements to demonstrate that you qualify for the exception as provided below. If you qualify for an exception, you are not required to comply with the AIM responses or the continuation of quarterly benchmark monitoring for any parameters for which you can demonstrate that the benchmark exceedance is:

5.2.6.1 **Solely Attributable to Natural Background Pollutant Levels:** You must demonstrate that the benchmark exceedance is solely attributable to the presence of that pollutant in natural background sources, provided that all the following conditions are met and you submit your analysis and documentation to the applicable EPA Regional Office upon request:

- **a.** The four-quarter average concentration of your benchmark monitoring results (or fewer than four-quarters of data that trigger an exceedance) is less than or equal to the concentration of that pollutant in the natural background; and
- **b.** You document and maintain with your SWPPP, as required in Part 6.5.9, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge. Natural background pollutants are those substances that are naturally occurring in soils or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring, such as other industrial facilities or roadways.

5.2.6.2 **Due to Run-On:** You must demonstrate and obtain EPA agreement that run-on from a neighboring source (e.g., a source external to your facility) is the cause of the exceedance, provided that all the following conditions are met and you submit your analysis and documentation to the applicable EPA Regional Office for concurrence:

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

5.2.6.3 **Due to an abnormal event:** You must immediately document per Part 5.3 that the AIM triggering event was abnormal, a description explaining what caused the abnormal event, and how any measures taken within 14 days of such event will prevent a reoccurrence of the exceedance. You must also collect a sample during the next measurable storm event to demonstrate that the result is less than the benchmark threshold, in which case you do not trigger any AIM requirements based on the abnormal event. You must report the result of this sample in NeT-DMR in lieu of the result from the sample that caused the AIM triggering event. You may avail yourself of the "abnormal" demonstration opportunity at any AIM Level, one time per parameter, and one time per discharge point, which shall include substantially identical discharge points (SIDP), provided you qualify for the exception.

5.2.6.4 **For Aluminum and Copper benchmark parameters only: Demonstrated to not result in an exceedance of your facility-specific value using the national recommended water quality criteria in-lieu of the applicable MSGP benchmark threshold:**

To be eligible for the exception, you must demonstrate to EPA that your stormwater discharge(s) that exceeded the applicable nationally representative MSGP benchmark threshold would not result in an exceedance of a derived facility-specific value. The demonstration to EPA, which will be made publicly available, must meet the minimum elements below in order to be considered for and approved by the applicable EPA Regional Office. If you exceed the MSGP benchmark threshold for aluminum or copper, you must still comply with any applicable AIM requirements and additional benchmark monitoring until the demonstration is made to and approved by the applicable EPA Regional Office. In this case, EPA suggests that samples collected for any continued benchmark monitoring also be analyzed for the required input parameters for each model for efficiency. If you are an existing operator and you anticipate an exceedance of the MSGP benchmark(s) based on previous monitoring data and expect to utilize this exception(s), EPA recommends you begin the required data collection in your first year of permit coverage.

a. **Aluminum:**

i. Conditions for this exception are:

1) Use of EPA's 2018 National Recommended Aluminum Aquatic Life Criteria: https://www.epa.gov/wqc/aquatic-life-criteria-aluminum;

2) In-stream waterbody sampling for the three water quality input parameters for the recommended criteria model: pH, total hardness, and dissolved organic carbon (DOC); and

3) Completion of sampling events sufficient to capture spatial and temporal variability. Sampling events must adequately represent each applicable season at the facility's location, which would likely be over the course of at least one year. An equal number of ambient waterbody samples must be collected at a single upstream and downstream location from the operator's discharge point(s) to the receiving water of the United States. Where there exists no ambient source water upstream of the operator's discharge point(s) to the receiving water of the United States, samples of the ambient downstream waterbody conditions are sufficient.

ii. The demonstration provided to EPA must include, at minimum:

1) A description of the sampling, analysis, and quality assurance procedures that were followed for data collection, following the guidance in Section

3 of EPA's Industrial Stormwater Monitoring and Sampling Guide. https://www.epa.gov/sites/production/files/2015-11/documents/msgp_monitoring_guide.pdf;

2) The input parameters and export of results from the Aluminum Criteria Calculator, available at: https://www.epa.gov/sites/production/files/2018-12/aluminum-criteria-calculator-v20.xlsm; and,

3) A narrative summary of results.

b. Copper (only for discharges to freshwater):

i. Conditions for this exception are:

1) Use of EPA's 2007 National Recommended Freshwater Copper Aquatic Life Criteria: https://www.epa.gov/wqc/aquatic-life-criteria-copper;

2) In-stream waterbody sampling for the 10 water quality input parameters to the BLM for copper: pH; dissolved organic carbon (DOC); alkalinity; temperature; major cations (calcium, magnesium, sodium, and potassium); and major anions (sulfate, chloride);

3) The water quality input parameters, with the exception of temperature, must fall within the range of conditions recommended for use in the BLM, found in Table 1-1 of the Data Requirements document: https://www.epa.gov/sites/production/files/2015-11/documents/copper-data-requirements-training.pdf; and

4) Completion of sampling events sufficient to capture spatial and temporal variability. Because some of the BLM input parameters are known to vary seasonally, EPA suggests a possible starting point of at least one sampling event per season.[20] Sampling events must adequately represent each applicable season at the facility's location, which would likely be over the course of at least one year. An equal number of ambient waterbody samples must be collected at a single upstream and downstream location from the operator's discharge point(s) to the receiving water of the United States. Where there exists no ambient source water upstream of the operator's discharge point(s) to the receiving water of the United States, samples of the ambient downstream waterbody conditions are sufficient.

ii. The demonstration provided to EPA must include, at minimum:

1) A description of the sampling, analysis, and quality assurance procedures that were followed for data collection, following the guidance in Section 3 of EPA's Industrial Stormwater Monitoring and Sampling Guide.

[20] EPA training materials on Copper BLM for Data Requirements states that spatial variability in the BLM input parameters caused by physical factors such as watershed size or the presence or absence of a point source discharge(s) to a waterbody should also be considered when determining how many sampling events should be collected when using the BLM to develop site-specific copper criteria. Spatial variability in the BLM input parameters should also be considered when determining how many sampling locations should be selected for development of site-specific copper criteria using the BLM. Regardless of the number of sampling events involved, data collection should reflect site-specific characteristics and consider special circumstances that may affect copper toxicity throughout the expected range of receiving water conditions. See https://www.epa.gov/sites/production/files/2015-11/documents/copper-data-requirements-training.pdf.

https://www.epa.gov/sites/production/files/2015-11/documents/msgp_monitoring_guide.pdf;

2) A discussion of how the data collected reflects the site-specific characteristics and how the operator considered special circumstances that may affect copper toxicity throughout the expected range of receiving water conditions;

3) The input file and export of the results from the BLM software, which can be requested at: https://www.epa.gov/wqs-tech/copper-biotic-ligand-model; and

4) A narrative summary of results.

5.2.6.5 Demonstrated to not result in any exceedance of water quality standards: You must demonstrate to EPA within 30 days of the AIM triggering event that the triggering event does not result in any exceedance of water quality standards. If it is not feasible to complete this demonstration within 30 days, you may take up to 90 days, documenting in your SWPPP why it is infeasible to complete the demonstration within 30 days. EPA may also grant you an extension beyond 90 days, based on an appropriate demonstration by you, the operator. The demonstration to EPA, which will be made publicly available, must include the following minimum elements in order to be considered for approval by the EPA Regional Office:

a. the water quality standards applicable to the receiving water;

b. the average flow rate of the stormwater discharge;

c. the average instream flow rates of the receiving water immediately upstream and downstream of the discharge point;

d. the ambient concentration of the parameter(s) of concern in the receiving water immediately upstream and downstream of the discharge point demonstrated by full-storm composite sampling;

e. the concentration of the parameter(s) of concern in the stormwater discharge demonstrated by full-storm, flow-weighted composite sampling;

f. any relevant dilution factors applicable to the discharge; and

g. the hardness of the receiving water.

Timeframe of EPA Review of Your Submitted Demonstration: EPA will review and either approve or disapprove of such demonstration within 90 days of receipt (EPA may take up to 180 days upon notice to you before the 90th day that EPA needs additional time).

- **EPA Approval of Your Submitted Demonstration**. If EPA approves such demonstration within this timeframe, you have met the requirements for this exception, and you do not have to comply with the corresponding AIM requirements and continued benchmark monitoring.
- **EPA Disapproval of Your Submitted Demonstration.** If EPA disapproves such demonstration within this timeframe, you must comply with the corresponding AIM requirements and continued benchmark monitoring, as required. Compliance with the AIM requirements would begin from the date EPA notifies you of the disapproval unless you submit a Notice of Dispute to the applicable EPA Regional Office in Part 7 within 30 days of EPA's disapproval.

- **EPA Does Not Provide Response Related to Your Submitted Demonstration**. If EPA does not provide a response on the demonstration within this timeframe, you may submit to the EPA Regional Office in Part 7 a Notice of Dispute.
- **Operator Submittal of Notice of Dispute.** You may submit all relevant materials, including support for your demonstration and all notices and responses to the Water Division Director for the applicable EPA Region to review within 30 days of EPA's disapproval or after 90 days (or 180 days if EPA has provided notice that it needs more time) of not receiving a response from EPA.
- **EPA Review of Notice of Dispute.** EPA will send you a response within 30 days of receipt of the Notice of Dispute. Time for action by you, the operator, upon disapproval shall be tolled during the period from filing of the Notice of Dispute until the decision on the Notice of Dispute is issued by the Water Division Director for the applicable EPA Region.

5.3 Corrective Action and AIM Documentation

5.3.1 **Documentation within 24 Hours.** You must document the existence of any of the conditions listed in Parts 5.1.1, 5.2.3, 5.2.4, or 5.2.5 within 24 hours of becoming aware of such condition. You are not required to submit this documentation to EPA, unless specifically required or requested to do so. However, you must summarize your findings in the annual report per Part 7.4. Include the following information in your documentation:

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

5.3.2.1 Date the condition/triggering event was identified;

5.3.2.2 Description of immediate actions taken pursuant to Part 5.1.3.1 to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence ofsuch releases (see Part 2.1.2.4); and

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

5.3.3 **Documentation within 14 Days.** You must also document the corrective actions and/or AIM responses you took or will take as a result of the conditions listed in Part 5.1.1, 5.2.3, 5.2.4, and/or 5.2.5 within 14 days from the time of discovery of any of those conditions/triggering events. Provide the dates when you initiated and completed (or expect to complete) each corrective action and/or AIM response. If infeasible to complete the necessary corrective actions and/or AIM responses within the specified timeframe, per Parts 5.1.1, 5.2.3, 5.2.4, or 5.2.5, you must document your rationale and schedule for installing the controls and making them operational as soon as practicable after the specified timeframe. If you notified EPA regarding an allowed extension of the specified timeframe, you must document your rationale for an extension. Include any additional information and/or rationale that is required and/or applicable to the specified corrective action and/or AIM response in Part 5. You are not required to submit this documentation to EPA, unless specifically required or

requested to do so. However, you must summarize your corrective actions and/or AIM responses in the Annual Report per Part 7.4.

6. Stormwater Pollution Prevention Plan (SWPPP)

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

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

6.1 Person(s) Responsible for Preparing the SWPPP

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

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

6.2 Required Contents of Your SWPPP

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

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

- Signature requirements (Part 6.2.7).

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

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

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

6.2.2.1 **Activities at the facility.** Provide a description of the nature of the industrial activities at your facility.

6.2.2.2 **General location map.** Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges.

6.2.2.3 **Site map.** Provide a map showing:

a. Boundaries of the property and the size of the property in acres;

b. Location and extent of significant structures and impervious surfaces;

c. Directions of stormwater flow (use arrows), including flows with a significant potential to cause soil erosion;

d. Locations of all stormwater control measures;

e. Locations of all receiving waters, including wetlands, in the immediate vicinity of your facility. Indicate which waterbodies are listed as impaired and which are identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 waters;

f. Locations of all stormwater conveyances including ditches, pipes, and swales;

g. Locations of potential pollutant sources identified under Part 6.2.3.2;

h. Locations where significant spills or leaks identified under Part 6.2.3.3 have occurred;

i. Locations of all stormwater monitoring points;

j. Locations of stormwater inlets and discharge points, with a unique identification code for each discharge point (e.g., 001, 002), indicating if you are treating one or more discharge points as "substantially identical" under Parts 3.2.4.5, 6.2.5.3, and 4.1.1, and an approximate outline of the areas draining to each discharge point;

k. If applicable, municipal separate storm sewer systems (MS4s) and where your stormwater discharges to them;

l. Areas of Endangered Species Act-designated critical habitat for endangered or threatened species, if applicable.

m. Locations of the following activities where such activities are exposed to precipitation:

ii. fueling stations;

iii. vehicle and equipment maintenance and/or cleaning areas;

iv. loading/unloading areas;

v. locations used for the treatment, storage, or disposal of wastes;

vi. liquid storage tanks;

vii. processing and storage areas;

viii. 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;

ix. transfer areas for substances in bulk;

x. machinery;

xi. locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

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

For each area identified, the description must include:

6.2.3.1 **Activities in the Area.** A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

6.2.3.2 **Pollutants.** A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents) associated with each identified activity, which could be exposed to rainfall or snowmelt and could be discharged from your facility. The pollutant list must include all significant materials that have been handled, treated, stored or disposed, and that have been exposed to stormwater in the three years prior to the date you prepare or amend your SWPPP.

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

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

6.2.3.4 **Unauthorized Non-Stormwater Discharges Evaluation.** By the end of the first year of your permit coverage under this permit, you must inspect and document all discharge points at your facility as part of the SWPPP. If it is infeasible to complete the evaluation within the first year of permit coverage, you must document in your SWPPP why this is the case and identify the schedule by which you expect to complete the evaluation. Documentation of your evaluation must include:

a. The date of the evaluation;

b. A description of the evaluation criteria used;

c. A list of the discharge points or onsite drainage points that were directly observed during the evaluation; and

d. If there are any unauthorized non-stormwater discharges (see Part 1.2.2 for the exclusive list of authorized non-stormwater discharges under this permit) you must immediately take action(s), such as implementing control measures, to eliminate those discharges or seek an individual NPDES wastewater permit and document that you obtained the permit (for example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge).

e. An explanation of everything you did to immediately eliminate the unauthorized discharge per Part 5 Corrective Actions.

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

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

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

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

6.2.4.2 Parts 2.1.3 and 8: Applicable numeric effluent limitations guidelines-based limits;

6.2.4.3 Part 2.2: Water quality-based effluent limits;

6.2.4.4 Part 2.3: Any additional measures that formed the basis of eligibility regarding Endangered Species Act-listed threatened and endangered species or their critical habitat, National Historic Preservation Act historic properties, and/orfederal CERCLA Site requirements;

6.2.4.5 Parts 8 and 9: Applicable effluent limits;

6.2.4.6 Regarding your control measures, you must also document, as appropriate:

a. How you addressed the selection and design considerations in Part 2.1.1;

b. How they address the pollutant sources identified in Part 6.2.3.

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

6.2.5 Schedules and Procedures

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

a. **Good Housekeeping (see Part 2.1.2.2)** – A schedule or the convention used for determining when pickup and disposal of waste materials occurs. Also provide a schedule for routine inspections for leaks and conditions of drums, tanks and containers.

b. **Maintenance (see Part 2.1.2.3)** – Preventative maintenance procedures, including regular inspections, testing, maintenance and repair of all stormwater control measures to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a storm event resulting in a stormwater discharge occur while a control measure is off-line. The SWPPP shall include the schedule or frequency for maintaining all control measures used to comply with the effluent limits in Part 2;

c. **Spill Prevention and Response Procedures (see Part 2.1.2.4**) – Procedures for preventing and responding to spills and leaks, including notification procedures. For preventing spills, include in your SWPPP the stormwater control measures for material handling and storage, and the procedures for preventing spills that can contaminate stormwater. Also specify cleanup equipment, procedures and spill logs, as appropriate, in the event of spills. You may reference the existence of other plans for Spill Prevention, Control and Countermeasure (SPCC) developed for the facility under section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part 6.4;

d. **Erosion and Sediment Controls (see Part 2.1.2.5)** – If you use polymers and/or other chemical treatments as part of your erosion and sediment controls, you must identify the polymers and/or chemicals used and the purpose;

e. **Employee Training (see Part 2.1.2.8)** – The elements of your employee training plan shall include all, but not necessarily limited to, the requirements set forth in Part 2.1.2.8, and also the following:

ii. The content of the training;

iii. The frequency/schedule of training for employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit;

iv. A log of the dates on which specific employees received training.

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

a. Routine facility inspections (see Part 3.1) and;

b. Quarterly visual assessment of stormwater discharges (see Part 3.2).

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

a. Person(s) or positions of person(s) responsible for the inspection;

b. Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular stormwater discharges (see Part 3.2.4);

c. Specific items to be covered by the inspection, including schedules for specific discharge points.

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

6.2.5.3 **Pertaining to Monitoring**

a. **Procedures for Each Type of Monitoring.** You must document in your SWPPP procedures for conducting the six types of analytical stormwater discharge monitoring specified by this permit, where applicable to your facility, including:

i. Indicator monitoring (Part 4.2.1);

ii. Benchmark monitoring (Part 4.2.2);

iii. Effluent limitations guidelines monitoring (Part 4.2.3);

iv. State- or tribal-specific monitoring (Part 4.2.4);

v. Impaired waters monitoring (Part 4.2.5);

vi. Other monitoring as required by EPA (Part 4.2.6).

b. **Documentation for Each Type of Monitoring.** For each type of stormwater discharge monitoring, you must document in your SWPPP:

i. Locations where samples are collected, including any determination that two or more discharge points are substantially identical;

ii. Parameters for sampling and the frequency of sampling for each parameter;

iii. Schedules for monitoring at your facility, including schedule for alternate monitoring periods for climates with irregular stormwater discharges (see Part 4.1.6);

iv. Any numeric control values (benchmark thresholds, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to stormwater discharges from each discharge point;

v. Procedures (e.g., responsible staff, logistics, laboratory to be used) for gathering storm event data, as specified in Part 4.1.

c. Exception for Inactive and Unstaffed Facilities. If you are invoking the exception for inactive and unstaffed facilities for indicator monitoring, benchmark monitoring or impaired waters monitoring, you must include in your SWPPP the information to support this claim as required by Part 4.2.2.5 and 4.2.5.2.

d. Exception for Substantially Identical Discharge Points (SIDP). You must document the following in your SWPPP if you plan to use the SIDP exception for your quarterly visual assessment requirements in Part 3.2.4 or your indicator, benchmark, or impaired waters monitoring requirements in Parts 4.2.1, 4.2.2, and 4.2.5, respectively (see also Part 4.1.1):

i. Location of each SIDP;

ii. Description of the general industrial activities conducted in the drainage area of each discharge point;

iii. Description of the control measures implemented in the drainage area of each discharge point;

iv. Description of the exposed materials located in the drainage area of each discharge point that are likely to be significant contributors of pollutants via stormwater discharges;

v. An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%);

vi. Why the discharge points are expected to discharge substantially identical effluents.

6.2.6 Documentation to Support Eligibility Pertaining to Other Federal Laws

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

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

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

6.3 Required SWPPP Modifications

You must modify your SWPPP based on any corrective actions and deadlines required under Part 5. You must sign and date any SWPPP modifications in accordance with Appendix B, Subsection 11.

6.4 SWPPP Availability

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

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

6.4.1 Making Your SWPPP Publicly Available

You have three options to comply with the public availability requirements for the SWPPP: attaching your SWPPP to your NOI; providing a URL of your SWPPP in your NOI; or providing SWPPP information in your NOI. To remain current for all three options, you must update your SWPPP (by updating the attachment per Part 6.4.1.1 via a Change NOI, updating your webpage per Part 6.4.1.2, or updating the SWPPP information in the NOI per Part 6.4.1.3 via a Change NOI no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1. You may switch your preferred option throughout your permit coverage, but you must update your NOI as necessary to indicate your change in option. You are not required to post any CBI or restricted information (as defined in Appendix A) (such information may be redacted), but you must clearly identify those portions of the SWPPP that are being withheld from public access. CBI may not be withheld from those staff cleared for CBI review within EPA, USFWS or NMFS.

6.4.1.1 Attaching Your SWPPP to your NOI: You may attach a copy of your SWPP, and any SWPPP modifications, records, and other reporting elements that must be kept with your SWPPP, to your NOI in NeT-MSGP.

6.4.1.2 Providing a URL of your SWPPP in your NOI: You may provide a URL in your NOI in NeT-MSGP where your SWPPP can be found, and maintain your current SWPPP at this URL. You must post any SWPPP modifications, records, and other reporting elements that must be kept with your SWPPP required for the previous year at the same URL as the main body of the SWPPP.

6.4.1.3 Providing SWPPP Information in your NOI. You may include the following information in your NOI in NeT-MSGP. Irrespective of this requirement, EPA may provide access to portions of your SWPPP to a member of the public upon request (except any CBI or restricted information (as defined in Appendix A)).

a. Onsite industrial activities exposed to stormwater, including potential spill and leak areas (see Parts 6.2.3.1, 6.2.3.3 and 6.2.3.5);

b. Pollutants or pollutant constituents associated with each industrial activity exposed to stormwater that could be discharged in stormwater and/or any authorized non-stormwater discharges listed in Part 1.2.2 (see Part 6.2.3.2);

c. Stormwater control measures you employ to comply with the non-numeric technology-based effluent limits required in Part 2.1.2 and Part 8, and any other measures taken to comply with the requirements in Part 2.2 Water Quality-Based Effluent Limitations (see Part 6.2.4). If you use polymers and/or other chemical treatments as part of your erosion and sediment controls, you must identify the polymers and/or chemicals used and the purpose; and

d. Schedule for good housekeeping and maintenance (see Part 6.2.5.1) and schedule for all inspections required in Part 3 (see Part 6.2.5.2).

6.5 Additional Documentation Requirements

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

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

6.5.2 A copy of the authorization email you receive from the EPA assigning your NPDES ID;

6.5.3 A copy of this permit (either a hard copy or an electronic copy easily available to SWPPP personnel);

6.5.4 Documentation of any maintenance and repairs of stormwater control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 2.1.2.3);

6.5.5 All inspection reports, including the Routine Facility Inspection Reports (see Part 3.1.6) and Visual Assessment Documentation (see Part 3.2.3);

6.5.6 Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts 3.2.4 and 4.1.5);

6.5.7 Corrective action documentation required per Part 5.1;

6.5.8 Documentation of any benchmark threshold exceedances, which AIM Level triggering event the exceedance caused, and AIM response you employed per Part 5.2, including:

6.5.8.1 The AIM triggering event;

6.5.8.2 The AIM response taken;

6.5.8.3 Any rationale that SWPPP/SCM changes were unnecessary;

6.5.8.4 Any documentation required to meet any AIM exception per Part 5.2.6.

6.5.9 Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge after three years or were solely attributable to natural background sources (see Part 4.2.5.1); and

6.5.10 Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 3.1.5), quarterly visual assessments (see Part 3.2.4.4), benchmark monitoring (see Part 4.2.2.4), and/or impaired waters monitoring (see Part 4.2.5.2).

7. Reporting and Recordkeeping

7.1 Electronic Reporting Requirement

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

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

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

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

7.2 Submitting Information to EPA

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

Information you must submit to EPA via NeT-MSGP:

- Notice of Intent (NOI) (Part 1.3);
- Change Notice of Intent (NOI) (Part 1.3.4);

- No Exposure Certification (NEC) (Part 1.5);
- Notice of Termination (NOT) (Part 1.4); and
- Annual Report (AR) (Part 7.4).

Note: You must submit Discharge Monitoring Reports (see Part 7.3) electronically using Net-DMR.

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

7.2.2 **Other Information Required to be Submitted.** Information required to be submitted to the applicable EPA Regional Office at the address in Part 7.8:

- New Dischargers and New Sources to Water Quality-Impaired Waters (Part 1.1.6.2);
- Exceedance Report for Numeric Effluent Limitations (Part 7.5); and
- Additional Reporting (Part 7.6)

7.3 Reporting Monitoring Data to EPA

7.3.1 **Submitting Monitoring Data via NeT-DMR.** You must submit all stormwater discharge monitoring data collected pursuant to Part 4 to EPA using Net-DMR, EPA's electronic DMR system (for more information visit: https://www.epa.gov/compliance/npdes-ereporting (unless the applicable EPA Regional Office grants you a waiver from electronic reporting, in which case you may submit a paper DMR form) no later than 30 days after you have received your complete laboratory results for all monitoring discharge points for the reporting period. Your monitoring requirements (i.e., parameters required to be monitored and sample frequency) will be prepopulated on your electronic Discharge Monitoring Report (DMR) form based on the information you reported on your NOI form through the NeT-MSGP. Accordingly, you must certify the following changes to your monitoring frequency to EPA by submitting a Change NOI in NeT-MSGP, unless EPA has completed the development of planned features in the electronic systems to process submitted monitoring results to automatically turn monitoring on/off as applicable, which will trigger changes to your monitoring requirements in Net-DMR:

7.3.1.1 All benchmark monitoring requirements have been fulfilled for the permitterm;

7.3.1.2 All impaired waters monitoring requirements have been fulfilled for the permit term;

7.3.1.3 Benchmark monitoring requirements no longer apply because the EPA Regional Office has concurred with your assessment that run-on from a neighboring source is the cause of the exceedance;

7.3.1.4 Benchmark and/or impaired monitoring requirements no longer apply because your facility is inactive and unstaffed;

7.3.1.5 Benchmark and/or impaired monitoring requirements now apply because your facility has changed from inactive and unstaffed to active and staffed;

7.3.1.6 For Sector G2 only: Discharges from waste rock and overburden piles have exceeded benchmark thresholds;

7.3.1.7 A numeric effluent limitation guideline has been exceeded;

7.3.1.8 A numeric effluent limitation guideline exceedance is back in compliance.

7.3.2 **When You Can Discontinue Submission of Monitoring Data.** Once you have completely fulfilled applicable monitoring requirements, you are no longer required to report monitoring results using Net-DMR. If you have only partially fulfilled your benchmark monitoring and/or impaired waters monitoring requirements (e.g., your four quarterly average is below the benchmark for some, but not all, parameters; you did not detect some, but not all, impairment pollutants), you must continue to report your results in Net-DMR for the remaining monitoring requirements. If the EPA Regional Office grants you a waiver per Part 7.1, you must submit paper reporting forms by the same deadline.

7.3.3 **State or Tribal Required Monitoring Data.** See Part 9 for specific reporting requirements applicable to individual states or tribes.

7.3.4 **Submission Deadline for Indicator and Benchmark Monitoring Data.** For both indicator and benchmark monitoring, you are required to submit sampling results to EPA no later than 30 days after receiving your complete laboratory results for all monitored discharge points for each monitoring period that you are required to collect samples, per Part 4.2.1. and Part 4.2.2. If you collect samples during multiple storm events in a single quarter (e.g., due to adverse weather conditions, climates with irregular stormwater discharges, or areas subject to snow), you are required to submit all sampling results for each storm event to EPA within 30 days of receiving all laboratory results for the event. Or, for any of your monitored discharge points that did not have a discharge within the reporting period, using Net-DMR, you must report that no discharges occurred for that discharge point no later than 30 days after the end of the reporting period.

7.4 Annual Report

You must submit an Annual Report to EPA via NeT-MSGP, per Part 7.2, by January 30th for each year of permit coverage containing information generated from the past calendar year. You must include the following information in the Annual Report:

7.4.1 A summary of your past year's routine facility inspection documentation required (Part 3.1.6). In addition, if you are an operator of an airport facility (Sector S) that is subject to the airport effluent limitations guidelines and are complying with the Part 8.S.8.1 effluent limitation through the use of non-urea-containing deicers, provide a statement certifying that you do not use pavement deicers containing urea. (Note: Operators of airport facilities that are complying with Part 8.S.8.1 by meeting the numeric effluent limitation for ammonia do not need to include this statement.)

7.4.2 A summary of your past year's visual assessment documentation (see Part 3.2.3);

7.4.3 A summary of your past year's corrective action and any required AIM documentation (see Part 5.3). If you have not completed required corrective action or AIM responses at the time you submit your annual report, you must describe the status of any outstanding corrective action(s) or AIM responses. Also describe any incidents of noncompliance in the past year or currently ongoing, or if none, provide a statement that you are in compliance with the permit.

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

7.5 Numeric Effluent Limitations Exceedance Report

If follow-up monitoring per Part 4.2.3.3 exceeds a numeric effluent limit, you must submit an Exceedance Report to EPA no later than 30 days after you have received your laboratory results. Send the Exceedance Report to the applicable EPA Regional Office listed in Part 7.8, and report the monitoring data through Net-DMR. Your report must include the following:

7.5.1 NPDES ID;

7.5.2 Facility name, physical address and location;

7.5.3 Name of receiving water;

7.5.4 Monitoring data from this and the preceding monitoring event(s);

7.5.5 An explanation of the situation, including what you have done and intend to do (should your corrective actions not yet be complete) to correct the violation;

7.5.6 An appropriate contact name and phone number.

7.6 Additional Standard Recordkeeping and Reporting Requirements

In addition to the reporting requirements stipulated in Part 7, you are also subject to the standard permit reporting provisions of Appendix B, Subsection 12. You must submit the following reports to the applicable EPA Regional Office listed in Part 7.8, as applicable. If you discharge through an MS4, you must also submit these reports to the MS4 operator (identified pursuant to Part 6.2.2).

7.6.1 24-hour reporting (see Appendix B, Subsection 12.F) – You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances;

7.6.2 5-day follow-up reporting to the 24-hour reporting (see Appendix B, Subsection 12.F) – A written submission must also be provided within five days of the time you become aware of the circumstances;

7.6.3 Reportable quantity spills (see Part 2.1.2.4) – You must provide notification, as required under Part 2.1.2.4, as soon as you have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity;

7.6.4 Planned changes (see Appendix B, Subsection 12.A) – You must give notice to EPA promptly, no fewer than 30 days prior to making any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;

7.6.5 Anticipated noncompliance (see Appendix B, Subsection 12.B) – You must give advance notice to EPA of any planned changes in the permitted facility or activity which you anticipate will result in noncompliance with permit requirements;

7.6.6 Compliance schedules (see Appendix B, Subsection 12.F) – Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements

contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;

7.6.7 Other noncompliance (see Appendix B, Subsection 12.G) – You must report all instances of noncompliance not reported in your Annual Report, compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and

7.6.8 Other information (see Appendix B, Subsection 12.H) – You must promptly submit facts or information if you become aware that you failed to submit relevant facts in your NOI, or that you submitted incorrect information in your NOI or in any report.

7.7 Record Retention Requirements

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

7.8 Addresses for Reports

Permit Part	EPA Region	Areas Covered	Address
7.8.1	1	Connecticut Massachusetts New Hampshire Rhode Island Vermont	U.S. EPA Region 1 Water Division Stormwater and Construction Permits Section 5 Post Office Square, Ste. 100 (06-1) Boston, MA 02109-3912
7.8.2	2	New Jersey New York	U.S. EPA Region 2 NPDES Stormwater Program 290 Broadway, 24th Floor New York, NY 10007-1866
		Puerto Rico Virgin Islands	U.S. EPA Region 2 Caribbean Environmental Protection Division NPDES Stormwater Program City View Plaza II – Suite 7000 48 Rd. 165 Km 1.2 Guaynabo, PR 00968-8069
7.8.3	3	Delaware District of Columbia Maryland Pennsylvania Virginia West Virginia	U.S. EPA Region 3 NPDES Permits Section, MC 3WD41 1650 Arch Street Philadelphia, PA 19103
7.8.4	4	Alabama Florida Georgia Kentucky Mississippi North Carolina	U.S. EPA Region 4 Water Division NPDES Stormwater Program Atlanta Federal Center 61 Forsyth Street SW Atlanta, GA 30303-3104

Permit Part	EPA Region	Areas Covered	Address
		South Carolina Tennessee	
7.8.5	5	Illinois Indiana Michigan Minnesota Ohio Wisconsin	U.S. EPA Region 5 NPDES Program Branch 77 W. Jackson Blvd. MC WP16J Chicago, IL 60604-3507
7.8.6	6	Arkansas Louisiana Oklahoma Texas New Mexico (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands)	U.S. EPA Region 6 Permitting Section (WD-PE) 1201 Elm Street, Suite 500 Dallas, TX 75270
7.8.7	7	Iowa Kansas Missouri Nebraska	U.S. EPA Region 7 NPDES Stormwater Program 11201 Renner Blvd Lenexa, KS 66219
7.8.8	8	Colorado Montana North Dakota South Dakota Wyoming Utah (except see Region 9 for Goshute Reservation and Navajo Reservation lands) The Ute Mountain Reservation in New Mexico The Pine Ridge Reservation in Nebraska	EPA Region 8 Storm Water Program MC: 8P-W-WW 1595 Wynkoop Street Denver, CO 80202-1129

Permit Part	EPA Region	Areas Covered	Address
7.8.9	9	Arizona California Hawaii Nevada Guam American Samoa The Commonwealth of the Northern Mariana Islands The Goshute Reservation in Utah and Nevada The Navajo Reservation in Utah New Mexico, and Arizona The Duck Valley Reservation in Idaho Fort McDermitt Reservation in Oregon	U.S. EPA Region 9 Water Division NPDES Stormwater Program (WTR-2-3) 75 Hawthorne Street San Francisco, CA 94105-3901
7.8.10	10	Alaska Idaho Oregon (except see Region 9 for Fort McDermitt Reservation) Washington	U.S. EPA Region 10 Water Division NPDES Stormwater Program (19-C04) 1200 6th Avenue, Suite 155 Seattle, WA 98101-3188
7.8.11	State and Tribal Addresses		See Part 9 (states and tribes) for the addresses of applicable states or tribes that require submission of information to their agencies.