

What's Next?

MPCA's New Multi-Sector Stormwater Permit Program

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First some basics:

- What is stormwater?
 - ◆ Site runoff from precipitation at a facility
- Why do we care about it?
 - ◆ Stormwater at industrial sites may come into contact with debris or pollutants, such as metals, oil, grease, and salts
 - ◆ Stormwater then flows into rivers and lakes
- How is it currently regulated?
 - ◆ NPDES general permit program



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The “general permit” concept

- In the 1990s, the EPA began applying the federal Clean Water Act (“CWA”) to stormwater runoff.
- Under the CWA, the discharge of wastewater, including stormwater, requires a permit.
- A general permit applies to a group of dischargers as a whole.
- This general permit greatly shortens the application and authorization processes.

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Enforcement

- Both the EPA and the MPCA have undertaken enforcement action for:
 - Failure to obtain required permit and
 - Failure to comply with a permit's conditions

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Here's what's next:

Minnesota Pollution Control Agency is developing a new general permit that will specifically target 10 categories of facilities with industrial activities.

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Application of new permit

- The ten categories, which are called Standard Industrial Classification (“SIC”), code are subdivided into subgroups.
- The SICs and subgroups focus on facilities with industrial materials and activities.
 - ◆ Materials:
Material & equipment handling; Machinery; Raw Materials, By-Products, Waste Products, etc.
 - ◆ Activities:
Storage; Loading and unloading; Transportation

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Potential Stormwater Hotspots

Table 10.9 Business Operations at Potential Stormwater Hotspots (adapted from MDE, 2000)

- | | |
|--|---|
| ▶ Vehicle salvage yards and recycling facilities | ▶ Outdoor liquid container storage |
| ▶ Vehicle service and maintenance facilities | ▶ Outdoor loading/unloading facilities |
| ▶ Vehicle and equipment cleaning facilities | ▶ Public works storage areas |
| ▶ Fleet storage areas (bus, truck, etc.) | ▶ Facilities that generate or store hazardous materials |
| ▶ Industrial sites | ▶ Commercial container nursery |
| ▶ Marinas (service and maintenance) | ▶ Large parking lots |
| ▶ Transportation routes* and fueling areas | ▶ Large chemically managed turf areas |

* Note that road surfaces are not always considered PSHs unless a history of contaminated water has occurred.

Source: MPCA, Minnesota Stormwater Manual (Jan. 2008)

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The 10 SICs include:

- Landfills
- Electric power generating facilities
- Wastewater treatment plants
- Mining operations
- Hazardous waste facilities
- Scrap yards & battery reclaimers
- **Transportation facilities**

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Two subgroups apply to railroads:

(1) Line-haul railroad operations

(2) Switching & terminal establishments

A facility in either subgroup must obtain a permit if it:

- ◆ Conducts vehicle maintenance (including fueling, mechanical repairs, painting, lubrication)
- ◆ Operates maintenance shops; or
- ◆ Engages in equipment cleaning

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Pollutants Associated with Operations

Table 10.10 Stormwater Pollutants Associated With Common Operations at Potential Stormwater Hotspots (Schueler et al., 2004)

Vehicle Repair →
 Vehicle Fueling →
 Vehicle Washing →

Liquid Spills →

Hobby Farms →

Operation or Activity	Nutrients	Metals	Oil / Hydrocarbons	Toxics	Others
Vehicle Repair	○	●	●	●	
Vehicle Fueling	○	●	●	●	(MTBE not used in MN)
Vehicle Washing	●	○	○	●	Water Volume
Vehicle Storage	○	○	●	○	Trash
Outdoor Loading	○	○	○	○	Organic Matter
Outdoor Storage	○	○	○	○	
Liquid Spills	○	○	●	●	
Dumpsters	○	○	○	●	Trash
Building Repair	○	○	○	○	Trash
Building Maintenance	○	●	○	○	
Parking Lot Maintenance	○	○	●	○	Chloride
Turf Management	●	○	○	●	Pesticides
Landscaping	●	○	○	●	Pesticides
Swimming Pool Discharges	○	○	○	○	Chlorine
Golf Courses	●	○	○	●	Pesticides
Hobby Farms/Race Tracks	○	○	○	○	Bacteria
Construction	○	○	○	○	Trash, Sanitary Waste, Sediment
Marinas	○	○	○	●	Bacteria
Restaurants	○	○	●	○	Grease

Key:
 ● major contributor
 ○ moderate contributor
 ○ minor contributor
 ○ not a pollutant source

Source: MPCA, Minnesota Stormwater Manual (Jan. 2008)

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What will the permit require you to do?

1. Stormwater Pollution Prevention Plan (SWPPP)
2. Use of Best Management Practices
3. Monitoring of stormwater discharge
(NEW!)

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SWPPP

Five general phases

- ◆ Planning and Organization
 - ◆ Form a pollution prevention team
- ◆ Assessment
 - ◆ Develop site map and material list, record past spills, and evaluate non-stormwater discharges
- ◆ Best Management Practices
- ◆ Implementation
 - ◆ Schedule, delegate responsibilities, and train employees
- ◆ Evaluation
 - ◆ Annual compliance evaluation, recordkeeping, and plan revisions

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Best Management Practices

Non-Structural (behavior and management)

- Good Housekeeping
- Preventative Maintenance
- Spill Prevention and Response

Structural (control or manage runoff)

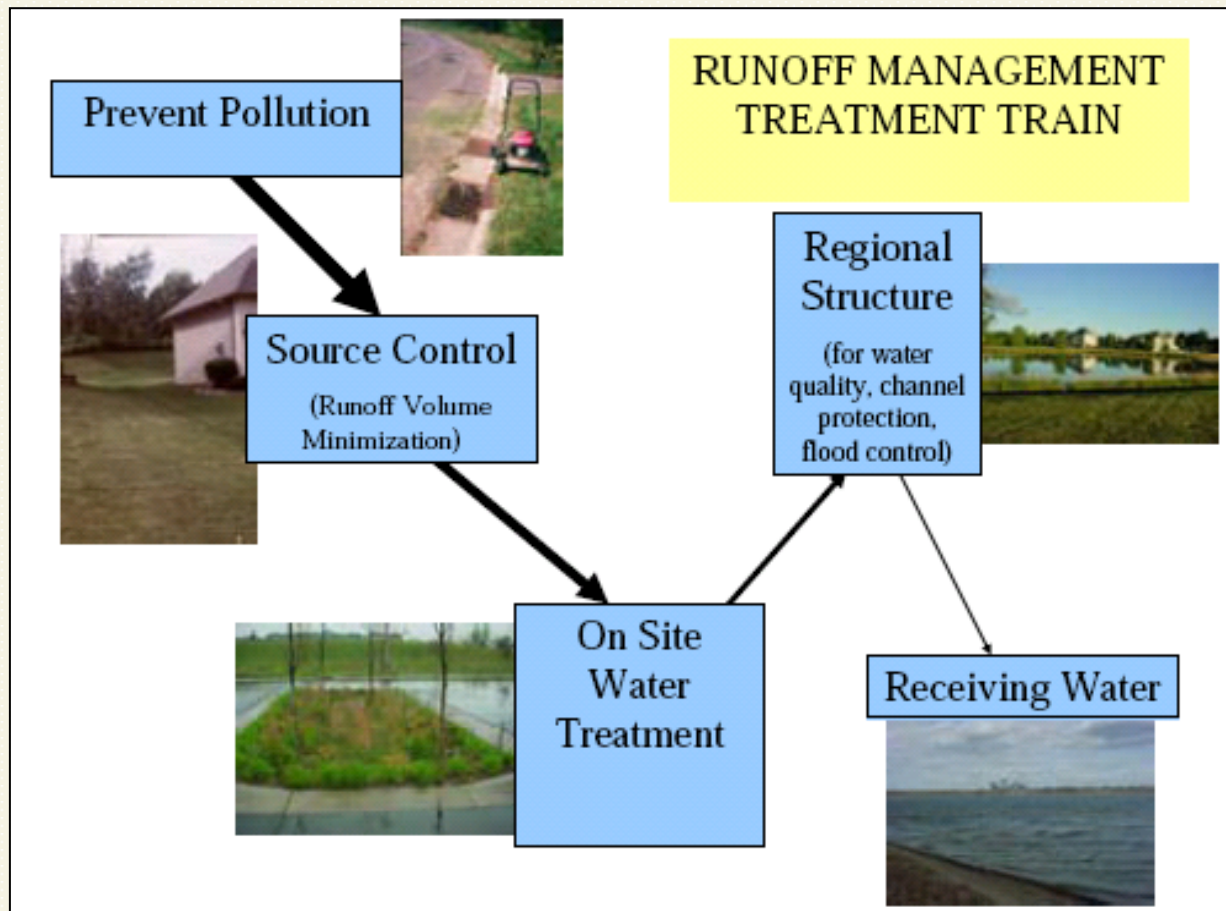
- Sediment and Erosion Control
- Management of Runoff

- Industry-specific Best Management Practices (**New!**)

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Best Management Practices



Source: MPCA, Minnesota Stormwater Manual (Jan. 2008)

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Best Management Practices- Industrial

Practice	Stormwater Pollutants Controlled						
	Sediment	Nutrients	Metals	Bacteria	Trash	Oil	Toxins
Temp. Construction Sediment Control	●	◐	◑	○	◑	○	○
Wind Erosion Control	●	◐	◑	○	◑	○	○
Emission Regulation	◑	○	●	○	●	○	●
Material Storage Control	●	◐	◐	○	○	●	●
Dumpster and Landfill Management	◑	◐	◐	●	●	◐	●
Better Turf Management	◐	●	○	○	○	○	●
Better Parking Lot Cleaning	●	◐	◐	○	◐	◐	◑
Better Impervious Surface Deicing	◐	◑	◑	○	○	○	●
Proper Vehicle Management	●	●	●	○	◐	●	●
Storm Sewer System Maintenance	●	◐	◑	○	◐	○	○
Sanitary Sewer System Maintenance	◑	●	○	●	○	○	◑
Legend							
○ = Uncontrolled		◐ = Moderately Controlled					
◑ = Slightly Controlled		● = Significantly Controlled					

Source: MPCA, Minnesota Stormwater Manual (Jan. 2008)

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Monitoring (New!)

- Specific pollutants to monitor
 - ◆ Each sector will have specific pollutants
- A monitoring schedule
 - ◆ Proposal currently includes monitoring 4 times the first year
- Use of “Benchmarks”
 - ◆ Benchmarks are action levels to compare with monitoring results

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How will benchmarks be used?

Example: A business must sample stormwater runoff 4 times/year for petroleum hydrocarbons.

If the average of the 4 test results exceeds the benchmark, the business may have to make management, operational, and structural changes; document exceedance in SWPPP; and test again.

Exceedance of a benchmark will require immediate reporting & corrective action.

Business must pass benchmark by end of third year of permit.

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What kind of operational changes are possible?

- Focus: Prevent exposure of contaminants to stormwater and manage stormwater runoff
- Examples:
 - ◆ Conduct certain operations on an impervious surface or under a cover/roof structure
 - ◆ Construct berms to manage runoff
 - ◆ Construct an infiltration basin with an oil-water separator
 - ◆ Utilize covered containers
 - ◆ Process changes to reduce or eliminate waste and storage needs
 - ◆ Recycle fluids, fuel, batteries, etc. ASAP

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Two special circumstances worth mentioning:

1. Additional monitoring for impacts on “impaired” surface water
2. “No Exposure” exclusion.

Impaired Surface Waters

- Surface waters that do not meet the applicable water quality standard and are not usable for their intended purpose are designated by MPCA as “impaired waters.”
- When stormwater drains to impaired waters, additional monitoring is required.
- The facility will be required to monitor for the pollutant of impairment.
- Impaired waters may have more stringent requirements than the stormwater permit.

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No Exposure- When does it apply?

- Applies to all regulated categories except construction
- Requirement for No Exposure Exclusion
 - ◆ All significant materials and activities are protected from rain, snow, snowmelt, and runoff by a storm resistant shelter.
- Significant Materials
 - ◆ Materials with “pollution potential”
 - ◆ Consider solubility, transportability, and toxicity
 - ◆ Examples: raw materials, fuels, finished metallic products, solvents, waste products

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No Exposure- Advantages & Process

Advantages

- ◆ Conditional exclusion from permit
- ◆ No application fee, annual fee, or annual reports
- ◆ Avoid any stormwater contamination

Process

- ◆ Submit permit application with No Exposure certification every 5 years
- ◆ Submit copy, if requested, to municipality
- ◆ Recommended: 3 inspections per year & updated SWPPP

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Timing of the new regulations

- Draft permit to be “published” this summer
- The public will have an opportunity to comment
- A public hearing is possible
- Decision by the MPCA Citizens Board
- Permit expected to issue in spring 2009

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Application Process

- If you do not have current coverage, apply now for 2002 draft permit
- Apply for the revised draft permit when MPCA announces the permit is ready for applications
- Requirements
 - ◆ No permit fee for application
 - ◆ Annual fee of \$400
 - ◆ Annual Reports (SWPPP summary, list of spills, description of inspections, description of BMPs)
 - ◆ Inspections

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Current Application

- Six-page application with certifications
- Requires information regarding owner, operations, drainage from site, description of site, storage of materials, etc.

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

**General Stormwater Permit Application
For Industrial Activity**

ID# (MPCA use only): _____

Please refer to the application instructions as you complete this form for a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) General Stormwater Permit Application for Industrial Activity. Enter responses using check boxes and text as indicated. Use the "save as" feature in Microsoft Word to save this template as a document.

Useful Web sites for additional information and for rules and regulations that apply to stormwater:

- Minnesota Pollution Control Agency (MPCA) industrial stormwater Web site, which contains frequently updated information on the industrial stormwater permit and program: <http://www.pca.state.mn.us/water/stormwater/stormwater-i.html>.
- Federal regulations that apply to the regulation of stormwater, including industrial stormwater: follow the above link to the MPCA industrial stormwater Web site, then scroll to and click on 40 CFR 122.26.
- Minnesota Rules that apply to regulation of stormwater, including industrial stormwater: <http://www.pca.state.mn.us/water/stormwater/stormwater-rules.html>.

A. Site or facility information

1. Municipally owned or operated facilities (all others skip to part A.2.)

For municipally owned or operated industrial facilities
 Single site permit Multiple site permit If multiple sites, number of attached application forms: _____

For municipally owned or operated industrial facilities, such as vehicle maintenance garages, you must attach a complete application, properly filled out, for each site. An authorized person with overall responsibility or an officially delegated representative must sign each application form.

2. Site or facility location

Name of facility: _____

Site street address: _____
(Actual location. Indicate fire # for a rural site, if no fire # indicate location on a road and distance to nearest municipality. Do not use a P.O. box.)

City or township: _____ State: MN Zip Code: _____ County: _____

Site Contact (please print): _____

Title: _____

Mailing address: _____

City: _____ State: MN Zip Code: _____

Telephone: _____ E-mail address: _____

Operator (please print): _____

Title: _____

Mailing address: _____

City: _____ State: MN Zip Code: _____

Telephone: _____ E-mail address: _____

Site mailing address: _____
(if different from the street address indicated above)

City: _____ State: MN Zip Code: _____

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Important to keep in mind:

Your facility may already be required
to have coverage under Minnesota's
General Stormwater Permit for
Industrial Activity

(Check with your legal counsel!)

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Other Helpful Sources

- MPCA, Minnesota Stormwater Manual (Jan. 2008)
 - 883 pages of very helpful guidance
- MPCA Website
 - <http://www.pca.state.mn.us/water/stormwater/stormwater-i.html>

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Thank You

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