



CWA NPDES Inspector Training Webinar Series

Industrial Stormwater Non-filers: Finding
Facilities Without Permit Coverage

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Industrial Stormwater Permits

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U.S. EPA Office of Compliance

Coverage under Industrial Stormwater Permits

- Location of the facility
 - Review the industrial stormwater general permit for your State
- Authorized stormwater and non-stormwater discharges
 - Discharge of stormwater related to manufacturing, processing, or raw materials storage area at an industrial plant
 - Non-stormwater discharges: Discharges that do not originate from storm events
- Industrial activity (next slide)
- Any limitations on coverage
 - E.g., covered by another permit; other
- Any other eligibility considerations
 - For EPA's MSGP: ESA, NHPA, etc.
- Obtain permit coverage
 - Develop SWPPP then submit NOI

**Covers 29
Sectors of
Industrial
Activity
(Appendix D
in MSGP)**

A: Timber Products
B: Paper Products
C: Chemical Products
D: Asphalt/Roofing
E: Glass, Clay, Cement
F: Primary Metals
G: Metal Mining
H: Coal Mines
I: Oil and Gas
J: Mineral Mining
K: Hazardous Waste
L: Landfills
M: Auto Salvage Yards
N: Scrap Recycling
O: Steam Electric Facilities

P: Land Transportation
Q: Water Transportation
R: Ship/Boat Building, Repair
S: Air Transportation
T: Treatment Works (WWTPs)
U: Food Products
V: Textile Mills
W: Furniture and Fixtures
X: Printing, Publishing
Y: Rubber, Misc. Plastics
Z: Leather Tanning/Finishing
AA: Fabricated Metal Products
AB: Transportation Equip.
AC: Electronic, photo goods
AD: Non-classified facilities

Industrial Activity

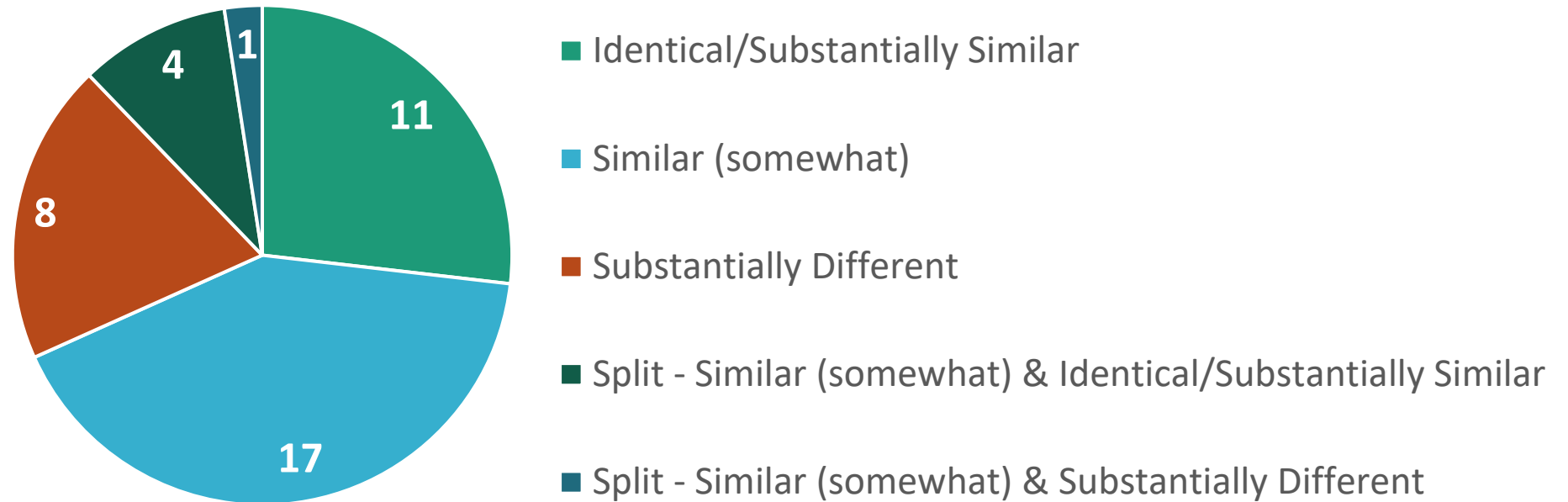


Do state MSGPs have to match EPA's MSGP?

(Short answer:
No)

- State MSGPs do not have to incorporate any new requirements that EPA finalized in the MSGP, but they may if they choose to.
- Facilities in areas where EPA is not the permitting authority do not have to comply with EPA's MSGP.

Evaluation of 41 state MSGPs v. EPA 2015 MSGP (from 2019)



Where does EPA's 2021 MSGP apply?

- States of New Mexico, New Hampshire and Massachusetts
- Federal facilities in Washington, Delaware, Colorado and Vermont
- DC, Puerto Rico and territories
- Most Indian Country lands
- Certain oil and gas facilities in Oklahoma and Texas

<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>

Steps to comply with the MSGP

Ongoing activity 

PREPARE

Check Eligibility Conditions (Part 1)

Develop/update SWPPP (Part 6)

Install Control Measures to Meet Effluent Limits (Part 2) 

GET COVERED

Submit NOI for Authorization (Part 1)

CHECK-UP

Conduct Inspections and Visual Assessments (Part 3) 

Conduct Required Monitoring (Parts 4, 8) 

FOLLOW-UP

Complete Any Required Corrective Actions and AIM (Part 5) 

Complete Reporting (Part 7) 

Comply with any Sector-Specific requirements (Part 8) 

Comply with any State/Tribal-specific conditions (Part 9) 

Is there an
exclusion?

Yes – A
Conditional
Exclusion for
“No Exposure”*

If all industrial
materials and activities **are
protected by a storm resistant
shelter** to prevent exposure
to rain, snow, snowmelt,
and/or runoff – **No MSGP
needed**

- ✓ Check the no exposure conditions in 40 CFR 122.26(g)
- ✓ Submit No Exposure Certification (NEC) in NeT-MSGP online every 5 years (*unaffected by MSGP issuance timeline*)



*Some exceptions apply; does not apply to construction activities

No Exposure Exclusion

- For facilities that would otherwise need the MSGP
- You do not have to get permit coverage when you have “no exposure” of **ALL** industrial materials / operations to SW
- Must complete the “No Exposure Checklist” and submit a certification that you meet the no exposure requirements
 - Checklist has 11 questions to determine whether exposure exists
 - See Appendix K
- See State permit for state-specific no exposure requirements



Key “no exposure” considerations

- No exposure available on a facility-wide basis only, not for individual outfalls
- EPA can deny no exposure exclusion if it determines that stormwater discharges have a reasonable potential to cause or contribute to a violation of water quality standards
- If changes at a facility result in industrial activities or materials becoming exposed, the no exposure exclusion ceases to apply.
- Past sources of stormwater contamination that remain on site cause a condition of exposure

Questions?



Targeting and Inspecting Industrial Stormwater Non-filer Facilities

Stephanie Meyers, EPA Region 8 NPDES Inspector and Enforcement
Officer

Targeting Industrial Non-filers

Tools for
Targeting

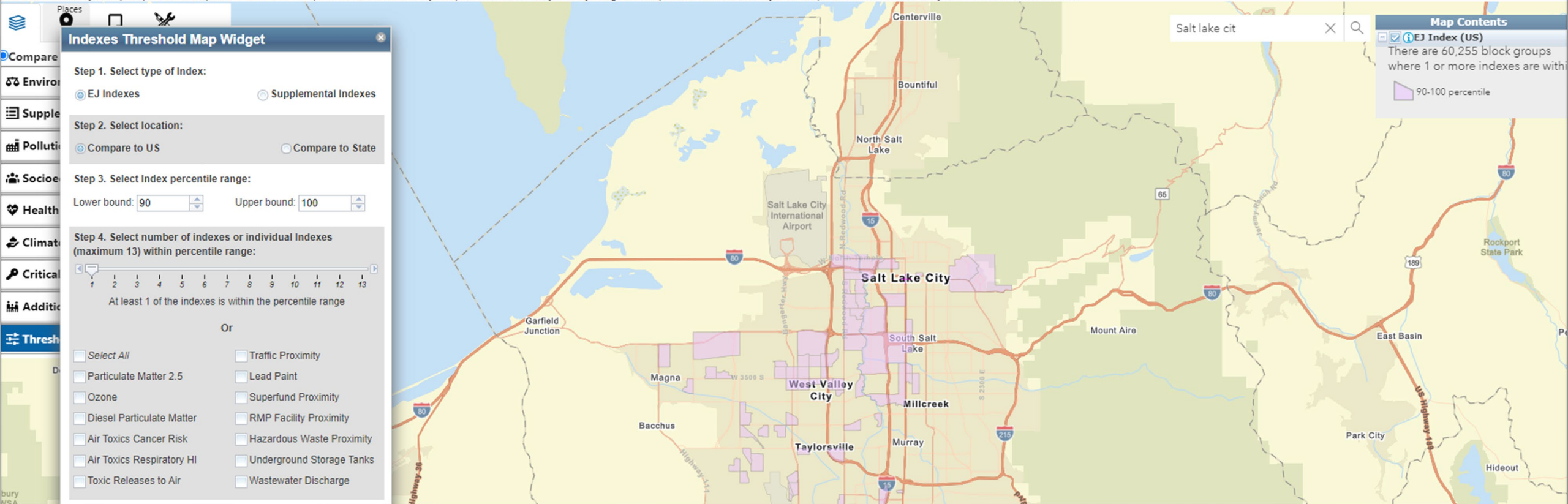
EJ Screen

Facility Finder

Address Comparison Tool

Aerial Imagery

Please note: Territory data (except Puerto Rico) is not available as comparable to the US. It is only comparable to the territory itself by using the 'Compare to State' functionality. Likewise, some of the indicators may not be available for territories.



EJScreen

- EJScreen uses maps and reports to present a variety of data and information: environmental burden indicators; socioeconomic indicators; indicators on climate change, health disparities, and critical services gaps; and EJ/supplemental indexes.
- <https://ejscreen.epa.gov/mapper/>

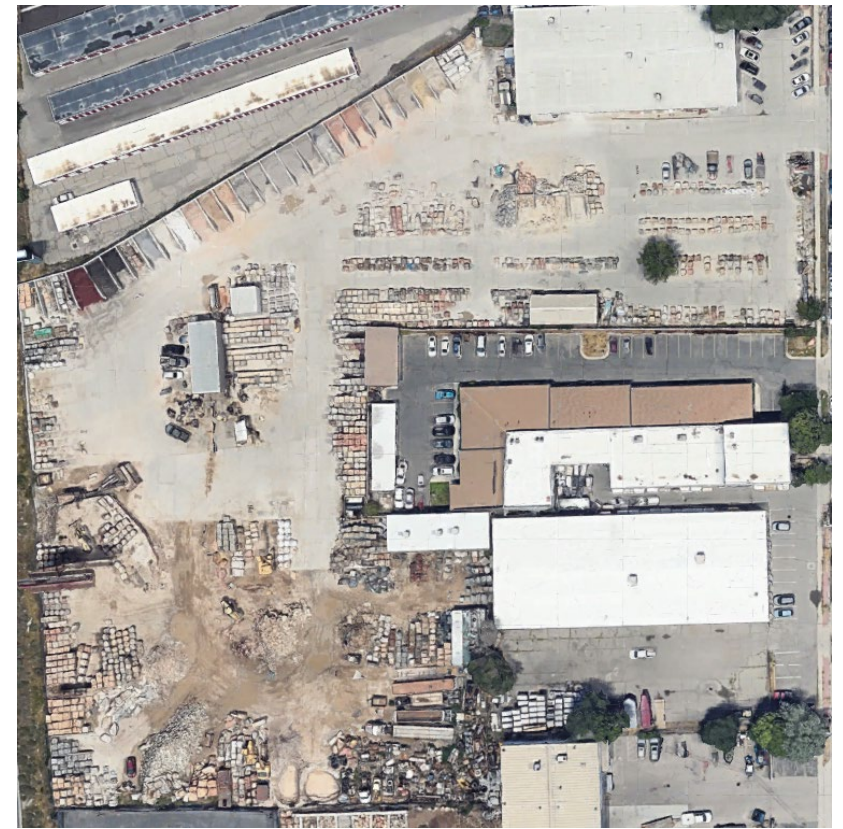
Address Comparison Tool

- Utilizes Hoovers data from Dun & Bradstreet on industrial companies
- Compares known facility data from Dun and Bradstreet to regulated facility data from ECHO
- Score is generated for each comparison of known facility data and regulated facility data
- Facilities scoring a certain number are then displayed, meaning these facilities likely do not have permit coverage



Facility Finder

- Currently only available to EPA employees
- Utilizes data from the Address Comparison Tool, ECHO, and other sources containing industrial facility data



Aerial Imagery
Google Earth/Google Maps

Selecting Facilities for Inspections

- Crosscheck facility data
- Consider proximity to surface waters and potential to discharge pollutants
- Focus on a specific sector
- Focus on EJ areas

Inspecting Industrial Non-filers

Preparing for Inspections

- Permit review
- Develop checklist
- Sector and SIC code review
- Facility research
- Announced vs. unannounced inspections

I. EXPOSURE CHECKLIST

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future?

(Please check either "Yes" or "No" in the appropriate box). If you answer "Yes" to any of these questions (1) through (11), you are not eligible for the No Exposure Certification.

- | | | |
|--|------------------------------|-----------------------------|
| 1. Using, storing, or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to storm water; | Yes ☐ | No ☐ |
| 2. Materials or residuals on the ground or in storm water inlets from spills or leaks; | Yes ☐ | No ☐ |
| 3. Materials or products from past industrial activity; | Yes ☐ | No ☐ |
| 4. Materials handling equipment, except adequately maintained vehicles; | Yes ☐ | No ☐ |
| 5. Materials or products during loading and unloading or transporting activities; | Yes ☐ | No ☐ |
| 6. Materials or products stored outdoors, except final products intended for outside use, (i.e. new cars, where exposure to storm water does not result in the discharge of pollutants); | Yes ☐ | No ☐ |
| 7. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers; | Yes ☐ | No ☐ |
| 8. Materials or products handled or stored on roads or railways owned or maintained by the discharger; | Yes ☐ | No ☐ |
| 9. Waste material, except waste in covered and non-leaking containers such as dumpsters; | Yes ☐ | No ☐ |
| 10. Application or disposal of process wastewater, unless otherwise permitted; and | Yes ☐ | No ☐ |
| 11. Particulate matter or visible deposits or residuals from roof stacks or vents not otherwise regulated, (i.e. under an air quality control permit), and evident in the storm water outflow. | Yes ☐ | No ☐ |

Conducting Inspections



- Opening Conference
 - Introductions
 - Present credentials
 - Explain inspection purpose
 - Industrial stormwater program overview
 - Facility overview

Conducting Inspections cont.

- Facility walk-through



Conducting Inspections cont.

- Closing Conference
 - Present preliminary findings
 - Answer final questions
 - Provide information and resources
 - Explain the report-writing process

Post-Inspection Follow-up



INSPECTION REPORT



ENFORCEMENT

Questions?