

Proposed MPCA Industrial Stormwater Permit

July 2009



Overview

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On July 6, 2009, The Minnesota Pollution Control Agency (MPCA) published its proposed reissued “Industrial Stormwater Multi-Sector General Permit” (MSGP). This permit covers stormwater discharges from industrial and “industrial-like” operations that are required to have a stormwater discharge NPDES permit.

NPDES permits, including general permits, are reissued on a 5-year cycle. The current MPCA permit was written in 1997 and expired in 2002. Therefore, this revised permit was needed to replace the expired one.

The Federal requirements of industrial stormwater dischargers have changed significantly since the expired MPCA permit was drafted in 1997. Therefore, the draft permit being proposed by MPCA needed to address the many changes to program requirements that have been enacted in the last 12 years.

The size and complexity of the proposed permit is much greater compared to the expired permit that Minnesota industries are currently subject to.

Proposed permit is significantly more complex:

Current permit = 19 pages

Proposed permit = 208 pages

Who Could Be Affected?

The industrial stormwater permit applies equally to all industrial and “industrial-like” facilities in Minnesota based on the Standard Industrial Classification, or “SIC Code”. Rules apply to any facility **regardless of size or number of employees.**

MPCA has estimated that as many as 20,000 facilities will be affected by at least some of the proposed Rules, and as many as 10,000 facilities will be subject to the requirements of the full stormwater discharge permit.

Targeted Industries

This MSGP applies to all types of facilities that need general permit coverage; therefore it does not have true “targeted” industries.

However, the permit proposes additional requirements for some selected industry sectors. These sectors include:

IMPORTANT:
Even facilities with
NO OUTSIDE
activities or
storage are
affected by
stormwater rules

Timber products
 Paper products
 Chemical products
 Stream electric generating facilities
 Food products
 Steel mills, foundries
 Mineral and coal mining & processing operations
 Petroleum refineries, terminals & bulk stations
 Hazardous waste TSDFs and landfills
 Scrap recycling & auto salvage operations
 Land, water & air transportation and warehousing
 Ship and boat building
 Publicly-owned treatment works
 Airports
 Textile products
 Furniture products
 Printing & publishing
 Rubber & plastic products
 Leather tanning and finishing
 Fabricated metal products
 Equipment & machinery manufacturing
 Electronic, photographic & optic products
 Asphalt Paving, Roofing Materials
 Glass, Clay, Cement & similar products

The majority of the additional requirements placed on these sectors are sector-specific BMP and monitoring requirements.

Sector-Specific Requirements

One of the key aspects of the proposed permit is the use of **SECTOR-SPECIFIC** requirements. Therefore, the compliance requirements that apply to one sector may not be the same requirements that apply to another.

For facilities that contain operations that may apply to different sectors (for example, a food product manufacturing operation that also has warehouse and logistics operation), **all sector requirements apply**. For the example - requirements for both food sector (Sector C) and warehousing/land transportation sector (Sector P) apply.

Use the link below to find a summary of requirements for the individual sectors:

<http://www.calthacompany.com/blog/2009/06/minnesota-mpca-proposed-stormwater.html>

What Changes Are Proposed?

This section highlights some of the key changes reflected in MPCA's proposed permit compared to the expired permit; not all changes are discussed here.

Stormwater Monitoring. One of the most significant changes to the MPCA permit will be the requirement for all permitted facilities to monitor stormwater discharges from their property. Each facility will be required to conduct two types of stormwater monitoring:

1. Chemical monitoring - samples are sent to a laboratory for analysis, and
2. Visual monitoring - samples are collected and visually examined for signs of pollutants.

[Additional information \(click on links\)](#)

Flow chart of proposed MPCA chemical monitoring scheme:

http://www.calthacompany.com/Draft_MPCA_Monitoring_Scheme.pdf

Further information on selecting monitoring techniques:

<http://www.calthacompany.com/blog/2009/02/stormwater-monitoring-considerations.html>

Sector-specific Stormwater Benchmarks. Each of the 29 industrial sectors will have "stormwater benchmarks". These benchmarks are concentration thresholds for each of their sector-specific chemical monitoring parameters. Benchmark values are intended to provide a measurement of the effectiveness of the facility stormwater pollution prevention plan (SWPPP) If benchmark values are exceeded, this provides an indication that the SWPPP is not effective. In this event, facilities will be required to evaluate their stormwater Best Management Practices (BMP) and to select new or improve existing BMPs to assure that benchmarks are met.

Some sectors have many benchmarks, such as the Food & Allied Products sector with 7; others have relatively few, such as the Electronic and Electrical Equipment sector with only 1.

[Additional information \(click on links\)](#)

Further information on how benchmarks are used:

<http://www.calthacompany.com/blog/2008/11/stormwater-benchmarks-compared-to.html>

Comparison of stormwater benchmarks to typical stormwater discharge concentrations:

<http://www.calthacompany.com/blog/2008/11/stormwater-benchmarks-comparison-to.html>

Discussion of the use of ambient water quality standards as stormwater benchmarks:

http://www.calthacompany.com/WQ_standards/2009/03/use-of-aquatic-life-standards-as.html

Sector-specific BMPs. All permitted facilities will need to meet certain requirements for their Stormwater Pollution Prevention Program. In addition to these requirements, facilities will need to implement BMPs for their individual sector. This may include additional training requirements, inspections, or structural requirements.

[Additional information \(click on links\)](#)

Use this link to be directed to a summary of requirements for each of the industrial sectors:

<http://www.calthacompany.com/blog/2009/06/minnesota-mpca-proposed-stormwater.html>

Restrictions on the Use of Infiltration. Infiltration is one method used to control stormwater; runoff is collected and ponded on-site and allowed to seep into the ground. Because run-off could come in contact with industrial activities before being discharged to an infiltration area, MPCA believes that infiltration could potentially result in industrial pollutants being discharged to the groundwater. Therefore, the proposed permit includes two types of controls on infiltration practices:

- Prohibition on use of infiltration for selected industrial sectors, and
- Stormwater benchmarks that apply to discharges to infiltration areas.

How Could This Impact My Operations?

Because of the multitude of changes that are reflected in the proposed permit, even currently permitted facilities with effective stormwater BMP programs will be impacted; facilities that do not have a BMP program, or do not have an effective program that allows them to meet stormwater benchmarks will be most significantly impacted.

Incorporation of Sector Specific Requirements. Facilities with an existing SWPPP will need to incorporate sector specific requirements into their existing SWPPP. Depending on the sector, these additional requirements could be significant.

Cost of Stormwater Monitoring. Stormwater monitoring will add additional costs for permit compliance. In addition to new costs for

laboratory analysis, permitted facilities will be incurring additional labor requirements (either by their own staff or an outside contractor) for collection of samples, analysis of results and reporting. For facilities that do not meet benchmarks, these costs could **expand** considerably.

Status of Receiving Water. If you discharge into a water body that is considered impaired, this will increase the impact of the new permit at your facility. This is especially true if a TMDL has not been established.

For new discharges, the impairment status of the receiving water, as well as any anti-degradation requirements, will be important.

What Should I Be Doing?

The recent publication by MPCA is a proposed draft permit. There is nothing required of dischargers at this time.

However, MPCA is soliciting comments on the draft permit. The comment period is open for 30 days, which ends on August 5, 2009

Whether or not a facility is currently permitted under the existing stormwater discharge permit, any facility that will be subject to the revised permit should be reviewing their stormwater management practices to determine what cost effective steps they could be taking to **reduce the financial impact of the new compliance requirements** on their operations.

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Industrial Stormwater Services

Caltha provides expert consulting and staffing services to industries subject to stormwater permitting requirements, including

- **Preparing new SWPPP or revising existing SWPPP**
- **Review of BMPs**
- **Development of stormwater monitoring programs**
- **Conducting stormwater monitoring**

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