

Final MPCA Industrial Stormwater Permit

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Overview

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The Minnesota Pollution Control Agency (MPCA) has issued its revised “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 new permit being promulgated by MPCA was needed to address the many changes to program requirements that have been enacted in the last 12 years.

The size and complexity of the revised permit is much greater compared to the expired permit that Minnesota industries were subject to.

New permit is significantly more complex:

*Old permit = 19 pages
New 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” or by their “narrative” description. 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 industrial stormwater 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.

Generally, any manufacturing business is an affected facility. Other types of operations that may require permit coverage including:

- Transportation & warehousing;
- Waste Treatment & disposal facilities, including landfills and dumps;
- Airports;
- Some electric generating facilities
- Others

Permit coverage may also be needed for [off-site “ancillary”](#) facilities that provide services or support to a listed industrial sector site.

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

Compliance Deadlines

All facilities subject to the stormwater rules must submit an application for coverage under the revised permit, [even if already covered under the expired permit](#).

Because of the number of facilities that will need to submit applications for permit coverage, MPCA has staggered the deadlines by industry sector. Applications are due either by June 1, August 1 or October 1.

Use the link below to find a listing of deadlines for each industry sector:
<http://swppp.calthacompany.com/2010/02/mpca-stormwater-permit-application-due.html>

Existing facilities must have prepared and implemented a new SWPPP and be in compliance with the new permit [before they apply for permit coverage](#). New facilities must submit applications at least 180-days before beginning construction or operation.

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://swppp.calthacompany.com/2010/02/storm-water-minnesota-industrial-sector.html>

Key Requirements For All Facilities

This section highlights some of the key requirements in MPCA's new permit that affect **ALL** facilities, regardless of industry sector.

Stormwater Pollution Prevention Requirements:

All facilities are required to prepare and implement a site-specific Stormwater Pollution Prevention Plan (SWPPP). The permit includes specific information required in the SWPPP, as well as areas that need to be evaluated to determine if potential pollution sources exist. The SWPPP develops a set of Best Management Practices (BMPs) to address each of the potential source areas identified during the assessment.

Routine Inspections:

All facilities are required to conduct and document inspections at least monthly. At least one of these inspections needs to be conducted during a rainfall event.

Preventive Maintenance:

All facilities are required to prepare a Preventive Maintenance schedule for stormwater BMPs used by the site. In addition, each site will have to prepare a written equipment preventive maintenance program, including regular inspection, maintenance, and repair of industrial equipment and systems to identify conditions that could cause breakdowns or failures that may result in leaks, spills, and other releases.

Elimination of Non-stormwater Discharges:

Any facility covered under the MSGP must evaluate the potential of non-stormwater discharges from the site and to either eliminate the discharge or obtain a separate permit to discharge.

Spill Prevention and Response Procedures:

All sites must evaluate risks for spills and develop a Spill Prevention and Response procedure. This requirement applied to all facilities, and not limited to those already required to have equivalent procedures under SPCC Rules (40 CFR 112) or the Minnesota Spill Bill.

Mercury Minimization Plan:

All sites must document an evaluation of the facility to determine if any sources containing mercury are exposed to stormwater. If potential mercury sources or devices are found to be exposed to stormwater, a Mercury Minimization Plan must be developed. Mercury sources and devices shall be removed from stormwater exposure and managed in accordance with applicable state and federal rules.

Employee Training Program:

Employers must develop an employee training program. Training will need to be provided to affected employees at least once each year.

Stormwater Monitoring Requirements:

All sites covered under the permit will have to collect stormwater samples and have samples analyzed by a Minnesota certified laboratory. Samples are collected at all affected discharge points from the site within the first 30 minutes of stormwater discharge. The results will be reported to MPCA on a quarterly basis. Results will be compared to stormwater "benchmark" values for each industrial sector.

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

Flow chart of MPCA chemical benchmark 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>

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 first step is to determine if your facility(ies) are subject to the stormwater rules. If the operations fall within any of the listed sectors, some or all of the rules may apply to the site.

Next, facilities will need to determine if they can meet requirements to certify under the **Conditional No Exposure** option. For most sites

this would require moving equipment, materials, activities, etc. indoors, or building permanent enclosures.

Finally, if meeting No Exposure requirements is not possible, or financially unfavorable, the facility will need to prepare a compliance program in accordance with the new permit, and then submit for permit coverage.

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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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