

II. INDUSTRIAL ACTIVITIES

II.A. INTRODUCTION

Storm water runoff from industrial sites can be a major cause of water pollution. Storm water can include rainfall, melting snow, surface runoff and drainage, and rainfall or snowmelt from adjacent sites running onto and/or through a facility. Storm water can pick up and carry materials and debris from uncovered material storage areas and areas where chemicals or industrial materials have been spilled, even if the material has been cleaned up and only a residue remains. Unless mitigation measures are designed and implemented appropriately, industrial locations are subject to transporting onsite pollutants to waterways by storm water runoff.

The permit for storm water discharges from industrial sites, the NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP), requires the development of a Stormwater Pollution Prevention Plan (SWPPP), which is the documentation of the measures that will be implemented to ensure that pollution does not occur. There are requirements in the Multi-Sector General Permit (MSGP) for industry-specific BMPs, and for monitoring and analytical activities, based on Standard Industrial Classification (SIC)-code determinations for the particular industrial activity. The analytical requirements ensure that industrial activity-specific pollutants aren't being transported in storm water runoff. The SWPPP itself serves as the self-generated tracking mechanism developed for the EPA by the individual site operator.

With this document, users can develop a storm water management plan tailored to the needs of their particular industrial site. Users will also be assisted in meeting regulatory requirements of storm water management.

II.B. REGULATORY SUMMARY

II.B.1. NPDES Regulations

As part of the Water Quality Act of 1987, storm water discharge associated with industrial activity from a point source to waters of the United States is unlawful, unless authorized by a National Pollutant Discharge Elimination System (NPDES) Permit. In order to effectively manage the permit process, the EPA has produced an MSGP for industrial activities, which defines specific conditions and requirements to be met as part of the Permit. The MSGP establishes the procedures required for proper coverage, the requirement for an SWPPP, and requirements for termination of Permit coverage. In addition to meeting the requirements for the MSGP, the site operator may be obligated to contact the local MS4, if requested, to determine if local requirements must be met in addition to MSGP coverage, although at present there are no MS4s in New Mexico that require such notification.

The NPDES Storm Water Permitting Program in New Mexico is administered by the EPA. Requirements for the NPDES Storm Water Discharge Permit are defined by federal law in Section 402(p) of the CWA, as added by Section 405 of the Water Quality Act of 1987.

In November 1990, EPA published regulations for NPDES Permits for certain storm water discharges. On October 30, 1995, EPA issued the first NPDES MSGP that applied to the majority of storm water discharges associated with specific industrial activities. It also added provisions to protect endangered species and designated national historic preservation sites from industrial storm water runoff. EPA issued a new MSGP in 2005 followed by the most recent MSGP issued on September 29, 2008.

As noted above, all industrial activities that discharge storm water are subject to the NPDES Permit requirement. Failure to abide by the terms of the MSGP, or failure to develop and implement a site-specific NPDES Permit, is a violation of federal law, which can subject the owner or operator to severe fines or imprisonment.

Compliance with the requirements of the MSGP consists of six major components that must be accomplished:

- Determination of eligibility
- Preparation and implementation of an SWPPP
- Submission of an NOI
- Monitoring and analytical requirements
- Description of the facility and pollution potential
- Submission of an NOT

Note: The SWPPP is prepared in conjunction with the site design, before the submission of the NOI to the EPA.

II.B.1.a. Eligibility Determination

Eligibility under the Permit is summarized in Part 1.1. of the MSGP. Permittees are only eligible for coverage under the MSGP if their storm water discharges and storm water discharge-related activities do not adversely impact the following:

- Federally listed T&E, or critical habitats

Applicants are required to conduct an assessment of the impacts of their storm water discharges and storm water discharge-related activities on T&E and critical habitat. Appendix E of the MSGP provides procedures to assist applicants in conducting an assessment and pursuing formal consultation with federal wildlife protection agencies if necessary. Appendix E of this manual contains a copy of the most recent NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) .

- Historic properties

Appendix F of the MSGP provides procedures to assist applicants in conducting an assessment and pursuing formal consultation with the State Historic Preservation Office if necessary.

- New Discharges to Water Quality Impaired Waters

No new discharges to water quality impaired waters are permitted without a determination by EPA Region 6 (Sec. 1.1.4.7. MSGP)

II.B.1.b. Permittees

The operator of an industrial site is the permittee, and is responsible for submitting an NOI and complying with the NPDES Permit. The term *operator* is defined by the EPA as “the responsible party who has day-to-day supervision and control of activities occurring at the site.” The operator may be the owner, developer, engineer, or general contractor. Other parties responsible for industrial activities on the site are to be identified as *co-permittees*. The operations contract is an appropriate place for the permittee and any co-permittee to be identified, and their respective responsibilities listed.

II.B.2. NPDES Multi-Sector General Permit

The EPA NPDES MSGP will consolidate permit compliance requirements for many common sources of pollutants, activities, and sites under one permit. The coverage of these permits is broad, with general compliance requirements, and is effective for five years. The original federal baseline industrial MSGP was discontinued in September 1998. Future permitting strategies will be more specific to individual facilities, specific types of activities, and watershed areas. The permitting strategy developed by the EPA outlines the method of compliance and the role of the permittee.

MSGPs were issued on September 29, 1995, expired October 1, 2000, and were continued until October 30, 2000, when they were republished. The 2000 MSGP was continued until 2008. The current MSGP, was published on September 29, 2008 and will continue until it expires on September 29, 2013. The current MSGP can be found at http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf.

The MSGP has established general compliance requirements that the permittee must observe. The program is intended to be self-regulating, and requires the permittee to prepare and implement the project SWPPP. During the Permit term, the permittee is responsible for:

- Maintaining the description of the facility and potential pollution sources
- Maintaining a copy of the SWPPP onsite
- Inspecting the site to ensure that SWPPP improvements are in place and functional
- Revising the SWPPP as site conditions and industrial activities change
- Performing monitoring and analytical activities as specified
- Keeping records

Each industrial site will vary in activity and responsible party.

In addition to the general filing requirements of the MSGP, there are other requirements that may impact industrial activities. These items follow, along with methods to address the requirements, where applicable.

II.B.2.a. Monitoring Requirements

Under the MSGP, the following three monitoring types are required:

1. Analytical Monitoring — Analytical monitoring requirements involve laboratory chemical analysis of samples collected by the permittee. Analytical results (data) are compared to other sampling events, other facilities, or national benchmarks. A listing

of SIC codes eligible for Permit coverage under the MSGP is found in Appendix D of the MSGP. The list identifies those SIC-code activities that require analytical monitoring due to the likelihood of discharging pollutants at concentrations of concern.

EPA has established material benchmark concentrations for specific pollutants. Part 8, Sector Specific Requirements contains lists of monitoring concentration limits in SIC-code categories. Such monitoring takes place quarterly until the average of four consecutive quarterly monitoring values is below the benchmark value. If constituent values are above national benchmarks, analytical monitoring continues until the average of four consecutive quarterly monitoring values is below the benchmark value, or a determination that no further pollutant reductions are technologically available and economically practicable and achievable.

2. Compliance Monitoring — Compliance monitoring is mandatory for landfills to ensure conformity with the effluent guidelines established for such facilities. These facilities are generally sampled annually.
3. Quarterly Visual Examination — Quarterly visual examination is required of all sectors governed by the MSGP. Grab samples are inspected for color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, or other indicators of storm water pollution. Samples shall be taken within the first 30 minutes after storm water discharges begin.

Sampling waivers are available for the following circumstances:

- Unstaffed and inactive facilities may have sampling waived, but a Discharge Monitoring Report (DMR) still has to be filed to explain the unstaffed and inactive circumstance.
- Dischargers are not subject to the analytical monitoring requirement if a certificate is filed for each pollutant and each outfall, attesting that those constituents are not exposed to storm water for the certification period.

II.B.2.b. Storm Water Management Measures

As part of the SWPPP, storm water management measures must be addressed to reduce pollutants in storm water runoff from the site. Practices such as reducing the amount of impervious surface, open drainage swales, extended detention wet ponds, and others should be given consideration. Appropriate measures must be incorporated into project plans and the SWPPP.

Specific techniques listed in the Permit include storm water detention (dry sedimentation basins), retention structures (extended detention wet ponds), measures to allow for infiltration (trenches, open drainage swales), and velocity dissipation. Specific SIC-code requirements are listed for permitted industrial activities in Part 8 of the MSGP, Sector Specific Requirements

II.B.2.c. Coverage of Support Activities

The Permit also authorizes storm water discharges from support activities, including equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas, provided that:

- The support activity is directly related to an industrial site having NPDES Permit coverage for discharges of storm water associated with the activity
- The support activity is not a commercial operation serving multiple unrelated sites of different operators, and does not operate beyond the completion of the activity it supports
- Appropriate controls and measures are identified in an SWPPP covering the discharges from the support activity

II.B.2.d. Spill Notification

The MSGP allows for storm water discharge from industrial sites only. Discharges of other substances from industrial activities are not permitted. (See Part 2.1.2.4 of the MSGP.) In the event of a spill of a hazardous substance, the operator is required to notify the National Response Center (NRC) at (800) 424-8802, the New Mexico Environment Department (NMED) at (505) 827-9329, and the local fire department to properly report the spill. A written description of the release must be provided to the EPA Regional Office, which includes the date and circumstances of the release, mitigation measures, and steps taken to prevent another release. In addition, the SWPPP must be revised within 14 calendar days after the release to reflect the release, stating the type and quantity of material released, the date of the release, the circumstances of the release, and actions to be taken to prevent further spills.

If fuels, oils, or other substances are to be present onsite, it is imperative that closed containers be provided along with containment areas for large-quantity spills. Hazardous chemicals include fertilizers, paints, oils, grease, pesticides, and fuels, along with other industrial chemicals. If these materials are not subjected to storm water flows, a No Exposure Certification (NEC) may be filled out and filed with the intent of exempting these materials from management and monitoring requirements. Provisions must be made to address potential pollution through the use of the BMPs, as well as compliance with OSHA and other regulatory requirements.

II.B.2.e. Retention of Records

As part of the MSGP, the SWPPP, DMRs, and supporting documentation must be retained for a period of three years after the event that generated the data or filing of an NOT. This is to protect the operator of the site from future claims concerning water quality and measures implemented at the site. It is recommended that each operator maintain a copy of the SWPPP for the three-year period to protect against potential lawsuits.

II.B.3. NPDES Permitting Process

Figure II-1 shows a typical simplified analysis procedure for determining if a specific facility's storm water discharge requires an NPDES Permit, and how the permitting process flows. The first task for a facility is to determine if it is regulated.. If the facility has storm water runoff, it will require an NPDES Permit, and the process is outlined in this manual. Any industrial facility having an SIC code covered by the industrial storm water regulations is presumed to have the potential to discharge, and requires a permit.

The second step for a regulated facility is to identify the industry's SIC code and check Appendix D of the MSGP for that SIC code. If the SIC code is listed, the industry is eligible for coverage under the MSGP, following the guidance in this manual. If it is not listed, the facility will have to obtain a site-specific NPDES Permit, which is outside the scope of this manual.

The third step for regulated facilities is to check for T&E, Historic Places, and water quality impaired waters. The process for investigating these issues is covered in Section II.B.1.a. If a facility's discharge will have an effect on any of these issues, a site-specific Permit may be required, which is outside the scope of this manual. If no such issues are present, a Permit under the MSGP is required, and the process is detailed in the remaining sections of this manual.

At this point, the facility must develop a facility description, including an assessment of potential pollution sources. After a facility assessment is complete, an SWPPP must be developed responsive to the need to mitigate the transport by storm water, those constituents characteristic of the specific industry. Figure II-2 shows, step-wise, the operating requirements, including monitoring, for any permitted facility.

Once the SWPPP is complete and contains the requirements for each specific SIC category (as detailed in Part 8 of the MSGP), including a monitoring plan, the NOI is prepared and sent to EPA. If no comments are received about the NOI, legal discharge can begin under NPDES Permit coverage.

A facility that can demonstrate no exposure to storm water by the industrial activity can file an NEC form, which may exempt the facility from Permit coverage requirements. A blank NEC form and instructions are contained in Appendix B2. A discussion of the process of de-regulating a facility is found in Appendix K of the MSGP.

During operation of the site, the measures and procedures detailed in the SWPPP will be followed, including all monitoring and inspections, at the frequency specified. If site conditions or operations change, or monitoring or inspections indicate a need to change practices, the SWPPP shall be modified to facilitate meeting the benchmark constituent concentrations in the runoff discharge.

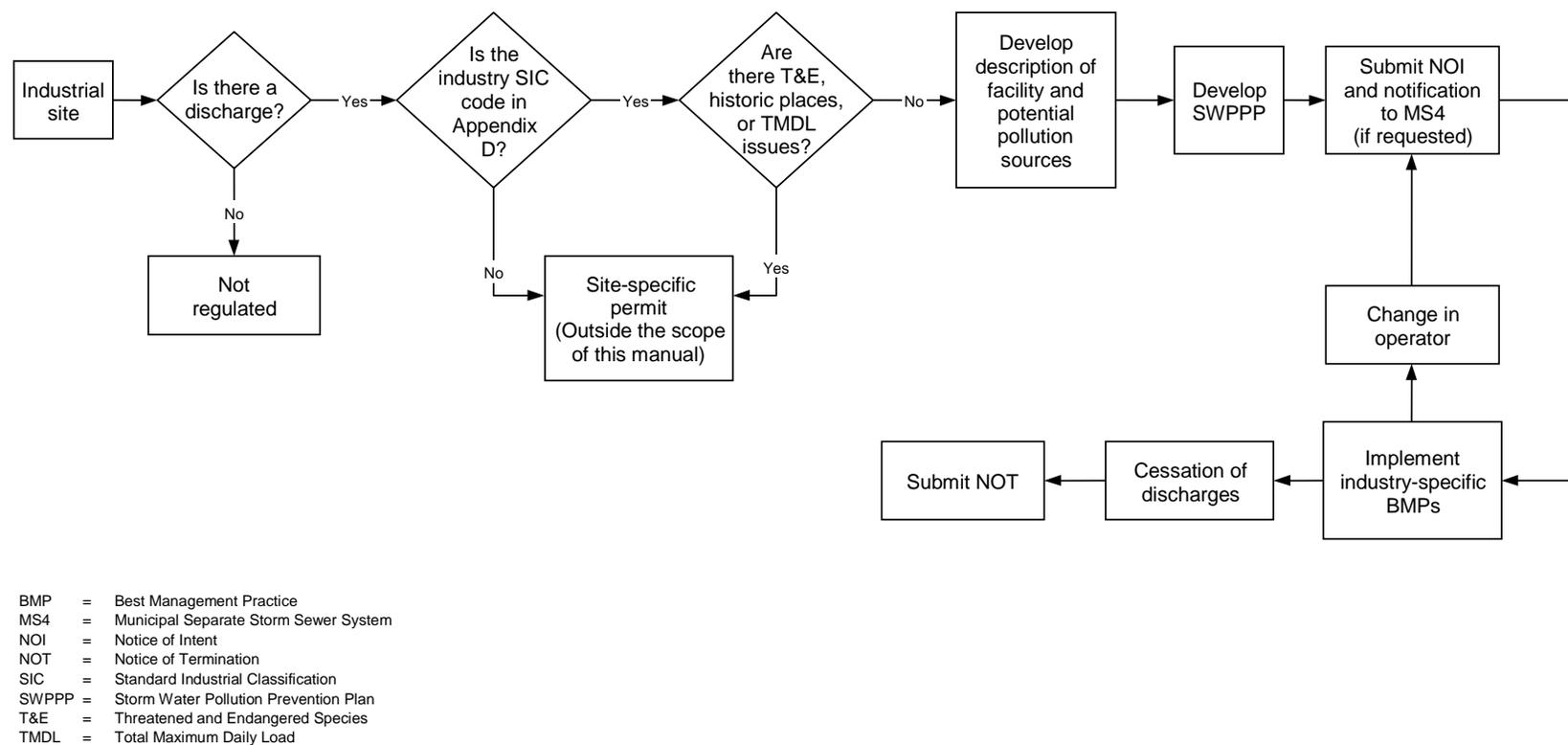


Figure II-1. NPDES-Specific Industrial Project Flowchart

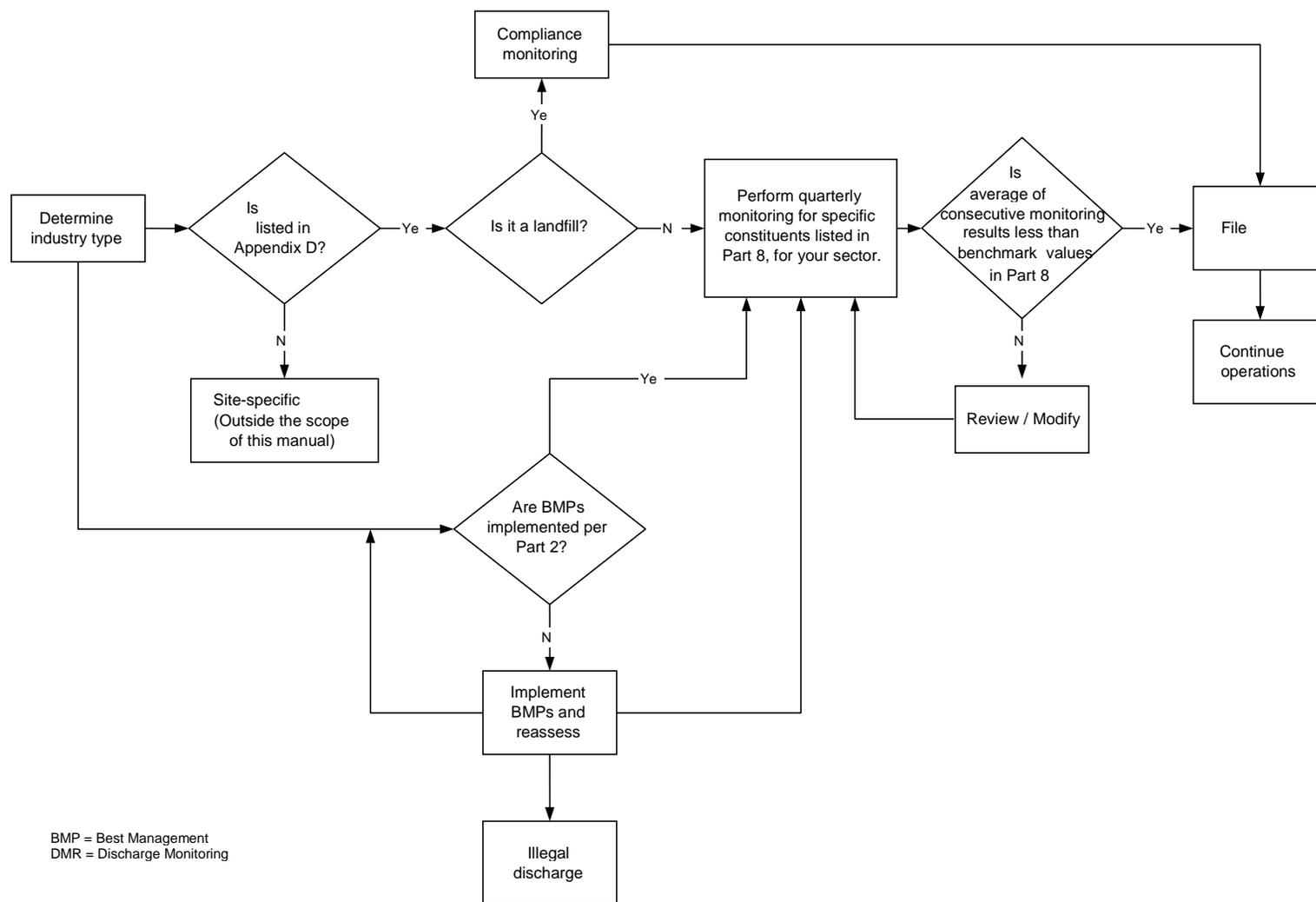


Figure II-2. Multi-Sector Permitting and Operation Sequence for Industrial Activities

If and when the site is no longer discharging storm water, an NOT is prepared and filed with the EPA. A certification is made that there are no longer discharges, that the site activity has ceased, and that there is no longer exposure to storm water and runoff processes.

II.C. NOTICE OF INTENT

II.C.1. Description

The NOI is the primary document used by the EPA to monitor and enforce compliance with the NPDES permitting requirements. The NOI is to be submitted after development of the facility description, identification of potential pollution sources, and development of the SWPPP. Unless notified by the EPA, the NOI is considered acceptable, and discharging storm water may begin 30 days following the posting of the NOI on EPA's web site, under assumed coverage of the NPDES MSGP.

The operator (see Section II.B.1.b, Permittees) of the site is required to submit the NOI, and is ultimately responsible for the effective reduction of pollution from the site. An NOI must be in place for the site throughout the time the site is active.

II.C.2. Preparing an NOI

Figure II-3 is a sample of a completed EPA NOI form for industrial activities. A blank NOI form and instructions are included in Appendix B2 of this manual.

Blank copies of the NOI can be obtained by:

- Photocopying the form in this manual (check for the latest version)
- Downloading the form from the website http://www.epa.gov/npdes/pubs/msgp2008_appendixg.pdf

Completed NOIs should be submitted to EPA's electronic Notice of Intent (eNOI) system (accessible at www.epa.gov/npdes/eNOI) or using a paper form (included in Appendix G of the MSGP) and then submitting that paper form to:

NOIs sent regular mail:

Stormwater Notice Processing Center (4203M)
USEPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

NOIs sent overnight/express mail:

Stormwater Notice Processing Center
EPA East Building, Rm. 7420
1201 Constitution Avenue, NW
Washington, DC 20004
202-564-9545

In the event of a change of operator for the site permitted, a new NOI must be filed. A new SWPPP is not required if the project is continued as originally proposed. The

D. Discharge information

1. Does your facility discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? YES NO
If yes, name of MS4 operator: CITY OF DEMING NM

2. Receiving Waters and Welllands (Note: If additional space is needed for this question, fill out Attachment 1.)

a. What is the name(s) of your receiving water(s) that receive stormwater directly and/or through an MS4)? If your receiving water is impaired then identify the name of the impaired segment, if applicable, in parentheses following the receiving water name.	b. Are any of your discharges directly into any segment of an "impaired" water?	If you answered yes to question D.2.b, then answer the following three questions:		
		b.1. What pollutant(s) are causing the impairment?	b.2. Are the pollutant(s) causing the impairment present in your discharge?	b.3. Has a TMDL been completed for the pollutant(s) causing the impairment?
UNDER GROUND WATER BASIN	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
RIO GRANDE RIVER BASIN	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
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	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO

3. Water Quality Standards (for new dischargers only)

a. Are any of your discharges into any portion of a receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)? YES NO

b. Has the receiving water(s) been designated by the state or tribal authority under its antidegradation policy as a Tier 3 water (Outstanding Natural Resource Water)? YES NO

4. Federal Effluent Limitation Guidelines and Sector-Specific Requirements

a. Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? YES NO

b. If yes, which effluent limitation guidelines apply to your stormwater discharges?

40 CFR Part/Subpart	Eligible Discharges	Affected MSGP Sector	Check if Applicable
Part 411, Subpart C	Runoff from material storage piles at cement manufacturing facilities	E	<input type="checkbox"/>
Part 418 Subpart A	Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	C	<input type="checkbox"/>
Part 423	Coal pile runoff at steam electric generating facilities	O	<input type="checkbox"/>
Part 429, Subpart I	Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	A	<input type="checkbox"/>
Part 436, Subpart B, C, or D	Mine dewatering discharges at crushed stone mines, construction sand and gravel mines, or industrial sand mines	J	<input type="checkbox"/>
Part 443, Subpart A	Runoff from asphalt emulsion facilities	D	<input type="checkbox"/>
Part 445, Subparts A & B	Runoff from hazardous waste and non-hazardous waste landfills	K, L	<input type="checkbox"/>

c. If you are a Sector S (Air Transportation) facility, do you anticipate using more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis? YES NO

5. Identify the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged, as defined in MSGP:
Primary SIC Code: OR Primary Activity Code

6. Identify the applicable sector(s) and subsector(s) of industrial activity, including co-located industrial activity, for which you are requesting permit coverage:

a. Sector Subsector b. Sector Subsector c. Sector Subsector

d. Sector Subsector e. Sector Subsector f. Sector Subsector

7.a. Is your site presently inactive and unstaffed? YES NO

b1. If yes, is your site expected to be inactive and unstaffed for the entire permit term? YES NO

b2. If you select "no" in 7.b1 above, then indicate the length of time that you expect your facility to be inactive and unstaffed _____

Figure II-3. Sample of a Completed EPA Notice of Intent (NOI) Form for Industrial Activities

E. Stormwater Pollution Prevention Plan (SWPPP) Contact Information	
1a. SWPPP Contact Name:	J O H N D O E
b. Phone:	5 7 5 - 1 2 3 - 4 5 6 7 Ext. c. E-mail: XYZMETAL@NMMAIL.COM
2. URL of SWPPP (if applicable): _____	
F. Endangered Species Protection	
1. Using the instructions in Appendix E of the MSGP, under which criterion listed in Part 1.1.4.5 are you eligible for coverage under this permit? <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F	
2. If you select criterion E from Part 1.1.4.5:	
a. What federally-listed species or federally-designated critical habitat are in your "action area?" _____	
b. List the pollutants expected to be present in your discharge _____	
c. If you are an existing discharger, do you have effluent monitoring data from EPA's MSGP 2000, or another previous NPDES permit? <input type="checkbox"/> YES <input type="checkbox"/> NO	
c.1 If no, why not? <input type="checkbox"/> No monitoring required for my sector <input type="checkbox"/> Inactive/unstaffed site <input type="checkbox"/> Other _____	
c.2 Do you have any other data characterizing pollutants in your stormwater (describe)? _____	
c.3 If you have benchmark monitoring data, did you exceed any of the applicable benchmarks? <input type="checkbox"/> YES <input type="checkbox"/> NO	
c.4 Did you exceed any applicable effluent limitation guideline or cause or contribute to an exceedance of a State or Tribal water quality standard? <input type="checkbox"/> YES <input type="checkbox"/> NO	
c.5 If you answered "yes" to either question F.2.c.3 or F.2.c.4 above, for what pollutant(s)? _____	
d. Attach documentation supporting criterion E eligibility. Documentation should address species and habitat listed in F.2.a and the potential effects of pollutants listed in F.2.b (including any monitoring data for these pollutants) on the listed species and habitat.	
3. If you select criterion F from Part 1.1.4.5, provide the operator's NPDES Tracking Number under which you are certifying eligibility: _____	
G. Historic Preservation	
Using the instructions in Appendix F of the MSGP, under which criterion listed in Part 1.1.4.6 are you eligible for coverage under this permit? <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D	
H. Certifier Name and Title	
I certify under penalty of law that I meet the eligibility conditions of this permit and 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 gather and evaluate 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, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.	
Print Name:	J A N E D O E
Title:	P R E S I D E N T
Signature:	<i>Jane Doe</i>
Date:	0 5 2 8 1 2
E-mail:	XYZMETAL@NMMAIL.COM
NOI Preparer (Complete if NOI was prepared by someone other than the certifier)	
Prepared by:	_____
Organization:	_____
Phone:	_____ - _____ - _____ Ext. _____ E-mail: _____

Figure II-3. Sample of a Completed EPA Notice of Intent (NOI) Form for Industrial Activities

If the operator is a corporation, a responsible corporate officer must sign the NOI. If the operator is a partnership or sole proprietorship, a general partner or the sole proprietor must sign the forms. For any governmental entity, the signing person must be a principal executive official or ranking elected official.

II.C.4. Approval Process

Unless notified to the contrary by the EPA, operators who submit a correctly completed NOI, in accordance with the requirements of the MSGP, are authorized to discharge storm water from industrial activities under the terms and conditions of the MSGP thirty (30) days after the date the NOI is posted on the EPA web site. EPA may deny coverage under the MSGP and require submittal of an application for an individual NPDES Permit, based on a review of the NOI or other information. Such alternate application would be submitted to EPA Region 6 in Dallas, Texas.

II.C.5. Violations

The permittee must comply with all conditions of the Permit. Any Permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for Permit termination, revocation, and re-issuance or modification; or for denial of a Permit renewal application. Penalties for violations of Permit conditions fall into the following general categories:

- Criminal

- Negligent violations

- A fine of not less than \$2,500 and not more than \$25,000 per day of violation, or imprisonment of not more than one year, or both

- Knowing violations

- A fine of not less than \$5,000 and not more than \$50,000 per day of violation, or imprisonment of not more than three years, or both

- Knowing endangerment

- A fine of not more than \$250,000 or imprisonment of not more than 15 years, or both

- False statement

- A fine of not more than \$10,000 or imprisonment of not more than two years, or both. Upon a second conviction, a fine of not more than \$20,000 per day of violation or imprisonment of not more than four years, or both.

- Civil

- A fine of not more than \$32,500 per day per violation (as of Sept. 29, 2008).

- Administrative

- Class I penalty

- A fine of not more than \$11,000 per violation, with a maximum fine of \$32,500 (as of Sept. 29, 2008).

Class II penalty

A fine of not more than \$11,000 per day of violation, with a maximum fine of \$157,500 (as of Sept. 29, 2008).

The specific dollar amounts for each of the above types of violations and any associated imprisonment of guilty parties are specified in Federal Register Volume 65, No. 210, October 30, 2000, Notices, p. 64853 (Appendix C8), and adjusted according to the Civil Monetary Penalty Inflation Adjustment Rule (61 FR 252, December 31, 1996, pp. 69359-69366, as corrected in 62 FR 54, March 20, 1997, pp.13514-13517).

II.D. SWPPP PREPARATION

II.D.1. Description

The SWPPP is the document that defines the measures to be employed to minimize the release of pollution from an industrial site. The SWPPP consists of two components: a narrative description of the project, and a drawing of the site with proposed improvements and pollution reduction methods shown.

The SWPPP identifies the techniques that the operator will use to reduce and manage activity-related wastes, and maintenance procedures that the operator will perform to preserve the efficiency of the technique used. The SWPPP must clearly describe the control measures, the timing and sequence of implementation, and which permittee (contractor) is responsible for implementation of the control measures.

II.D.2. Development of the SWPPP

The SWPPP is very likely to change during the course of the life of the industrial activity, due to variations in site conditions. In order to maintain the effectiveness of the original SWPPP design, these modifications should be made by the original preparer of the SWPPP or someone else experienced in the design of erosion- and sediment-control systems. The EPA requires that the SWPPP documents be updated within seven days of any change in the pollution prevention system employed on the site.

The SWPPP is not submitted to the EPA as part of the NOI; instead, it must be available onsite or nearby for inspection by EPA personnel, state and/or local jurisdiction staff, and the public upon request.

II.D.3. Preparing an SWPPP

For coverage under this permit, your SWPPP must contain all of the following elements:

- A. Stormwater pollution prevention team
- B. Site description
- C. Summary of potential pollutant sources
- D. Description of control measures
- E. Schedules and procedures
- F. Documentation to support eligibility considerations under other federal laws
- G. Signature requirements

In preparing the SWPPP, the following information must be presented:

1. Site Description

- A. Activities at the Facility. Provide a description of the nature of the industrial activities at your facility.
- B. 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.
- C. Site map. Provide a map showing:
 - the size of the property in acres;
 - the location and extent of significant structures and impervious surfaces;
 - directions of stormwater flow (use arrows);
 - locations of all existing structural control measures;
 - locations of all receiving waters in the immediate vicinity of your facility, indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established for them;
 - locations of all stormwater conveyances including ditches, pipes, and swales;
 - locations of potential pollutant sources identified under Part 5.1.3.2;
 - locations where significant spills or leaks identified under Part 5.1.3.3 have occurred;
 - locations of all stormwater monitoring points;
 - locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc), indicating if you are treating one or more outfalls as “substantially identical” under Parts 4.2.3, 5.1.5.2, and 6.1.1, and an approximate outline of the areas draining to each outfall;
 - municipal separate storm sewer systems, where your stormwater discharges to them;
 - locations and descriptions of all non-stormwater discharges identified under Part 2.1.2.10;
 - locations of the following activities where such activities are exposed to precipitation:
 - fueling stations;
 - vehicle and equipment maintenance and/or cleaning areas;
 - loading/unloading areas;
 - locations used for the treatment, storage, or disposal of wastes;
 - liquid storage tanks;
 - processing and storage areas;
 - 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;
 - transfer areas for substances in bulk;
 - machinery;
 - locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

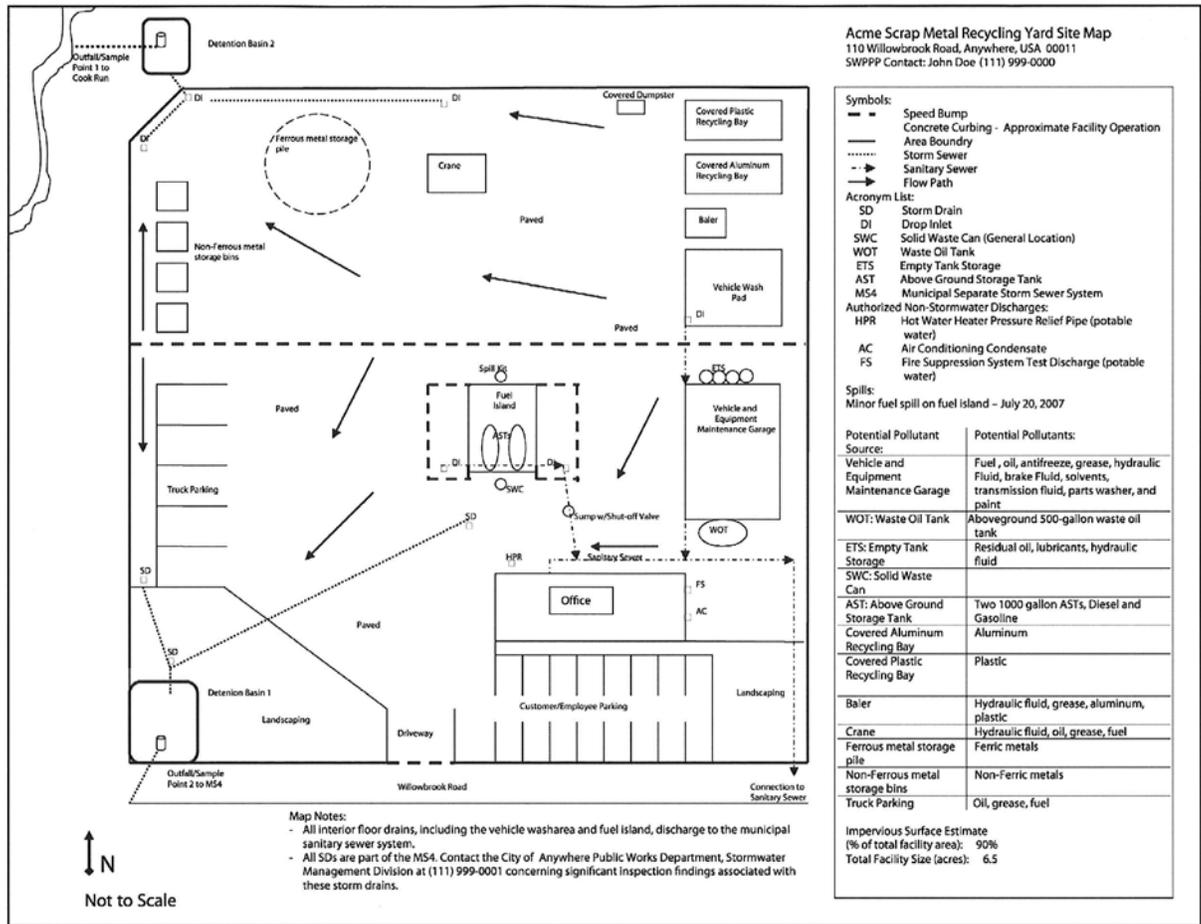


Figure II-4. Sample Site Plan

2. Storm water management controls to be used onsite
 - A. Erosion and sediment controls
 1. Stabilization practices
 2. Structural controls
 3. Storm water management controls
 4. Flow and pollutant reduction practices
 5. Velocity dissipation devices
 - B. Other controls
 1. Solid material discharge
 2. Compliance with state and local requirements for waste disposal
 3. Waste materials storage
 4. Pollutant sources from support activities
 5. Protection measures for listed species or critical habitat
 6. Spill prevention of non-aqueous petroleum liquids
3. Maintenance procedures for control measures
4. Inspection requirements
 - Monitoring and filing of DMRs
5. Prohibition of non-storm water discharges
 - Program for control of spills
6. Monitoring and analytical requirements
7. Employee training procedures and program

An outline of a step-wise SWPPP preparation process is given in Figure II-5. To ensure that each of the above issues is addressed, a suggested Table of Contents for an industrial SWPPP is also included in Appendix B2 of this manual.

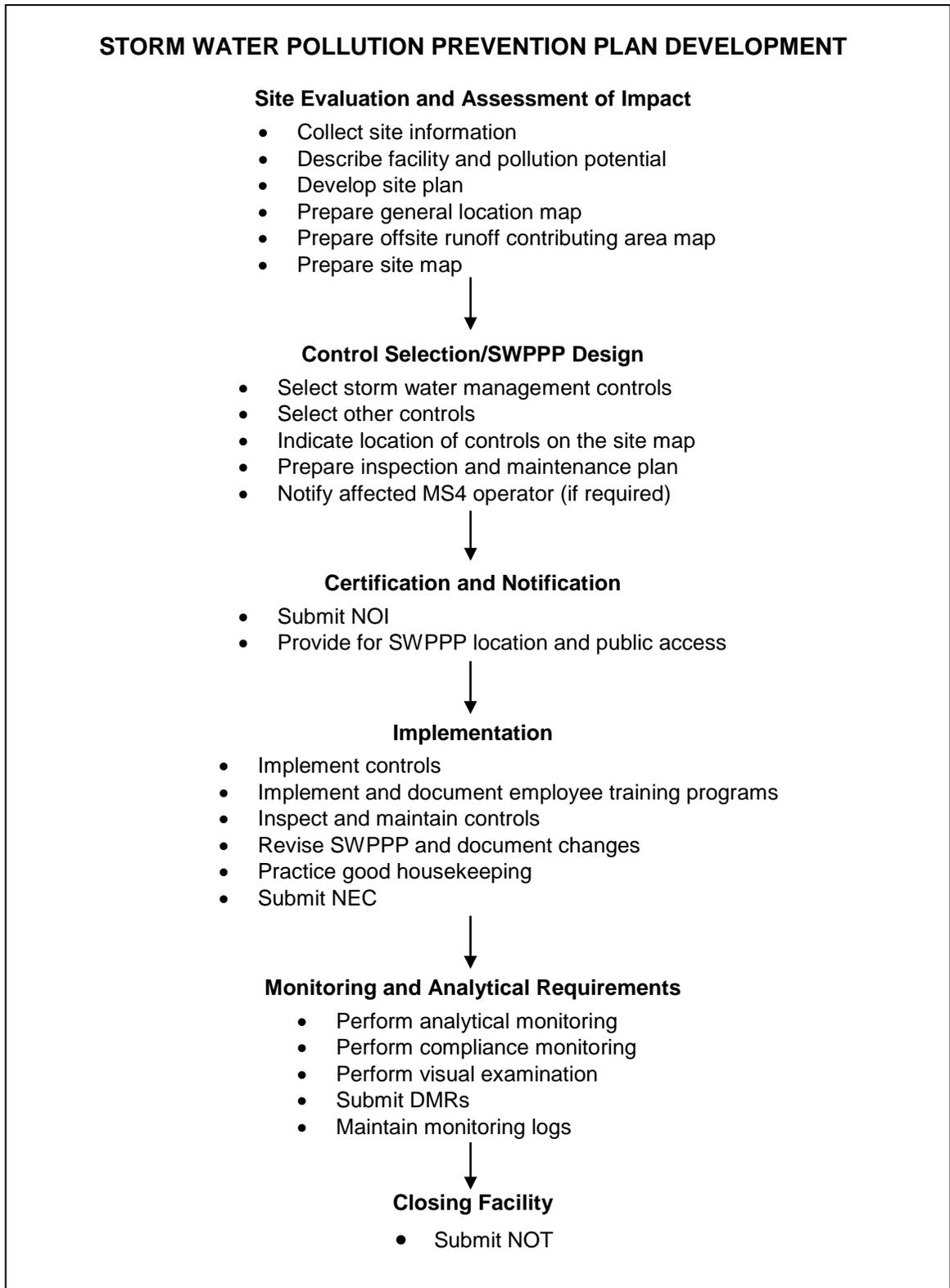


Figure II-5. Outline for Developing and Implementing an SWPPP for Industrial Sites

II.D.4. Signatory Requirements

The site operator must sign the SWPPP. Operators are defined as those individuals having day-to-day operational control over activities that are necessary to ensure compliance with the SWPPP. Operator changes or additions require the filing of a new NOI. The operator must sign a certification for the routine inspections (monthly, quarterly, etc.) and Comprehensive Site Compliance Evaluation reports.

If the operator is a corporation, a responsible corporate officer must sign the SWPPP. If the operator is a partnership or sole proprietorship, a general partner or the sole proprietor must sign the forms. For any governmental entity, the signing person must be a principal executive official or ranking elected official.

II.D.5. Approval Process

The SWPPP is retained at the industrial site office and is to be available for inspection and review by the EPA and affected state, local, and public entities. The SWPPP is intended to be a dynamic document that will be changed, modified, and updated as site conditions change. The permittee is required to amend the SWPPP whenever there is a change in design, operation, or maintenance that affects the potential for discharge of pollutants, or if the SWPPP is found to be ineffective. If the plan does not meet Permit conditions of the EPA or an appropriate state or local agency, the operator has seven days to provide certification that the requested changes have been made.

The SWPPP has no formal approval process other than its continued usefulness in pollution prevention at the industrial site.

II.D.6. No Exposure Certification

A facility that can demonstrate no exposure to storm water by the industrial activity can file an NEC form, which may exempt the facility from Permit coverage requirements. A discussion of the process of de-regulating a facility is found in Appendix K of the MSGP. A sample of a completed NEC form is provided in Figure II-6. A blank NEC form and instructions are contained in Appendix B2.

II.D.7. Document Retention

These documents (the NOI, SWPPP, and DMRs) must be retained onsite for the duration of permitted activities and are subject to the three-year record-keeping requirement mentioned in Section II.B.2.e.

NPDES FORM 3510-11		United States Environmental Protection Agency Washington, DC 20460 NO EXPOSURE CERTIFICATION for Exclusion from NPDES Storm Water Permitting	Form Approved OMB No. 2040-0211
<p>Submission of this No Exposure Certification constitutes notice that the entity identified in Section A does not require permit authorization for its storm water discharges associated with industrial activity in the State identified in Section B under EPA's Storm Water Multi-Sector General Permit due to the existence of a condition of no exposure.</p> <p>A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:</p> <ul style="list-style-type: none"> - drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves; - adequately maintained vehicles used in material handling; and - final products, other than products that would be mobilized in storm water discharges (e.g., rock salt). <p>A No Exposure Certification must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion.</p> <p>By signing and submitting this No Exposure Certification form, the entity in Section A is certifying that a condition of no exposure exists at its facility or site, and is obligated to comply with the terms and conditions of 40 CFR 122.26(g).</p> <p>ALL INFORMATION MUST BE PROVIDED ON THIS FORM.</p> <p>Detailed instructions for completing this form and obtaining the no exposure exclusion are provided on pages 3 and 4.</p>			
<p>A. Facility Operator Information</p> <p>1. Name: <u>X:Y:Z: I M E T A L I F I A B R I C I A T I O R I S I N I C I</u> 2. Phone: <u>51015112134151617</u></p> <p>3. Mailing Address: a. Street: <u>P O I B I O X I 1 2 3</u></p> <p>b. City: <u>D E M I T I N G</u> c. State: <u>N M</u> d. Zip Code: <u>81710211-1111411</u></p>			
<p>B. Facility/Site Location Information</p> <p>1. Facility Name: <u>P R E S S P L A N T</u></p> <p>2. a. Street Address: <u>123 A G A V I E A V E</u></p> <p>b. City: <u>D E M I T I N G</u> c. County: <u>L U I S I A N A</u></p> <p>d. State: <u>N M</u> e. Zip Code: <u>8170221-011213</u></p> <p>3. Is the facility located on Indian Lands? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>4. Is this a Federal facility? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>5. a. Latitude: <u>011° 012' 013"</u> b. Longitude: <u>1111° 212' 313"</u></p> <p>6. a. Was the facility or site previously covered under an NPDES storm water permit? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>b. If yes, enter NPDES permit number: <u>NMR05 023</u></p> <p>7. SIC/Activity Codes: Primary: <u>34111</u> Secondary (if applicable): <u>3131719</u></p> <p>8. Total size of site associated with industrial activity: <u>1.2</u> acres</p> <p>9. a. Have you paved or roofed over a formerly exposed, pervious area in order to qualify for the no exposure exclusion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>b. If yes, please indicate approximately how much area was paved or roofed over. Completing this question does not disqualify you for the no exposure exclusion. However, your permitting authority may use this information in considering whether storm water discharges from your site are likely to have an adverse impact on water quality, in which case you could be required to obtain permit coverage.</p> <p style="text-align: center;"> Less than one acre <input type="checkbox"/> One to five acres <input type="checkbox"/> More than five acres <input type="checkbox"/> </p>			

Figure II-6. Sample of a Completed EPA No Exposure Certification (NEC) Form for Industrial Activities

NPDES FORM 3510-11		NO EXPOSURE CERTIFICATION for Exclusion from NPDES Storm Water Permitting	Form Approved OMB No. 2040-0211
C. 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 <u>not</u> eligible for the no exposure exclusion.			
		Yes	No
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Materials or residuals on the ground or in storm water inlets from spills/leaks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Materials or products from past industrial activity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Material handling equipment (except adequately maintained vehicles)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Materials or products during loading/unloading or transporting activities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to storm water does not result in the discharge of pollutants)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.	Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.	Materials or products handled/stored on roads or railways owned or maintained by the discharger	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.	Waste material (except waste in covered, non-leaking containers [e.g., dumpsters])	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.	Application or disposal of process wastewater (unless otherwise permitted)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11.	Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the storm water outflow	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Certification Statement			
I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from NPDES storm water permitting.			
I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)).			
I understand that I am obligated to submit a no exposure certification form once every five years to the NPDES permitting authority and, if requested, to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand that I must allow the NPDES permitting authority, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under an NPDES permit prior to any point source discharge of storm water from the facility.			
Additionally, 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: <u>J O H N D O E</u>			
Print Title: <u>P R E S I D E N T</u>			
Signature: <u><i>John Doe</i></u>			
Date: <u>01 02 2012</u>			

Figure II-6. Sample of a Completed EPA No Exposure Certification (NEC) Form for Industrial Activities (continued)

II.E. BEST MANAGEMENT PRACTICES FOR INDUSTRIAL ACTIVITIES

As mentioned previously, there are specific BMP requirements identified in the MSGP regulations (see, Part 8 of the MSGP), which are separate and distinct requirements from BMPs that might be necessary for pollution prevention activities. The generalized list of BMPs, found in Appendix A, is organized into three separate classifications: Stabilization Practices (Appendix A1), Structural Controls (Appendix A2), and Housekeeping Practices (Appendix A3).

II.F. NOTICE OF TERMINATION

II.F.1. Description

The operator of a facility may file an NOT form if and when the facility no longer discharges storm water.

II.F.2. Preparing an NOT

The information required on the NOT is similar to that on the NOI. The NOT should include the NPDES Permit number that was assigned to the industrial site by the EPA after the submittal of the NOI. The NOT also requires a certification that the operator is no longer authorized to discharge storm water from the industrial site. The certification also states that the NOT does not release an operator from liability for any violation of the Permit or the CWA. Figure II-7 is a sample of a completed EPA NOT form. A blank NOT form and instructions are included in Appendix B2 of this manual.

Blank NOT forms can be obtained by:

- Photocopying the form in this manual (check for the latest version)
- Downloading the form from Addendum E of the website http://www.epa.gov/npdes/pubs/msgp2008_appendixh.pdf

Where to File NOT form

EPA encourages you to complete the NOT form online, via the Internet. The Electronic Notice of Intent System (eNOI) is found at www.epa.gov/npdes/eNOI. If you cannot access the electronic system, you must send the NOT to the address listed below. NOTs sent regular mail:

Stormwater Notice of Termination (4203M)
USEPA
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

NOTs sent overnight/express
Stormwater Notice of Termination
US EPA East Building, Rm 7420
1201 Constitution Avenue, NW
Washington, D.C. 20004
(202) 564-9545

II.F.3. Signatory Requirements

The site operator must file the NOT. Operators are defined as those individuals having day-to-day operational control over activities that are necessary to ensure compliance with the NOT.

<p>This Form Replaces Previous Form 2040-0086 (Please See Instructions Before Completing This Form)</p>	
<p>NPDES FORM 3510-7</p> 	<p>UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460</p> <p>Form Approved. OMB No. 2040-0086</p>
<p>NOTICE OF TERMINATION (NOT) OF COVERAGE UNDER A NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY</p>	
<p>Submission of this Notice of Termination (NOT) constitutes notice that the party identified in Section B of this form is no longer authorized to discharge stormwater associated with industrial activity under the NPDES program for the facility identified in Section C of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.</p>	
<p>A. Permit Number:</p> <p>1. NPDES Permit Tracking Number: <u>NMR05GC76</u></p> <p>2. Reason for Termination (check one only):</p> <p>a. <input type="checkbox"/> You transferred operational control to another operator.</p> <p>b. <input checked="" type="checkbox"/> You no longer have a stormwater discharge associated with industrial activity subject to regulation under the NPDES program, and you have already implemented necessary sediment and erosion controls as required by Part 2.1.2.5.</p> <p>c. <input type="checkbox"/> You are a Sector G, H, or J facility and you have met the applicable termination requirements.</p> <p>d. <input type="checkbox"/> You obtained coverage under an alternative NPDES permit.</p>	
<p>B. Facility Operator Information</p> <p>1. Name: <u>XYZ METAL FABRICATOR</u></p> <p>2. IRS Employer Identification Number (EIN): <u>12-3456789</u></p> <p>3. Mailing Address:</p> <p>a. Street: <u>PO BOX 123</u></p> <p>b. City: <u>DEMING</u> c. State: <u>NM</u> d. Zip Code: <u>87021-1141</u></p> <p>e. Phone: <u>575-123-4567</u> f. Fax (optional): _____ g. E-mail: <u>XYZMETAL@NMMAIL.COM</u></p>	
<p>C. Facility Information</p> <p>1. Facility Name: <u>PRESS PLANT</u></p> <p>2. Location Address:</p> <p>a. Street: <u>123 AGAVE AVE.</u></p> <p>b. City: <u>DEMING</u></p> <p>c. County or similar government subdivision: <u>LUNA</u> d. State: <u>NM</u> e. Zip Code: <u>87022-0123</u></p>	
<p>D. Certifier Name and Title</p> <p>I certify under penalty of law that I have met at least one of the reasons for terminating permit coverage listed in Section A.2 above. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge stormwater associated with industrial activity under this general permit, and that discharging pollutants in stormwater associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.</p> <p>Print Name: <u>JANE DOE</u></p> <p>Title: <u>PRESIDENT</u></p> <p>Signature: <u>Jane Doe</u> Date: <u>05/29/12</u></p> <p>E-mail: <u>XYZMETAL@NMMAIL.COM</u></p>	

Figure II-7. Sample of a Completed EPA Notice of Termination (NOT) Form for Industrial Activities