



DEP ISSUE PROFILE

Maine's Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity (MSGP)

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Background

The management of stormwater runoff is increasingly important. While stormwater is a natural consequence of rain events and melting snow and ice, what gets carried in the flow often contains pollutants. These pollutants are picked up as the water runs off roadways, industrial sites, processing areas, storage yards, parking lots, construction sites, agricultural and forestry areas and even lawns. What are these pollutants? They are everything from sediment due to soil erosion; leaking or spilled fluids such as gasoline or oil; over-applied or spilled fertilizers, pesticides, and chemicals; paint chips from boat maintenance or bridge cleaning; litter; animal waste; contaminants from failed septic systems; and more. If that polluted runoff reaches a ditch, swale or catch basin, it is most likely headed to the nearest stream, lake, wetland or estuary without any treatment. Polluted stormwater runoff is our state's and our nation's leading cause of water pollution.

Since 1987, the U.S. Environmental Protection Agency (EPA) has had authority to regulate stormwater discharges through the federal Clean Water Act. EPA developed specific stormwater requirements for construction sites, industrial activities and for discharges from Municipal Separate Storm Sewer Systems (MS4s). In 2001, Maine's Department of Environmental Protection (DEP) received authority to administer this federal program. In 2003, DEP issued general permits for discharges from construction activity and for discharges from municipal Separate Storm Sewer Systems in certain regulated communities. In October 2005, the third stormwater general permit, Maine's Multi-Sector General Permit, was issued for stormwater discharge associated with industrial activity.

A general permit is a "one-size-fits-all" permit that is often applicable to a broad class of activities. Coverage under the permit is automatic if the permittee certifies by signature compliance with all requirements listed in the permit. Coverage lasts five years from the effective date of the permit unless otherwise provided or determined by the Department. A facility which is subject to regulation, but cannot meet all the general permit requirements must apply to DEP for an alternative general permit or an individual discharge permit.

What is the Multi-Sector General Permit for industrial stormwater?

Maine's Multi-Sector General Permit (MSGP) is a discharge permit which authorizes the direct discharge or point source discharge of stormwater associated with an industrial activity to waters of the state or to a MS4 that discharges to waters of the state, excluding discharges to ground water. An applicant shall file a Notice of Intent (NOI) to comply with the permit. The NOI is an agreement to comply with all permit requirements and to reduce or eliminate the pollutants in the stormwater discharge. The permit includes requirements for all covered activities, as well as specific standards for each listed industrial activity (found in the sector-



specific appendices of the General Permit). The DEP issued its first Multi-Sector General Permit on October 11, 2005 and reissued the MSGP on April 26, 2011. The new 2011 MSGP replaces the 2005 General Permit. Facilities that were previously covered under Maine's 2005 General Permit must file for coverage under the new permit to discharge stormwater. If your facility is not currently covered under Maine's MSGP, please contact a regional industrial stormwater inspector for assistance.

It is important to note that some non-stormwater discharges from industrial activities are not authorized under the MSGP. These include, but are not limited to, process wastewater, cooling water, wash water, and rinse water. In some cases non-stormwater discharges may require an individual wastewater discharge permit.

Who needs a permit?

If the answer to all three of the following questions is yes, a facility will need permit coverage under the MSGP.

1. Is the facility involved in any of the following Sectors of Industrial activity (taken from Standard Industrial Classification codes)?

Information on SIC codes are available through the U.S. Department of Labor at the following web site: <http://www.osha.gov/pls/imis/sicsearch.html>. DEP's Industrial stormwater staff will provide assistance in determining the appropriate sector(s) for the facility.

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| * timber products | *coal mining | *ship and boat building or repair |
| * paper and paper products manufacturing | *oil and gas extraction or refining | *air transportation |
| * chemical or chemical products manufacturing | *hazardous waste treatment, storage or disposal | *sewage treatment works |
| * asphalt paving and roofing materials or lubricant manufacturing | *landfill, land application or dump operation | * food manufacturing |
| * glass, clay, cement, concrete and gypsum product manufacturing | *auto salvage or recycling | * textile or fabric manufacturing |
| * primary metals manufacturing metal and mineral mining | *scrap recycling facilities | * furniture manufacturing |
| | *steam electric generation | * printing and publishing |
| | *land transportation and warehousing | * rubber and plastic manufacturing |
| | *water transportation | * leather tanning or finishing |
| | | * fabricated metal products |
| | | * transportation equipment, industrial or commercial machinery |
| | | * electronic, electrical, photographic, and optical goods |

2. Are materials or activities associated with the listed industrial sectors in the table above exposed to rain, snow or ice melt now or in the foreseeable future?

3. Does rainwater, snow or ice melt discharge from an area of industrial activity to a surface water such as a wetland, lake, river, stream, estuary or ocean, either directly or indirectly through a swale, ditch, road gutter or catch basin? If you have any questions the DEP will provide a free field determination.

If industrial materials or activities are not exposed to rain, snow or ice melt, the facility may qualify for a "No Exposure Certification." "No exposure" means that *all industrial materials and activities are protected by a storm resistant shelter* that prevents exposure to rain, snow, snowmelt, ice-melt, run-on, and runoff. As long as the condition of "no exposure" exists at a

facility, the operator is excluded from industrial stormwater permit requirements provided that the operator files a No Exposure Certification (NEC) form with the Department. The No Exposure Certification certifies that a facility meets all the conditions of the exclusion.

What are the requirements of the Multi-Sector General Permit?

1. An owner or operator of the facility shall file a Notice of Intent (NOI) to comply with the General Permit and submit the appropriate annual permit fee to the Maine DEP (17 State House Station, Augusta, ME 04333-0017, Attn: 3rd Floor, Industrial Stormwater). The NOI is a two-page form. Information such as who you are, where you are located, and what activity you conduct (which can be obtained from the list of industrial activities) is required. Notice of Intent (NOI) forms can be obtained by mail, electronically via e-mail, as well as from the MSGP Home Page. If your facility is not currently covered under Maine's MSGP, please contact a regional industrial stormwater inspector if assistance is needed to determine potential permit coverage or No Exposure Certification (NEC) exclusion.
2. Each facility must develop and implement a Stormwater Pollution Prevention Plan (SWPPP) which is focused on the development and implementation of best management practices (BMPs), good housekeeping practices and preventative maintenance activities. The SWPPP is a working document tailored to site-specific conditions and designed with the goal of eliminating or minimizing stormwater's contact with potential pollutants. The SWPPP is **not** submitted to the DEP unless requested. The SWPPP must be kept at the permitted facility at all times, and be accessible upon request to all federal, state and local authorities. The SWPPP requirements are outlined in the general text of Maine's MSGP.

The Industrial Stormwater Unit is committed to providing regulated facilities with technical assistance, training, outreach and support to help the Maine business community meet the requirements of the Multi-Sector General Permit.

DEP's Industrial Stormwater Unit administers this program as an inspection-based and training and outreach program. Our site inspectors ensure that industrial activities subject to this permit are in compliance. If facilities are not in compliance, our inspectors work with site management to facilitate compliance with the MSGP.

What will DEP inspectors look for when they conduct an inspection?

Industrial Stormwater Inspectors evaluate the site's potential pollutant sources and associated Best Management Practices, either the existing or planned BMPs. Inspectors evaluate if BMPs are functioning as intended, BMPs are properly maintained, and control measures are adequate to reduce pollutants from the industrial activity. Inspectors evaluate the development and implementation of good housekeeping practices and preventative maintenance programs. They determine compliance with all SWPPP documentation requirements such as plans, visual monitoring, quarterly inspections, corrective actions and record keeping and retention. Stormwater inspectors also evaluate all stormwater conveyances and associated outfalls.

What are the major changes between the 2005 and 2011 MSGP?

Impaired Waters:

Permittees discharging to an impaired waterbody listed on the Department's 303d list may be required to perform additional water quality monitoring if the facility receives written notification from the Department. See Part VI (D) of the MSGP for complete details.

New permittees discharging to an impaired waterbody are not eligible for coverage under this General Permit unless

- all exposure off the pollutant(s) for which the waterbody is impaired is prevented and procedures to prevent exposure are documented and retained on site with the SWPPP, or
- documentation proving that the pollutant(s) for which the waterbody is impaired is not present in the facility's discharge(s), or
- treatment of the pollutant is provided for in compliance with 06-096 CMR 500.

These findings are retained in the facility's SWPPP.

Benchmark Monitoring:

Maine's 2011 MSGP requires benchmark monitoring for Sectors A, B, and N. (Please see individual Sectors for specific details.) Benchmark monitoring is not an enforceable limit. Exceeding the benchmark is not a permit violation. The Benchmark data is used to help evaluate the overall effectiveness of stormwater control measures identified in the facility's SWPPP. Benchmark monitoring must be conducted during a qualifying storm event. A qualifying storm event is when there is a measurable discharge from the outfall. A grab sample must be collected between 60 minutes and 2.25 hours from the time stormwater begins to discharge from an outfall. Results must be summarized and reported in the facility's SWPPP. If results exceed the benchmark limitation, the facility must review the selection, design, and implementation of control measures and complete a Corrective Action Report (CAR). Once corrections are made, the permittee must continue quarterly monitoring for three additional quarters. If the facility can provide laboratory documentation that show results that do not exceed the limits for four (4) consecutive quarters, the monitoring requirements for that parameter are fulfilled for the permit term which ends in 2016. When a site is completing Benchmarks, Visual Monitoring is not required. Visual monitoring will resume when Benchmark monitoring ends. The department's regional Industrial Stormwater Inspectors are available for onsite technical assistance when performing benchmark monitoring or to help determine corrective actions.

Numeric Monitoring:

The frequency of numeric monitoring has changed. Quarterly Numeric monitoring is required for Sectors A, B, C, D, E, J, K, L, & O. (Please see individual Sectors for specific details.) An average of two quarterly samples must be taken. Results which do not exceed the limits must be recorded in the facility's SWPPP. If the average of the two monitoring samples exceeds the limit, the permittee must send the department the results within 14 days of receiving the monitoring results, and the permittee must review the selection, design, and implementation of control measures identified in the facility's SWPPP. Once corrections are made, the permittee must collect two additional quarterly samples. The department's regional Industrial Stormwater Inspectors are available for onsite technical assistance when performing numeric monitoring or to help determine corrective actions.

Numeric monitoring is required for facilities with coal piles greater than 30 cubic yards in size. It is also required for log watering and mine de-watering. For log watering or mine dewatering activities, effluent samples must be collected at the point of discharge within the first 30 minutes from the time stormwater begins to discharge from an outfall.

Visual Monitoring:

The definition of a qualifying storm event has changed. There is no longer a 0.10 inch trigger for sampling as required in the 2005 MSGP. A qualifying storm event is either precipitation, ice or snow melt that produces a measureable discharge at an outfall and must occur at least 72 hours after a previous qualifying storm event. A grab sample must be collected within the first 60 minutes, but not more than 2.25 hours from the time stormwater begins to discharge from an outfall.

Visual monitoring is not required if the facility is conducting Benchmark, Impaired Waters sampling and analysis or Numeric monitoring. Visual monitoring must be resumed if Benchmark monitoring, Numeric monitoring or Impaired Waters sampling is ceased.

Chapter 500:

Under the limitations on coverage, new stormwater discharges not meeting the applicable stormwater standards for stormwater quality in 06-096 CMR 500 Stormwater Management must adhere to the Chapter 500 standards. Changes in or expansion of a facility covered by the MSGP which results in one acre or more of disturbed area or five acres or more of developed area will require that the facility meet the applicable stormwater standards of Chapter 500.

Annual Reporting:

Submittal of annual reports are only required for facilities that fail to comply with the terms and conditions of the General Permit. If a DEP Industrial Stormwater Inspector finds deficiencies in the development or implementation of any portion of the SWPPP, annual report submittal will be required for three consecutive permit years. Examples of such deficiencies include but not limited to, a SWPPP that fails to identify an industrial activity or discharge, or a permittee fails to conduct required monitoring or implement a BMP described in the SWPPP. The department has created a form for permit-holder's use and is available on the MSGP home page.

Corrective Action Reports (CAR):

Corrective Action Reports (CARs) must be generated when corrective actions are identified during a quarterly site inspection. Two types of CARs exist. A Structural BMP corrective action report includes modifications or additions and implementations of structural BMPs. If a deficiency is not related to routine maintenance, the permittee shall notify the Department within 14 business days. If the CAR is related to non structural BMP corrective actions such as an SOP or business practice, the CAR must be kept with the SWPPP. The Department has developed a CAR form which facilities may use. This form can be found on the MSGP homepage website.

For More Information

Have questions or need help? Please contact a regional Industrial Stormwater Inspector:

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| Augusta - MDEP's Main office | Aaron Dumont 207-215-7346 or
aaron.a.dumont@maine.gov |
| Southern Maine Regional Office - Portland | Alison Moody 207-615-8936 or
Alison.r.moody@maine.gov |
| Eastern Maine Regional Office - Bangor | Jana Wood 207-215-7869 or
Jana.wood@maine.gov |
| Northern Maine Regional Office - Presque Isle | Sean Bernard 207-760-3135 or
sean.l.bernard@maine.gov |

Or write to:

**Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017**

Please be sure to visit the DEP website at
<http://www.maine.gov/dep/land/stormwater/multisector.html>