

# Municipal Industrial Inspectors Workshop

TPDES Industrial Storm Water Inspections  
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# Industrial Stormwater Multi-Sector General Permit a.k.a Industrial General Permit



# Applicability

*If* a facility *discharges* storm water associated\* with an industrial activity ...

*And* the facility is one of the regulated industrial sectors (based on Standard Industrial Classification Code (SIC Code) or North American Industrial Classification System (NAICS)...

*Then* authorization is required.



# Applicability

- Industrial Activity-

Any of the 10 categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity” as defined in 40 Code of Federal Regulations (CFR) 122.26(b)(14)(i)-(ix) and (xi).

# What is this... *Sector* stuff?

- Industrial activities have been subdivided into 30 sectors (A-AD)
- Industrial activity can fit under one **or more** of the Standard Industrial Classification (SIC) Codes or the North American Industrial Classification System (NAICS) codes referenced in the MSGP



# Primary SIC/NAICS Code

- ⦿ Determination may be based on activities:
  - Generating the most revenue and or
  - Receiving the most resources (money and or employees)
- ⦿ If primary SIC/NAICS code is regulated and a secondary SIC/NAICS code is too, then the facility must perform monitoring and meet requirements for both sectors (co-located industrial activities).
- ⦿ If only the secondary SIC/NAICS code appears to be regulated, the facility is not eligible for permit coverage.

# Regulated Sectors

Includes but not limited to:

- › Manufacturing - paper, electronics, chemical, food, textiles, rubber, machinery, metals, leather, etc.
- › Metal Fabrication
- › Rock, Gravel and Sand Quarries
- › Scrap and Recycling - metals, paper, plastic, oil, etc.
- › Auto Salvage Yards
- › Printing and Publishing
- › Treatment Works (Wastewater Treatment Plants)
- › Landfills
- › Power Plants
- › Oil and Gas Extraction (limited, RRC)

# Stormwater Discharge Associated with Industrial Activity

- The discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw/intermediate materials storage areas at an industrial facility is a stormwater discharge.





# Stormwater Conveyance

Example of culvert system for stormwater from concrete batch plant.



# No Discharge?

Not eligible for the permit.

- Contain all stormwater within property boundaries even during extreme rain events
  - › Burden of proof on operator
- Recycle, recirculate or use in a process
- Collect, pump and haul for disposal or reuse
- Underground Injection Well
- \*Access/Facility Roads



Every regulated facility that discharges must be authorized.

Options include:

- General Permits such as MSGP
- Individual Water Quality Permit, or....
- Conditional No Exposure Certification (MSGP Part II Section C)

# MSGP...What's Required?

- Develop and implement Stormwater Pollution Prevention Plan (SWP3)
- Submit Notice of Intent (NOI) form and fee
- Adhere to requirements of permit
  - > Monitor and record discharges to comply with numeric effluent limits (once annually, DMR)
  - > Maintain a current site map
  - > Perform quarterly visual monitoring
  - > Perform quarterly inspections of controls
  - > Perform Benchmark sampling (twice annually)
  - > Annual Report
- Pay annual water quality fee (September 1)
- Terminate permit when appropriate (NOT)

# SWP3

- Comprehensive site compliance evaluation
  - › Site map with outfalls / sampling points
  - › Narrative description of activities
- Requires updates – “living document”
- Stays on site or made readily available
- Includes:
  - › Survey of non-storm water discharges
  - › Summary of sampling data
  - › Inspection reports
  - › Employee training
  - › Certification statement

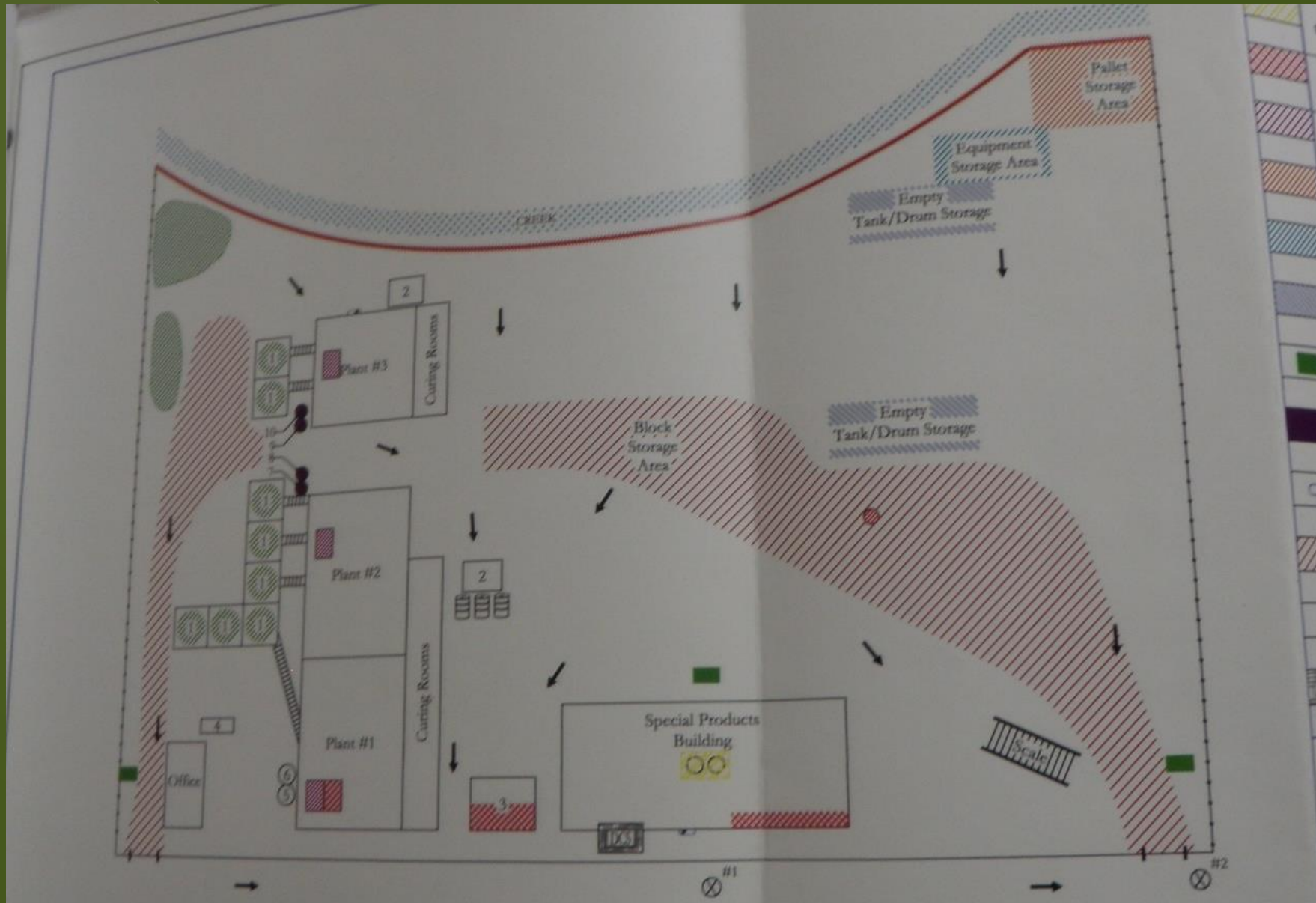


# Details

- Pollution prevention team (qualified personnel)
- Physical features of site
- Process descriptions
- Schedule of activities
- Equipment storage/maintenance
- Pollutant sources
- Exposed materials inventory
- Structural controls and other BMPs
- Assessment of controls (Annual Report and Benchmark)
- Emergency response and spill information/procedures



# Site Map



# Sampling



- Qualifying rain event
  - causes runoff from the site (after measurable rain event)
- Sample within first 30 minutes of discharge and at least 72 hours after the previous storm event
  - Some sites have detention ponds or other BMPs that delay discharge immediately following the qualifying storm event
- If unable to sample or monitor, document reason



# Monitoring

- > Quarterly visuals
  - every three months
- > Benchmarks
  - semi-annually
- > Numeric effluent limits (metals)
  - annually unless waived
- > Sector specific effluent limits (not every sector)
  - annually



# Waiver from numeric effluent limits

(Hazardous Metals)

- Certify that raw materials, byproducts or final products do not contain the specified metals
- Certify that raw materials, etc. are not exposed
- Analyze sample to demonstrate metal(s) are not present in detectable levels
- Cannot “waiver out” if metal is listed in Sector specific benchmarks

# No Exposure Certifications

- Excluded from permitting if activities are conducted indoors and materials are protected from precipitation and runoff
- The entity is required to complete and submit a No Exposure Certification (NEC)
- **!!!!Must comply at all times!!!!**

MSGP Part II, Section C (1)



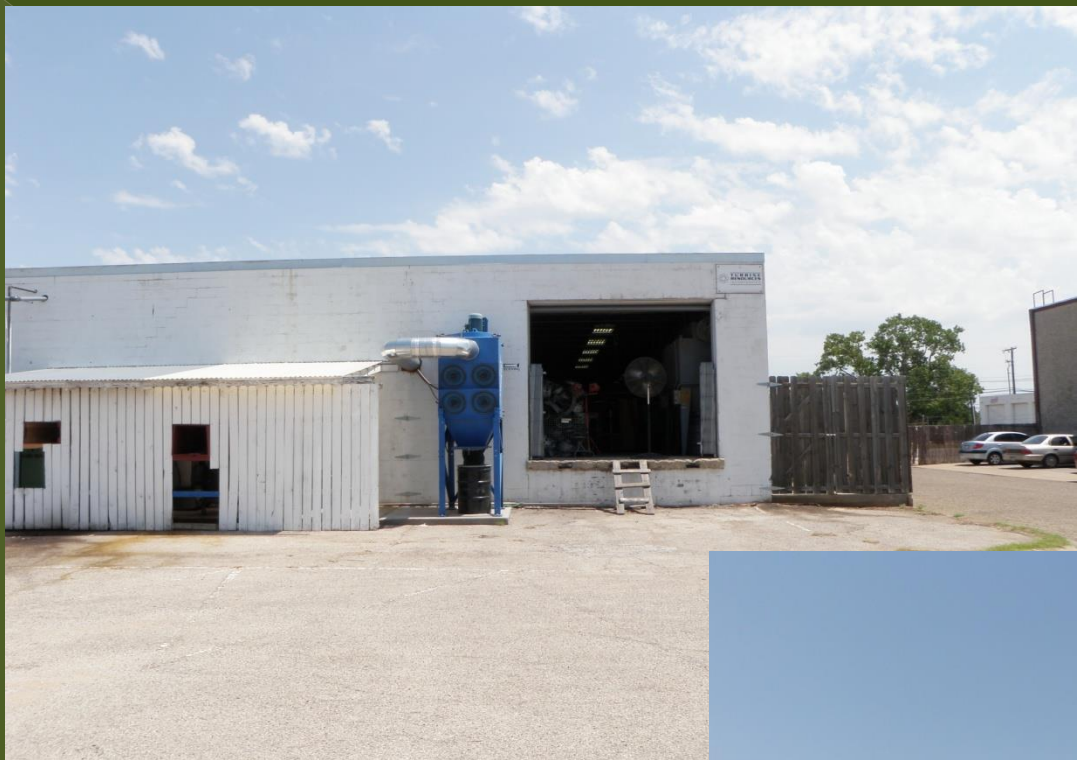
# Conditional No Exposure Certification



Definition – All industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff.







Industrial refuse and trash that is stored uncovered, is considered exposed.







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).





Final Products built  
and intended for use  
outdoors do not  
require a storm-  
resistant shelter,  
**UNLESS....**

- 1) Products that would be mobilized in storm water discharges (e.g., rock salt)
- 2) Products which may, when exposed oxidize, deteriorate, leak or otherwise be a potential source of contaminants (e.g., junk cars; stockpiled train rails)
- 3) “Final” products which are, in actuality, “intermediate” products. Intermediate products are those used in the composition of yet another product (e.g. sheet metal, tubing and paint used in making tractors).

# Common Violations



## Failure to:

- > prevent unauthorized discharge \*
- > obtain permit coverage
- > develop/implement SWP3
- > include accurate site map
- > schedule maintenance of BMPs
- > inventory exposed materials
- > have rain gauge/rain log
- > conduct periodic inspections
- > perform sampling/monitoring

## Conducting the Inspection:

- ① Develop/use a checklist
- ① Know your city codes/regulations
- ① Know the permit

## Still need assistance...

- ① Contact TCEQ's Small Business and Local Government Assistance (SBLGA) Program

# Updates

- 1) Online e-permitting only (waiver and paper submittal only by calling 512-239-3700, MSGP and CGP)
- 2) New permit effective August 14, 2021 (every 5 years\*)
- 3) Electronic Daily Monitoring Reports (DMRs)- Episodic Waiver (January 31, 2022 to April 1, 2022)
- 4) Current Amended Construction Permit (TXR150000, effective January 28, 2022)
- 5) Current MS4 Phase II General Permit signed and made effective on January 24, 2019

# Case Study: Dry-mix gunite facility



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## No-Exposure Certificate (NEC)

- Unannounced MSGP/Conditional No Exposure investigation
- Conducted site assessment prior to making contact with the facility.
- Conducted walk-through of site with Management.
- Noted large sand piles, sand accumulating throughout the facility, full uncovered waste containers, vehicle parts and used oil/used filter drums located outside unsealed.
- NOV letter sent for failure to meet no exposure requirements and the No Exposure Certificate (NEC) exclusion ceased to apply for this facility.
- Resolved by obtaining a stormwater MSGP



# Case Study: Precast concrete facility



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## Sector E: Glass, Clay, Cement, Concrete, and Gypsum products

- ◉ Unannounced complaint MSGP investigation for unauthorized discharge.
- ◉ Conducted site assessment prior to making contact with the facility.
- ◉ Conducted walk-through of site with Management.
- ◉ Evaluation of SWP3 for site inspections, site map, monitoring.
- ◉ Violations issued for failure to establish practices within MSGP SWP3, conducting routine quarterly inspections, and failure to install and maintain measure to prevent exposure of spilled cement and other dust.
- ◉ Resolved by facility by adding additional stormwater controls, providing third party to conduct quarterly inspections, and changing practices to assist with house-keeping and minimizing potential discharge.





# Case Study: Landfill facility



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## Sector L: Landfills and Land Application Sites

- Unannounced complaint MSGP investigation for unauthorized discharge.
- Conducted site assessment prior to making contact with the facility.
- Conducted walk-through of site with Management.
- Evaluation of SWP3 for site inspections, site map, monitoring.
- Violations issued for failure to add two material stockpiles on the landfill to the SWP3, failure to conduct an assessment of the SWP3 when benchmark values for TSS were exceeded, and failure to provide erosion and sediment control measures for two stockpiles located on property.
- Resolved by facility by providing an updated SWP3 site-map, added additional sediment controls to address TSS, and provided documentation of modified outfalls to include additional stockpiles.



# Questions



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