TPDES INDUSTRIAL STORMWATER MULTI-SECTOR GENERAL PERMIT (TXR0500000)

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INDUSTRIAL STORMWATER PERMIT
APPLICABILITY

If a facility discharges stormwater associated with an industrial activity...

And the facility’s activity is covered under one of the regulated industrial sectors...

Then MSGP authorization is required.
STORMWATER DISCHARGES 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 materials storage areas at an industrial facility.
NO DISCHARGE?

- Contain all stormwater within facility’s property boundaries even during extreme rain events
  - “Burden of proof” is on the operator
- Recycle, recirculate or use in a process
- Collect, pump and haul for disposal or reuse
- Underground Injection Well - 30 TAC §331

Permit coverage is not required!
WHAT IS THIS... **SECTOR** STUFF?

- Industrial activities have been subdivided into 30 sectors

- Industrial activity fits under one or more of the Standard Industrial Classification (SIC) Codes referenced in the MSGP
Determination may be based on activities:

- Generating the most revenue and/or
- Receiving the most resources

If primary SIC code is regulated and a secondary SIC code is too, then the facility must perform monitoring and meet requirements for both sectors (co-located industrial activities).

If only the secondary SIC 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 (Waste Water Treatment Plants)
- Landfills
- Power Plants
- Oil and Gas Extraction (limited, RRC)
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?

- Submit NOI (application) form and fee
- Adhere to requirements of permit
  - Develop and implement Stormwater Pollution Prevention Plan (SWP3)
  - Monitor and record discharges to comply with numeric effluent limits (once annually)
  - Perform quarterly visual monitoring
  - Perform quarterly inspections of controls
  - Perform Benchmark sampling (twice annually)
  - Annual Report
- Pay annual water quality fee
- Terminate permit when appropriate (NOT)
STORMWATER POLLUTION PREVENTION PLAN (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-stormwater discharges
  - Summary of sampling data
  - Inspection reports
  - Employee training
  - Certification statement
SWP3 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 spills
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 that delay discharge immediately following the qualifying storm event
- If unable to do so, document reason
MONITORING

- Quarterly visuals
  - every three months

- Benchmarks
  - semi-annually

- Numeric effluent limits (hazardous metals)
  - annually unless waived

- Sector specific effluent limits
  - 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
STORMWATER NOT ASSOCIATED WITH INDUSTRIAL ACTIVITY - NO EXPOSURE

- 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)
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.
Industrial Refuse
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 stormwater 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; scrap metal)

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 routine sampling
2016 MULTI-SECTOR GENERAL PERMIT RENEWAL

TIMELINE:

• Renewal process began October 2014
• Stakeholder meeting held January 8, 2015
• Stakeholder comment period ended January 23, 2015
• EPA 90 day review began May 8, 2015
  • Review completed on August 12, 2015
  • Approval without objections
• Draft permit released for public review October 16, 2015
  • 30 day public comment period (October 16 – November 16, 2015)
  • Texas Register
  • Newspapers: Dallas, San Antonio, Amarillo, McAllen, El Paso, Houston
• Public meeting was held at TCEQ on November 16, 2015
TXR050000 RENEWAL – NEXT STEPS

• Complete Response to Comments (RTCs) document by April 2016
• Final edits to permit and fact sheet by April 2016
• Brief management: April - June 2016
• Commissioners Agenda for Adoption: July 6, 2016
• Permit effective date: **August 14, 2016**
• 90 day period to submit applications for renewal
• All permit authorizations not renewed will be terminated
TXR050000 RENEWAL – NEXT STEPS

• After permit effective date:
  • 90 day period to submit applications for renewal

• All MSGP authorizations not renewed by November 13, 2016 will be terminated

• If MSGP coverage is no longer needed by August 31, 2016
  • Must terminate prior to this date to avoid WQ Annual fee
PROPOSED CHANGES TO EXISTING PERMIT

- SIC code and Sector format changes
- Inclusion of federal Airport De-icing rule language
- Language Clarifications
- Clarifying Benchmark waiver reporting requirements
- Proposed Benchmark limits
- Adding Definitions
- Impaired Receiving Waters and Total Maximum Daily Load (TMDL) Requirements
  - Comply with controls required in the TMDL or Implementation Plan (IP) plan
  - Included Texas Integrated Report Index of Water Quality Standards
MSGP BENCHMARK ANALYSIS

STEPS

1. Review past processes for analyzing benchmarks
   - Each permit term data are analyzed for setting future benchmarks
   - 2006 & 2011 MSGP Renewal - Adjusted 10 benchmark values

2. Descriptive statistics (median, min/max, range, distribution)

3. Analyze and recommend proposed changes
   - Comparison of data over time – 2011 vs 2016
   - Comparison of 2016 permit data to current benchmarks
SUMMARY OF PROPOSED BENCHMARK VALUES

- Ammonia-Nitrogen lowered from 2.5 to 1.7 mg/L for the following (2 of 2):
  - Sector K (Activity Code HZ)
  - Sector S (SIC Codes 4512-4581)

- Biochemical Oxygen Demand (BOD5) lowered from 30 to 20 mg/L for the following (1 or 1):
  - Sector T (Activity Code TW)

- Total Suspended Solids (TSS) lowered from 100 to 50 mg/L for the following (4 of 12):
  - Sector A (SIC Codes 2426-2499)
  - Sector C (SIC Codes 2873-2879)
  - Sector F (SIC Codes 3321-3325)
  - Sector H (SIC Codes 1221-1241)
NPDES E-REPORTING RULE

• EPA National Electronic Reporting Rule:
  • Rule finalized and in effect December 2015

• TCEQ 2016 MSGP Renewal
  • Moving to 100% electronic submittal of NOIs
    • ~50% of MSGP permitting universe currently submitting electronically
  • All DMRs must be submitted electronically following permit issuance

• Comments or Questions?
USEFUL LINKS

- TCEQ webpage -
  http://www.tceq.texas.gov/

- TCEQ Stormwater Permits -

- STEERS -
  https://www3.tceq.texas.gov/steers/index.cfm

- SBLGA Assistance Tools -
CONTACT INFORMATION

- Stormwater & Pretreatment team
  (512) 239-4671
  swgp@tceq.texas.gov

- Stormwater Processing Center
  (512) 239-3700
  swpermit@tceq.texas.gov

- Small Business and Local Government Assistance (SBLGA)
  1-800-447-2827
TPDES STORMWATER PROGRAM

CONTACTS

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