

# **GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY**

## **FACT SHEET PROPOSED 2009 MODIFICATIONS**

### **Summary:**

Overall, the most significant modification to the General Permit for the Discharge of Stormwater Associated with Industrial Activity (general permit) is the transformation from the Connecticut format used since 1992 to a “hybrid” format including provisions of the 2008 EPA Multi-Sector permit. The new format incorporates a new separate section with 10 “sectors” covering specific industries. Each sector has specific requirements for those facilities in that particular sector that are in addition to or in lieu of the basic general requirements of the permit. Not all industrial activities are included in a sector. Facilities not in a sector must comply only with the general requirements of the permit.

Most of the provisions of the previous CT general permits have been continued in the general requirements. However, these requirements have been expanded, made more prescriptive and reorganized in a format similar to the EPA permit. Best management practices (BMPs) formerly included as “measures and controls” in the Stormwater Pollution Prevention Plan (Plan) section have been moved to a new separate section. These are what EPA refers to as “technology-based effluent limits” (TBELs) and are now included as “control measures” in a section separate from the requirements of the Plan. Unlike numeric effluent limits applied to stormwater monitoring, these TBELs are BMPs required by each facility to control the discharge of pollutants in stormwater. These control measures have also been expanded and made more prescriptive in the new permit. The requirements for a facility’s Plan are also more specific and include implementation of the control measures.

The modified permit will contain provisions for expanded public access and comment. All new permit registrations will be posted on the DEP website every month and the public will have the opportunity to review these and request the submission of a facility’s Plan through the DEP. A facility may choose to make their Plan available at their own website for public review. The existing 30 day advance submission deadline for the registration will be extended to 60 or 90 days, depending on whether a registrant’s Plan is electronically available, to allow for this public review process. The public may submit comments on a Plan or registration to the DEP for evaluation and possible action. Plans for facilities already registered under the existing permit will be required to be recertified by a Connecticut-licensed Professional Engineer (PE) or Certified Hazardous Materials Manager (CHMM).

Stormwater monitoring will still be included in the permit but the requirements are modified. All facilities (except a small number of specific industry sectors) will sample under the general requirements. Monitoring will be semi-annually instead of the current annual sampling. The “target goals” for monitoring parameters in the existing permit will be replaced by “benchmarks” in the modified permit. The benchmarks include the same incentives for reduced sampling as the target goals for results below the benchmarks but will

now also include specific requirements for facilities whose sampling exceeds the benchmarks. These benchmarks have also been modified based on past sample results submitted to DEP and to provide consistency with Water Quality Criteria. Under the modified permit, metals (copper, lead and zinc) will have benchmarks based on the 50<sup>th</sup> percentile of historic industrial monitoring data, which has been determined to meet the DEP Water Quality Criteria at typical dilution rates. Fiftieth percentile means that 50 percent of the facilities sampling for a given parameter had results below that level. The remaining parameters do not have associated Water Quality Criteria and will be based on the 80<sup>th</sup> percentile of historic industrial monitoring data. The resampling required for discharges that exceed the benchmarks will be required only for the parameters exceeding the benchmark and not for all parameters as required in the current permit. Also, quarterly visual monitoring will be included and will involve collecting a sample and visually assessing the sample for a list of characteristics.

The 2008 EPA Multi-Sector general permit places all industrial facilities into one of 29 “sectors”, which each have their own sector-specific requirements. The DEP is proposing to combine the current CT general permit format with the sector-based approach of EPA. The proposed permit will include 10 sectors for certain industries in a new section of the permit. Not all industries will be included in a sector. Those industries that are not in a sector will comply only with the basic general permit requirements. Those industries that do fall within a sector may have requirements that are in addition to or in lieu of the basic requirements for authorization, control measures, Plan requirements and/or monitoring. Sectors may include additional monitoring parameters and/or additional or modified monitoring benchmarks for certain parameters. Some sectors may also be subject to numeric effluent limit guidelines. These effluent limits are EPA-mandated numeric limits for certain stormwater discharge parameters. As differentiated from the exceedance of a benchmark, exceedance of an effluent limit is a violation of the general permit and requires specific actions above and beyond those of a benchmark exceedance. Such an exceedance also would require the submission of a report to the DEP.

The general permit proposes new requirements for stormwater discharges to impaired waters. Under Section 303(d) of the Clean Water Act, EPA requires each state to identify waters that are “impaired” for a given pollutant. For certain impaired waters, DEP has established a Total Maximum Daily Load (TMDL) which identifies the quantity of that pollutant(s) that can be assimilated by the waterbody. Discharges to a waterbody may then be restricted or prohibited if they do not meet a TMDL. The DEP continues to assess impaired waterbodies and will establish additional TMDLs in the future. The permit will include requirements for existing facilities that discharge to an impaired water with or without a completed TMDL. There are also separate requirements and restrictions for discharges to impaired waters by new facilities.

### **Permit Modifications:**

The following describes specific changes or additions proposed in the modified general permit. Items that are being newly added to the permit are designated as **NEW**. Items that are changes to existing language or format from the current permit are designated as

**MODIFIED.** Items that are being removed from the current permit are designated as **DELETED.**

- **SECTION 2 – Definitions**

The following definitions have been added or modified:

- 25-year, 24-hour event (**NEW**)
- 100-year, 24-hour event (**NEW**)
- aquifer protection area (**NEW**)
- agricultural wastes (**NEW**)
- composting facility (**NEW**)
- Guidelines (**NEW**)
- impaired waters (**NEW**)
- minimize (**NEW**)
- municipal separate storm sewer to include the abbreviation “MS4” (**MODIFIED**)
- qualified person or qualified personnel (**NEW**)
- retain (**MODIFIED**)
- regulated small MS4 (**NEW**)
- sediment (**NEW**)
- small-scale composting facility (**NEW**)
- Stormwater Quality Manual (**NEW**)
- TMDL (**NEW**)
- vehicle (**NEW**)
- water quality standards or classification (**NEW**)

The following industrial activity categories are **MODIFIED**:

- category (3) mining - to clarify
- category (5) solid waste facilities - to clarify
- category (8) transportation - to include yacht clubs (SIC 7997) & boat dealers (SIC 5551), and retail truck stops (within SIC 5541)
- category (12) salt storage - to include all deicing materials storage

The following industrial activity categories are **NEW**

- category (13) wood processing
- category (14) small-scale composting facility

- **SECTION 3 - Authorization Under This General Permit**

**Section 3(b) Requirements for Authorization**

The following changes have been made to this section:

- rearranged by switching paragraphs 1 and 5 (**MODIFIED**)
- incorporated language regarding Aquifer Protection Regs (**NEW**)
- removed section requiring sites discharging to groundwater through a designed infiltration system and all mining operations to register even if no point source discharge (**DELETED**)

- referenced sector-specific effluent limitations guidelines requirements in Section 5(f) (**MODIFIED**)
- included provisions of Section 5(a)(1) regarding discharges within 500 feet of tidal wetlands (**NEW**)
- included requirements for new discharges to impaired waters (**NEW**)

### **Section 3(d) No Exposure Certification**

The following changes have been made to this section:

- clarified exemption requirements for no-exposure certifications (**MODIFIED**)
- required no-exposure certifications to be submitted with \$250 processing fee (**NEW**)
- required previously filed no-exposure certifications to be renewed upon permit renewal (**NEW**)
- clarified maintaining no-exposure status (**NEW**)

### **Section 3(g) Effective Date of Authorization**

The following changes have been made to this section:

- outlined authorization timelines for new registrations (based on the electronic availability of the Plan) to allow for public review (**MODIFIED**).

## ● **SECTION 4 – Registration Requirements**

### **Section 4(a) Who Must File a Registration**

The following changes have been made to this section:

- increased timelines for registration submission (based on electronic availability of the Plan) to allow for public review (**MODIFIED**)

### **Section 4(c) Contents of Registration**

The following changes have been made to this section:

- specified registration fee of \$1,000 for facilities employing >50 employees statewide (excluding seasonal employees) and with gross annual sales >\$5 million
- specified \$500 for facilities employing <50 employees statewide (excluding seasonal employees) or with gross annual sales <\$5 million and also municipal, federal and state facilities and all small-scale manure composting facilities (**MODIFIED**)
- included a provision for managing Confidential Business Information in the Plan (**NEW**)
- required Plan submission and approval for certain small-scale composting (**NEW**)

#### **Section 4(d) Availability of Registration and Plan**

This is a **NEW** section addressing the process DEP will employ to make registrations and Plans available to the public for review and comment.

- **SECTION 5** – Conditions of this Permit

#### **Section 5(a) Conditions Applicable to Certain Discharges**

The following changes have been made to this section:

- clarified 1” retention requirement to allow the permittee to demonstrate inability to comply with this requirement (**MODIFIED**)
- moved former Section 5(e) restrictions for floatable materials and toxicity into this section (**NEW**)
- included statement that discharges shall not cause an exceedance of Water Quality Standards (**NEW**)
- included a requirement for compliance with the CT Anti-Degradation Implementation Policy (**NEW**)

#### **Section 5(b) Control Measures (NEW section)**

The following provisions are included in this section:

- relocated BMPs (“control measures”) into this new section from the Measures and Controls section of the Plan requirements in the former Section 5(b)(6)(C) (**MODIFIED**)
- provided more prescriptive language for these control measures (**MODIFIED**)
- defined the term “minimize” to mean to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice (**NEW**)
- clarified that vehicle washing or rinsing is not allowed to discharge to waters of the State without a permit (**MODIFIED**)
- clarified that all floor drains must be sealed or permitted by DEP or the local authority (**MODIFIED**)
- included in the Management of Runoff section consideration of aquifer protection for infiltration practices (**MODIFIED**)
- included provision that any evaluation, construction or modification of the design of a stormwater drainage system requires a PE certification (**NEW**)
- included requirement that preventative maintenance measures must be incorporated into routine inspections (**MODIFIED**)
- clarified the Spill Prevention and Response Procedures section to separate requirements of containment, loading docks and dumpsters (**MODIFIED**)
- clarified that containment does not apply to vehicles (**NEW**)
- included guidance on disposal of stormwater collected in containment areas (**NEW**)
- clarified former salt storage section to include requirements for all solid de-icing materials and relocated to this section (**MODIFIED**)

- revised training requirements to ensure employees with stormwater management duties receive SWPPP training from a team member or other qualified person within 90 days of employment (**MODIFIED**)
- included reference to sector-specific control measures (**NEW**)

### **Section 5(c) Stormwater Pollution Prevention Plan (Plan)**

The following changes have been made to this section:

- reformatted section for ease of understanding (**MODIFIED**)
- clarified that the Plan must be maintained on-site (**NEW**)
- required existing Plans to be re-certified by a P.E. or CHMM (**NEW**)
- required a member of the pollution prevention team to be on-site or on-call for all operational shifts and all team members have immediate access to the Plan (**MODIFIED**)
- included requirements for petroleum products in Spill Prevention and Response Procedures section (**MODIFIED**)
- combined the non-stormwater discharges and the related certification into one section (**MODIFIED**)
- eliminated allowable non-stormwater discharge reference to discharges from emergency fire fighting activities (no requirement to permit this discharge) and flushing of fire protection systems activities (to be included in the General Permit for the Discharge of Hydrostatic Pressure Testing Wastewater) (**MODIFIED**)
- updated the SWPPP review fee to \$500 (\$250 for municipalities) (**MODIFIED**)
- included requirements for identifying impaired waters (**NEW**)
- included requirement to update Plan in response to inspections, monitoring, impaired waters or TMDLs (**MODIFIED**)
- included requirement for documenting schedules and procedures (**NEW**)

### **Section 5(d) Inspections (NEW section)**

The following provisions are included in this section:

- consolidated all inspection requirements into this new section (**MODIFIED**)
- required inspections section to include monthly routine inspections in addition to semi-annual inspections (**MODIFIED**)
- included a requirement to identify and log corrective actions revealed during inspections and to track follow-up of corrective actions (**NEW**)

### **Section 5(e) Monitoring Requirements**

The following changes have been made to this section:

- reformatted section (formerly Section 5(c)) for clarity (**MODIFIED**)
- required quarterly visual monitoring involving a visual analysis only of a stormwater sample (**NEW**)
- included general monitoring with semi-annual samples of the same parameters as the former permit (**MODIFIED**)

- included benchmarks for metals (copper, lead and zinc) to be based on the DEP Water Quality Criteria (set at the 50<sup>th</sup> percentile of historic sampling data) and, for all other parameters, based on the 80<sup>th</sup> percentile as follows:

▪ Total Oil and Grease (mg/l)	5
▪ Chemical Oxygen Demand (mg/l)	75
▪ Total Suspended Solids (mg/l)	90
▪ pH	5-9
▪ Total Phosphorous (mg/l)	0.4
▪ Total Kjeldahl Nitrogen (mg/l)	2.3
▪ Nitrate as Nitrogen (mg/l)	1.1
▪ Total Copper (mg/l)	0.060
▪ Total Lead (mg/l)	0.030
▪ Total Zinc (mg/l)	0.300

- included a monitoring exemption when an average of the 4 most recent semi-annual samples does not exceed a benchmark (**MODIFIED**)
- required that when the average exceeds the benchmark, the permittee must modify their Plan to address the exceedance and continue sampling until the average falls below the benchmark (**NEW**)
- provided that the monitoring exemption or Plan modification requirement will be applied for each parameter separately rather than all parameters as a whole (i.e. the permittee only resamples and modifies their Plan for the parameters exceeded, not all parameters) (**MODIFIED**)
- removed the provisions for separate small business and municipal sampling exemptions (**DELETED**)
- eliminated the more stringent target goals for newly constructed facilities (**DELETED**)
- required aquatic toxicity monitoring annually only for the first 2 years of the permit (**MODIFIED**)
- added monitoring requirements for impaired waters and TMDLs (**NEW**)
- included requirements for compliance with effluent limitations that may be included in sector-specific monitoring requirements including Plan modification, resampling and submission to DEP of an exceedance report (**NEW**)
- clarified that grab samples cannot be combined (**MODIFIED**)
- removed requirement that rain event must be 0.1 inches to sample (**DELETED**)
- provided exemption from monitoring for an inability to collect a sample (**NEW**)

#### **Section 5(f) Additional Requirements for Certain Sectors (NEW section)**

The following provisions are included this section:

- created a new section for 10 specific industrial activities: asphalt plants; non-metallic mines and quarries; refuse systems; auto salvage yards; scrap recycling facilities; electric power generation; transportation and public works facilities; marinas, yacht clubs and boat dealers; ship and boat building and repair; and small scale composting facilities (**NEW**)

- included requirements for each sector that may be in addition to or in lieu of the general requirements of the permit for authorization, control measures, Plan requirements, inspections or monitoring (**NEW**)
- specified that monitoring may include additional parameters for a given sector, additional or modified benchmarks, and/or numeric effluent limits (**NEW**)

**Section 5(g) Discharges to Impaired Waters (NEW section)**

The following provisions are included this section:

- created a new section to specifically address requirements for discharges to impaired waters (**NEW**)
  - included specific requirements for existing discharges to impaired waters with and without a TMDL (**NEW**)
  - included requirements for new discharges to impaired waters (**NEW**)
- **Appendix A** - Added SIC codes including 7997, 5551 (yacht club & boat dealers), and retail truck stops within 5541 (**MODIFIED**).
  - **Appendix B** – Included stormwater monitoring guidance and Stormwater Monitoring Report form as Appendix B (**NEW**).
  - **Appendix C** – Included new appendix with aquifer protection guidance (**NEW**).

NOTE: The Department will update existing model Pollution Prevention Plans for consistency with the requirements of the permit and provide a plan checklist to permittees.