

State of Michigan Industrial Storm Water Program

Determining if a Facility is Required to Obtain Permit Coverage

Michigan Department of Environmental Quality (DEQ)
Water Resources Division (WRD)
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Federal regulation (Title 40, Code of Federal Regulations, Part 122.26) requires that a regulated facility apply for industrial storm water permit coverage if storm water runoff exposed to industrial materials and/or industrial activities discharges to surface waters of the state. This requirement also includes facilities that discharge storm water runoff to a private or municipal separate storm sewer system that conveys storm water to surface waters of the state. Surface waters of the state include rivers, lakes, streams, and wetlands. This document and other compliance assistance tools can be accessed on the DEQ-WRD Industrial Storm Water (ISW) webpage: www.michigan.gov/deqstormwater then click on Industrial Storm Water Program.

Facilities must perform a 3 step process to determine if storm water permit coverage is applicable. The 3 steps are:

Step 1: Is the primary Standard Industrial Classification (SIC) code federally regulated?

SIC codes or narrative descriptions are used to identify regulated facilities. For the purposes of the storm water program, a facility must determine its primary SIC code based on the primary activity occurring at the site. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In general, the following industrial categories are regulated:

- Manufacturing (SIC 20— through 39—)
- Public Warehousing (SIC 422-)
- Transportation (SIC 40— through 45—)
- Mining (SIC 10— through 14—)
- Landfills
- Steam Electric Power Plants
- Recycling Facilities
- Waste Water Treatment
- Hazardous Waste Storage and Treatment

You can find your four digit SIC code, for comparison, in your corporate tax returns under Schedule K listed as either “Business Activity Code” or “Manufacturers Identity Code”. However please be aware that the SIC code identified in your corporate tax returns may not always be the primary activity as it relates to the storm water program. A complete list of regulated SIC codes can be found on the DEQ-WRD ISW webpage. If a facility uses an NAICS code instead of a SIC code, a website link to convert NAICS to SIC is available to use as a resource on the DEQ-WRD ISW webpage.

Step 2: Does storm water discharge to surface waters of the state through a point source?

Storm water consists of rain, snow or any other form of precipitation. In regards to the storm water program, a point source discharge to surface waters of the state is any discernable, confined, and discrete conveyance that directs storm water to surface waters of the state. A point source discharge includes but is not limited to pipes, ditches, channels, tunnels, conduits, and grading to convey water off the property.

If storm water from the facility is discharged into a combined sewer system that leads to a wastewater treatment plant, a storm water permit is not required. Combined sewers are common in several large cities in Michigan and are designed to handle storm water runoff and sanitary wastewater. You may contact personnel at the department of public works in your city to determine if your site is served by combined or separate storm sewers. If storm water from your site discharges to a separate storm sewer system, a storm water permit is required.

Step 3: Are industrial materials and/or activities exposed to precipitation?

Generally, if you store or handle anything related to your industrial activity outside without a storm resistant shelter your facility is considered to have exposure. Exceptions to that statement are explained in the No Exposure Certification (NEC) compliance assistance document located on the DEQ-WRD ISW webpage. The term exposure is used in the storm water program to describe the potential for precipitation to come in contact with your industrial materials and/or industrial activities. Industrial materials include but are not limited to material handling equipment (bins, boxes, pallets, racking, etc.), industrial machinery, raw materials, intermediate products, by-products, final products, and waste products. Industrial activities include but are not limited to storage, loading and unloading, transportation or conveyance of raw, intermediate, final, or waste products.

Summary and Permit Evaluation Scenarios

Scenario 1:

If Step 1 does not apply, then no permit is needed.

Scenario 2:

If Step 1 applies but not Step 2, then no permit is needed.

Scenario 3:

If Step 1 and Step 2 apply, but not Step 3, then a NEC is applicable. The NEC compliance assistance document located on the DEQ-WRD industrial storm water webpage needs to be reviewed to ensure all conditions are understood. If an NEC is still applicable after the NEC compliance assistance document is reviewed, complete and submit the NEC Form via MiWaters.

Scenario 4:

If all three steps above are applicable then industrial storm water permit coverage is required. A new facility that has not discharged yet can obtain permit coverage by submitted a complete Notice of Intent (NOI) to the DEQ-WRD. An existing facility that has been operating and discharging without a required industrial storm water permit can obtain coverage by submitting a complete NOI / Certificate of Entry (COE). Both applications must be submitted via MiWaters.

In order to submit a complete NOI or NOI/COE the facility must first:

- Obtain the services of an Industrial Storm Water Certified Operator. This can be an employee at the facility or a consultant who has completed the DEQ-WRD Industrial Storm Water Certified Operator Training and has received a certification number.
- Develop a Storm Water Pollution Prevention Plan (SWPPP), preferably using the DEQ-WRD SWPPP template available at the DEQ-WRD industrial storm water webpage.
- Implement the nonstructural controls as described in the SWPPP.
- Complete construction and put into operation all structural controls as described in the SWPPP or have a schedule of when the structural controls will be constructed and become operational.
- Certify the facility has no unauthorized discharges.

Frequently Asked Questions

1. **What is storm water?** Storm water refers to rain, snow melt, or any other form of precipitation.
2. **I have storm drains at my facility, but I don't know where they go. Where can I find this information?** Contact your city's department of public works or the water and sewer division.
3. **I don't add anything to storm water or put anything in the storm drains. Do I still need a permit?** Yes. This is a pollution prevention permit. It requires that pollution prevention procedures and controls are used to prevent the contamination of the storm water that is discharged from the facility.
4. **What is the purpose of the Industrial Storm Water Program?** The goal of the program is to reduce the amount of pollutants that are washed into Michigan's rivers, lakes streams, and wetlands, by implementing pollution prevention controls at industrial facilities.

5. **How long have storm water permits been required?** Industrial storm water permit coverage has been required in Michigan since 1994.
6. **Do other states have this requirement?** Yes. The federal Clean Water Act requires that industrial facilities in all states obtain permit coverage if they meet the conditions specified in the rules.
7. **Are there any fees associated with the permit?** Yes. Currently, there is an annual fee of \$260.
8. **What is a SWPPP?** The SWPPP is a written plan that describes the control measures an industrial facility will take to reduce or eliminate pollutants in storm water. In General, these measures include preventative maintenance, good housekeeping and material handling practices, as well as proper spill response procedures.
9. **What if I lease my facility?** The facility operator must apply for permit coverage rather than the property owner.
10. **Are there any exceptions?** Yes, a NEC is a conditional exemption for those facilities that operate without any exposure of industrial materials or activities to storm water. More information about the NEC can be found on the DEQ-WRD ISW webpage.