

How to Comply with Industrial Storm Water Regulations

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NPDES Industrial Storm Water Permit Program

- The intent of the program:
 - Reduce and eliminate pollutants discharged to the surface waters of the state from industrial facilities
 - Control pollutants at the sources by implementing best management practices
- It has been a federal program since 1987 under the Clean Water Act
- Since 1994 DEQ has had the authority under Part 31 of NREPA to issue permits and conduct compliance and enforcement actions

How is permit applicability determined?

- 3 questions need to be answered...
 1. Is the Standard Industrial Classification (SIC) code or Primary Activity federally regulated by 40 CFR 122.26?
 2. Does storm water from the property discharge to the surface waters of the state?
 3. Is there exposure of industrial materials and / or activities to storm water runoff?

Step 1 - SIC Codes and Primary Activities

- SIC codes - What are they?
 - Coding system used to categorize industries and services
 - Primary SIC Code needs to be determined - Consider the industrial activity creating revenue or employing the majority of the workers
- Narrative Description
 - Activities that are not regulated specifically by SIC code are regulated by the type of industrial activity occurring at the site...Narrative Description
 - WWTPs, Steam Electric Power Generating Facilities, Landfills, Hazardous Waste Facilities
- SIC Code list can be obtained from WRD ISW Webpage

Step 2 – Discharge to surface water of the state

- Surface waters include rivers, lakes, streams wetlands and other watercourses
- Determining Site Drainage
- Catch basins?
 - Discharge to combined or separate sewerage system?
- Any ponds on-site?
 - Detention Pond – Discharge to surface waters of the state
 - Retention Pond – No discharge to surface water of the state

Step 3 - Exposure

- Containers & Compactors
- Trailers / Vehicles
 - Drippings and leaks from trailers and vehicles
- Vents, stacks, and other air emission controls
Vehicle Maintenance items
 - Batteries, tires, part cores, scrap parts, etc.

- Fueling & Washing
 - Leaks, drips, spills associated with vehicle fueling
 - Waste water and residue associated with vehicle washing
- Plastic Pellets
- Organic Materials
 - Food products, wood chips, sediment, compost
- Soil Erosion / Sedimentation
 - Haul roads, slopes, dewatering areas, etc.

If all three criteria apply, then...

- An NPDES industrial storm water permit will be needed
- Facilities required to obtain a permit will need to do the following:
 - Develop and implement a Storm Water Pollution Prevention Plan (SWPPP)
 - Acquire the services of a Certified Storm Water Operator
 - Certify no unauthorized discharges
 - Pay an annual permit fee of \$260
 - Valid for 5yrs

SWPPP Requirements

- Develop a site map
- Source Identification
- Non-Structural Controls
 - Routine Inspections, Employee Training, Quarterly Comprehensive Inspections & Visual Assessments, Material Handling Procedures, TMDL Specific Activities
- Structural Controls
- Annual Report Submittal

Certified Operator Requirements

- Can be a consultant or an employee at the facility that has attended the training, passed the exam, and received certification number
- Training offered at the DEQ District offices
- Fee \$30
- Certification is good for 5 years
- Renewal – Attend training and pay fee \$95

No Unauthorized Discharges

- If all criteria apply except exposure...
 - The facility is required to submit a No Exposure Certification (NEC) application via MiWaters
 - All facilities have the option to try and meet the conditions of a NEC
 - Facilities must reapply for NEC every 5 years

What Does No Exposure Mean?

- No exposure means all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

Can anything be outside?

- Typically, nothing however there are a few exceptions (**with conditions**):
 - Drums, Barrels, Tanks, and Similar Containers
 - Secondary Containment Structures
 - Above Ground Storage Tanks

- Lidded Leak Proof Containers and Compactors
- Adequately Maintained Vehicles
- Final Products
- Guidance on WRD ISW webpage to explain conditions

Under a NEC

- No Certified Operator
- No SWPPP
- No Annual Permit Fee
- Must maintain NEC condition

NEC Compliance

NEC Non-Compliance

No Permit or NEC if...

- SIC code or Primary Activity isn't federally regulated, or
- Storm water from the property doesn't discharge to the surface waters of the state

Permitting Scenarios to Consider

- Leased Facility - Permit obligation is on the regulated activity not the building owner.
- Multiple business operating out of 1 building - Each regulated business would be required to obtain permit
- Multiple Buildings - If the buildings are separated by a public easement each building needs own permit
- Auxiliary Facilities - Off-site facilities that would be classified according to the parent company (not limited to maintenance garages, storage yards, R&D sites)

In Summary

- Facilities need to obtain an NPDES Industrial Storm Water Permit if:
 1. The facility's SIC code or Primary Activity is federally regulated
 2. Storm water from the property discharges to surface waters of the state
 3. There is exposure of industrial materials and / or activities

Want more info on the industrial storm water program?

- Industrial Storm Water webpage: www.michigan.gov/deqstormwater (then click on Industrial)
- Contact Ryan Grant
 - By phone at 616-250-6134
 - By email at grantr3@michigan.gov