

CERTIFICATE FOR ENTRY PROCESS FOR UNPERMITTED FACILITIES

STATE OF MICHIGAN INDUSTRIAL STORM WATER PROGRAM

INTRODUCTION

Federal and state industrial storm water regulations require regulated facilities to obtain industrial storm water permit coverage if storm water runoff exposed to industrial materials and/or industrial activities discharges to surface waters of the state. These regulations also apply to facilities that discharge storm water runoff to private or municipal separate storm sewer systems that convey storm water to surface waters of the state. Surface waters of the state include rivers, lakes, streams, and wetlands. This document is intended to explain the three steps a facility should go through to determine if they are regulated by the federal and state industrial storm water regulations and the certificate of entry process. This document and other compliance assistance tools can be found on the EGLE WRD Industrial Storm Water (ISW) webpage: Michigan.gov/IndustrialStormWater.

The WRD is offering facilities discharging storm water to surface waters of the state without the required industrial storm water permit coverage an expedited process to resolve violations of state water quality laws, specifically Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, specifically Section 324.3112. Facilities that have been discharging storm water to surface waters of the state and have never obtained a permit for the discharge, may voluntarily enter the General Administrative Consent Order for Unpermitted Discharges No. ACO-UD12-100 (Consent Order) by submitting a complete Notice of Intent and Certificate of Entry application form (NOI/COE form). A complete NOI/COE form includes paying the applicable permit fee of \$260 and meeting all NOI/COE form requirements.

The Consent Order is not available to facilities with expired permits for storm water discharges. Please also note that the Consent Order resolves the violation of discharging storm water associated with industrial activity without a permit from the WRD, however the WRD may deny entry of the Consent Order if the discharge is found to have caused any damage to waters of the state as a result of current or past discharges.

DETERMINING PERMIT APPLICABILITY

Facilities must perform the following three steps to determine if storm water permit coverage is applicable.

Step 1 Determine if the industrial activity is federally regulated.

Standard Industrial Classification (SIC) codes or narrative descriptions are used to categorize a facility's primary industrial activity and to determine if the ISW regulations apply. For the purposes of the ISW Program, a facility must determine its primary SIC code or best fit narrative description based on their primary industrial activity. The operation that generates the most revenue or employs the most personnel should be identified as the primary activity.

In general, the following industrial activity categories are regulated:

- Mining (SIC 10— through 14—)
- Manufacturing (SIC 20— through 39—)
- Warehousing and Storage (SIC 422-)
- Transportation (SIC 40— through 45— & SIC 5171)
- Landfills
- Steam Electric Power Plants
- Recycling Facilities and Automobile Salvage Yards (SIC 5093 & 5015)
- Wastewater Treatment Facilities
- Hazardous Waste Treatment, Storage, and/or Disposal Facilities

Your facility's four digit SIC code can be found, for comparison, in the company's federal 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 facility's federal tax returns may not always be considered the primary industrial activity as it relates to the ISW Program. A complete list of regulated SIC codes can be found at Michigan.gov/IndustrialStormWater. If a facility uses a North American Industry Classification System (NAICS) code instead of a SIC code, a website link to assist with the conversion is available at Michigan.gov/IndustrialStormWater.

Step 2 Determine if storm water discharges to surface waters of the state through a point source.

Storm water consists of rain, snow or any other form of precipitation. In regard 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 which channelizes and conveys storm water.

If storm water from your facility is discharged into a combined sewer system that leads to a wastewater treatment plant, the storm water discharges are not regulated by this program. Combined sewers are common in several municipalities in Michigan and are designed to handle storm water runoff and sanitary wastewater. Contact personnel at your municipality's department of public works to determine if your facility is served by combined or separate storm sewers. If storm water from your facility discharges to a separate storm sewer system, the storm water discharge is regulated by this program.

Step 3 Determine if industrial materials and/or activities are 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 are explained in the No Exposure Certification (NEC) compliance assistance document located at Michigan.gov/IndustrialStormWater. 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 of industrial materials, vehicle maintenance (including fueling), 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 an **ISW PERMIT IS NOT REQUIRED.**

Scenario 2:

If Step 1 applies, but not Step 2, then an **ISW PERMIT IS NOT REQUIRED.**

Scenario 3:

If Step 1 and Step 2, but not Step 3, the a **NEC IS REQUIRED.** The NEC compliance assistance document located at Michigan.gov/IndustrialStormWater 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 MiEnviro.

Scenario 4:

If all three steps are applicable, then an **ISW PERMIT IS REQUIRED.**

A facility which has been operating and discharging storm water without the required industrial storm water permit coverage may be eligible to fulfill the requirements of the Consent Order by submitting a complete NOI/COE form via MiEnviro. Before submitting the NOI/COE form via MiEnviro, the facility must:

- Obtain the services of an ISW Certified Operator. This can be an employee at the facility or a consultant who has completed the WRD ISW Certified Operator Training and has received a certification number.
- Develop a Storm Water Pollution Prevention Plan (SWPPP), preferably using the SWPPP template available at Michigan.gov/IndustrialStormWater.

- 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.

Once the above requirements have been met, facilities may apply for industrial storm water permit coverage by submitting the completed NOI/COE form along with the annual permit fee of \$260, which fulfills the requirements of the Consent Order. This process is intended to resolve the violation of operating and discharging storm water without industrial storm water permit coverage.

In order to submit a NOI/COE form and other permit related activities a representative at the facility will need to create an account in the WRD MiEnviro permit database [Michigan.gov/MiEnviro](https://michigan.gov/MiEnviro). Once an account has been created, the NOI/COE form can be completed and submitted via MiEnviro.

The WRD will review submitted NOI/COE forms to determine if coverage under a National Pollutant Discharge Elimination System (NPDES) General Permit is appropriate. If appropriate, WRD will issue the facility a Certificate of Coverage authorizing the discharge of storm water associated with industrial activity under a NPDES General Permit.

WHERE TO GO FOR HELP

Visit [Michigan.gov/IndustrialStormWater](https://michigan.gov/IndustrialStormWater) for more information about the Industrial Storm Water Program, or contact your [WRD Industrial Storm Water Compliance District staff](#).

This publication is intended for guidance only and may be impacted by changes in legislation, rules, policies, and procedures adopted after the date of publication. Although this publication makes every effort to teach users how to meet applicable compliance obligations, use of this publication does not constitute the rendering of legal advice.

EGLE does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation in the administration of any of its programs or activities, and prohibits intimidation and retaliation, as required by applicable laws and regulations.

To request this material in an alternate format, contact EGLE-Accessibility@Michigan.gov or 800-662-9278.