

EPA's Industrial Stormwater Update



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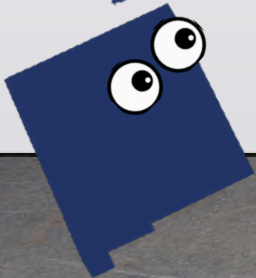
Outline

- Quick history
- Settlement Agreement
- 2019 NRC Study
- 2020 MSGP reissuance

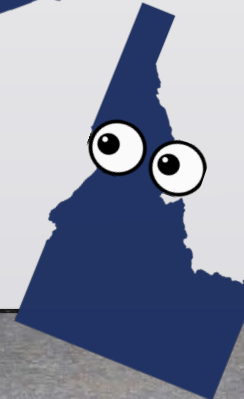
EPA's MSGP History

- First issued in 1995, then in 2000, 2008 and 2015
- Current 2015 MSGP expires June 4, 2020
- EPA is the permitting authority in:
 - ❖ Four states (ID until 2021, MA, NH, and NM)
 - ❖ DC
 - ❖ PR, all other U.S. territories except the Virgin Islands
 - ❖ Facilities operated by a Federal Operators in four states (CO, DE, VT, and WA)
 - ❖ Most Indian Country lands





| State | # of Facilities | EPA Region |
|--|-----------------|-------------------|
| AK, AS, CO, DE, ME, MW, ND, PA, SD, UT, VT, WI | 1 to 10 | 1, 3, 5, 8, 9, 10 |
| GU | 12 | 9 |
| WA | 13 | 10 |
| TX | 18 | 6 |
| OK | 19 | 6 |
| DC | 49 | 3 |
| ID | 270 | 10 |
| NH | 293 | 1 |
| PR | 308 | 2 |
| NM | 627 | 6 |
| MA | 788 | 1 |
| Total | 2447 | |

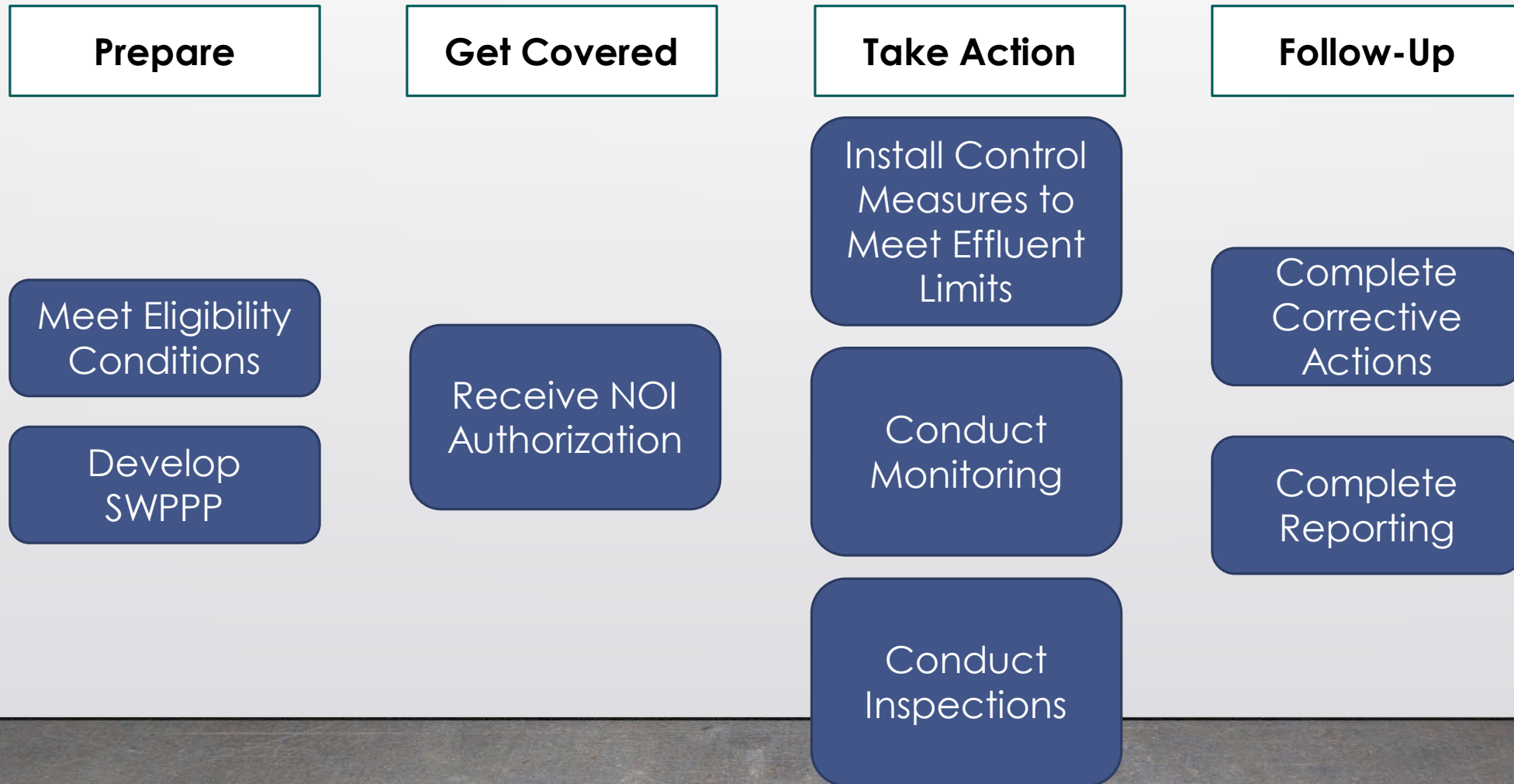


| EPA Region | % of facilities |
|------------|-----------------|
| 1 | 44% |
| 2 | 13% |
| 3 | 2% |
| 4 | - |
| 5 | <1% |
| 6 | 27% |
| 7 | - |
| 8 | 1% |
| 9 | 1% |
| 10 | 12% |

| Sector | | # of Facilities Covered |
|----------|-----------------------------|-------------------------|
| P | Land Transportation | 346 |
| J | Mineral Mining | 285 |
| N | Scrap Recycling | 179 |
| E | Glass, Clay, Cement | 166 |
| S | Air Transportation | 149 |
| Q | Water Transportation | 110 |
| M | Auto Salvage Yards | 110 |
| D | Asphalt/Roofing | 107 |
| U | Food Products | 103 |
| A | Timber Products | 88 |
| C | Chemical Products | 80 |
| Y | Rubber, Misc. Plastics | 56 |
| R | Ship/Boat Building, Repair | 56 |
| AA | Fabricated Metal Products | 54 |
| AC | Electronic, photo goods | 53 |

| Sector | | # of Facilities Covered |
|--------|---------------------------|-------------------------|
| G | Metal Mining | 46 |
| AB | Transportation Equip. | 44 |
| B | Paper Products | 36 |
| F | Primary Metals | 28 |
| I | Oil & Gas | 28 |
| V | Textile Mills | 18 |
| H | Coal Mines | 13 |
| X | Printing, Publishing | 13 |
| O | Steam Electric Facilities | 9 |
| T | Treatment Works (WWTPs) | 4 |
| W | Furniture & Fixtures | 4 |
| L | Landfills | 3 |
| AD | Non-classified facilities | 3 |
| K | Hazardous Waste | 3 |
| Z | Leather Tanning/Finishing | - |

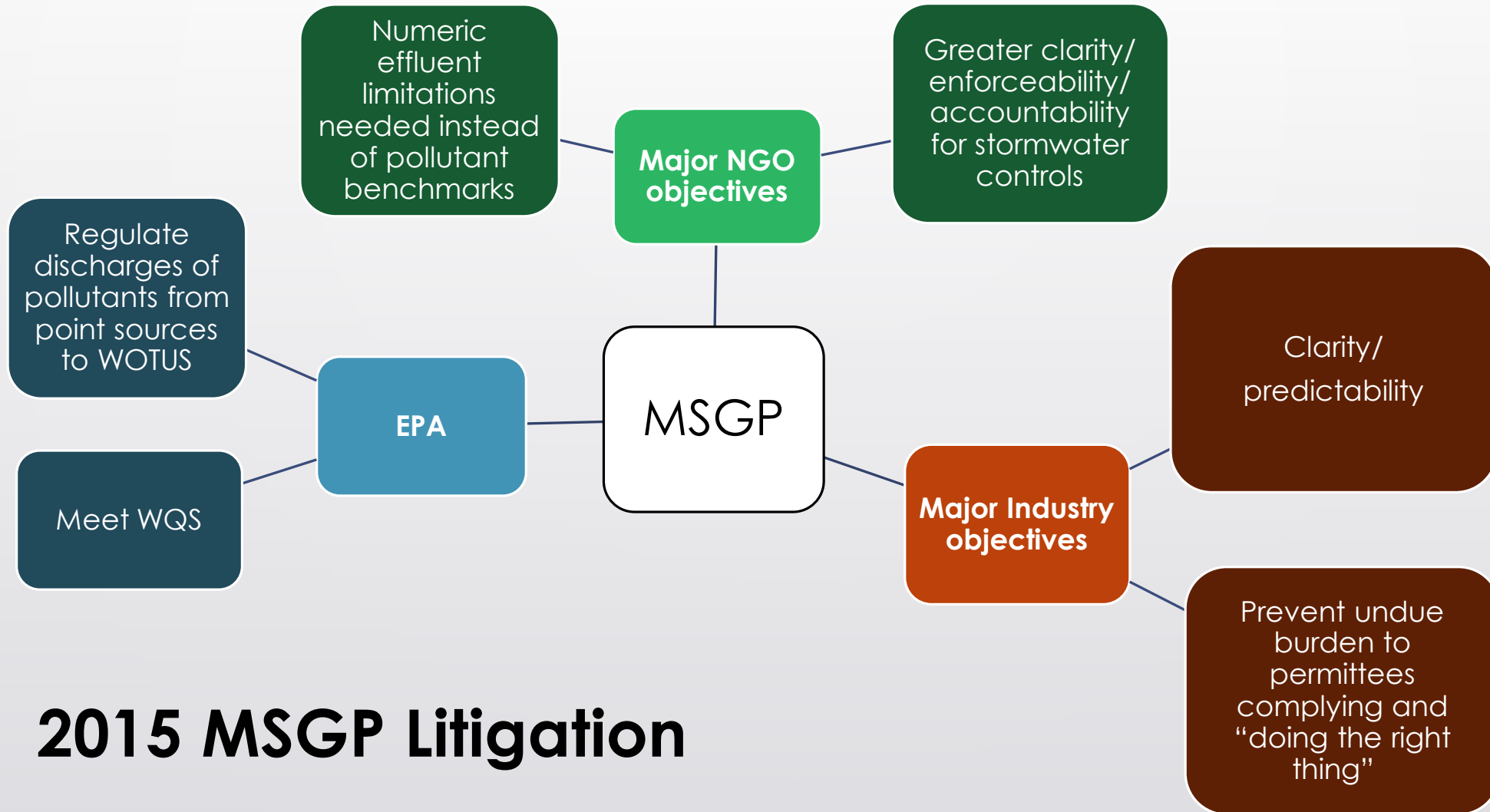
EPA's MSGP Components





2015 MSGP Litigation

- Within the period of judicial review of the 2015 MSGP, numerous environmental NGOs challenged the permit; their petitions were consolidated in the Second Circuit. Two industry groups intervened.
- Petitioners agreed to stay the action pending mediation between all parties. Negotiations and two face-to-face meetings with all parties occurred beginning in October 2015.
- A settlement agreement was signed in 2016



2015 MSGP Litigation



Settlement Agreement

Key term to complete

1) Fund NRC Study (completed February 2019) and “consider” all recommendations in the 2020 MSGP

- <https://www.nap.edu/catalog/25355/improving-the-epa-multi-sector-general-permit-for-industrial-stormwater-discharges>

Permit authorization terms to propose

2) Additional 30 days for EPA to review NOI for facilities with a pending enforcement action

3) Expand existing CERCLA eligibility criterion to all Regions

4) Add new eligibility criterion related to coal tar sealcoat use

Monitoring terms to propose

5) Tiered response protocol (“Additional Implementation Measures” (AIM)) to implement more robust control measures for benchmark exceedances

6) Option to discontinue impaired waters monitoring based on compliance success after three years but narrow list of monitoring parameters

Other terms to complete

7) Conduct effluent limit comparative analysis with other state MSGPs

8) Update sector-specific fact sheets with available control measures



2019 NRC Study Recommendations

Monitoring Recommendations

- **Regulate non-industrial facilities** with industrial activity under the MSGP (p. 26)
- **All facilities** should conduct benchmark monitoring for pH, TSS, and COD (p. 27)
- **Add benchmark monitoring** for some sectors based on new scientific information (p. 29)
- **Update** some benchmark values, **add** flexibility and/or **suspend** others based on latest toxicity information (p. 32)
- Encourage facilities to **collect more stormwater control performance data** to inform development of future effluent limits (p. 55)
- **Did not recommend** developing new Numeric Effluent Limits at this time (p. 41)



2019 NRC Study Recommendations

Data Collection Recommendations

- Option to use **composite sampling** instead of grab sampling (p. 47)
- Require a **minimum of annual monitoring** for benchmark parameters throughout the permit (p. 49)
- Develop a **certificate program** in stormwater collection and monitoring (p. 51)
- Encourage state adoption of a **CWA national laboratory accreditation program** with a focus on stormwater, periodic interlaboratory calibration (p. 52)
- Implement a **tiered approach to monitoring** within the MSGP, including an inspection-only option for low-risk facilities in lieu of monitoring (p. 53)
- **Enhance electronic data** reporting and visualization (p. 63)

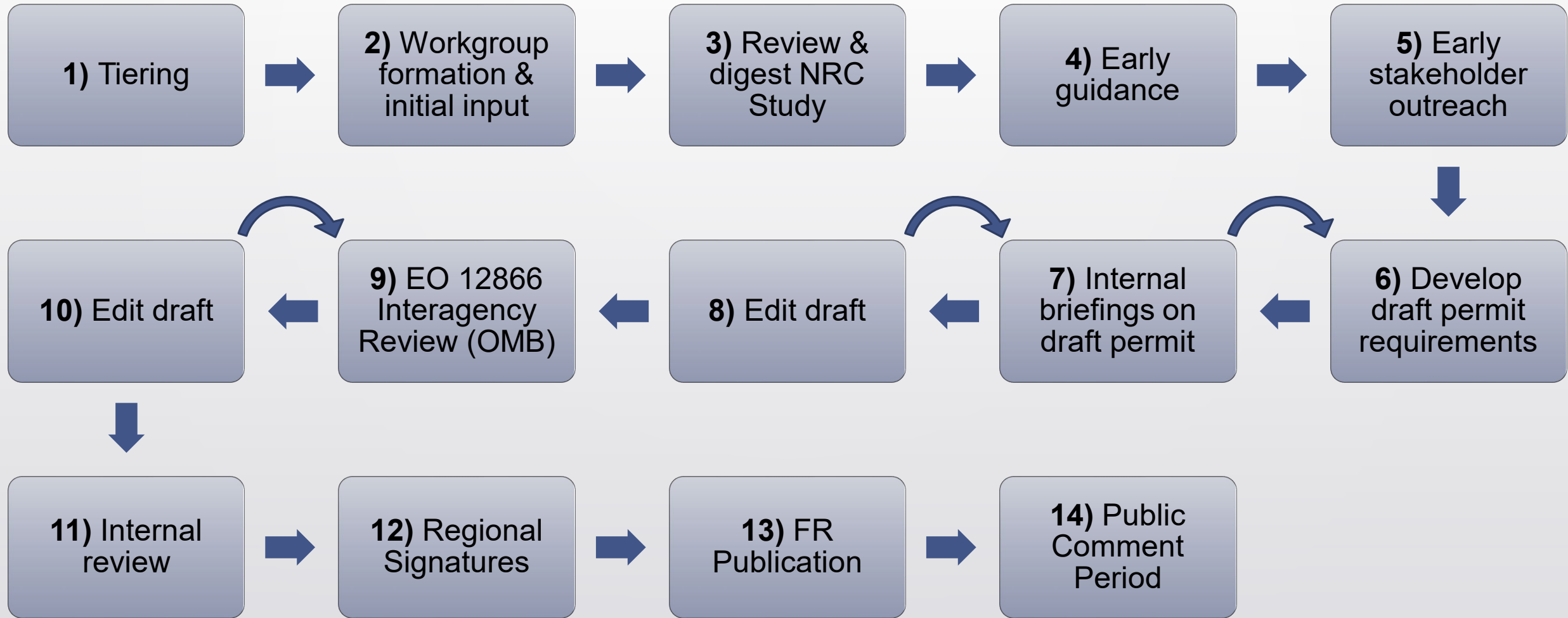


2019 NRC Study Recommendations

Retention Recommendations

- Rigorous site **characterization, permitting, and monitoring** are needed for any industrial stormwater infiltration to protect GW (p. 72)
- National retention standards **are infeasible** within the current MSGP framework (p. 77)
- Consider **incentives to encourage infiltration** or capture and use where appropriate (p. 79)
- Develop **guidance for retention** and infiltration at industrial stormwater facilities (p. 79)

EPA's 2020 MSGP proposal process





Coming soon to a
Federal Register near
you...

2020 MSGP Proposal

- Settlement Agreement revised in Fall 2019 with new signature deadline for proposal of **February 15, 2020**
- Must finalize 9 months after proposal is signed (by November 15, 2020)
- Intend to propose for a 60-day public comment period
- Intend to host 2 information webcasts to review proposed changes in detail
- Will announce via:
 - Federal Register
 - Website <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>
 - NPDES News (sign up <https://lp.constantcontact.com/su/bvF6Dae/npdes>)
 - NPSInfo (sign up <https://www.epa.gov/nps/npsinfo-discussion-forum>)
 - Stormwater Listserv (email Rachel to be added urban.rachel@epa.gov)
 - All current permittees
 - ACWA!
 - Other stakeholder, environmental, industry groups

3:58 37%

< Permits yelp

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 **Proposed 2020 Multi-Sector General Permit**
★★★★★ 0 Reviews
Pollution Prevention, Stormwater, Indust...
Location: MA, NH, NM, ID, DC, PR, Indian Country Lands, most US territories, some states with a Federal Operator
✂ 0 years in business ⓘ
📄 No fee for NOI submission

Response Time 30 minutes | Response Rate 100%

Contact Permit Writer

14 mi

 **2015 Multi-Sector General Permit**
★★★★★ 2,400 Reviews
Pollution Prevention, Stormwater, Indust...
Location: MA, NH, NM, ID, DC, PR, Indian Country Lands, most US territories, some states with a Federal Operator
🔧 4.6 years in business ⓘ
🏆 Top notch discharge controls

Search Me Delivery Collecti... More



Other reissuance tasks

- Tribal consultation (complete)
- Endangered Species Act (ESA) consultation (ongoing)
- eReporting enhancements (ongoing)
- Stakeholder engagement (ongoing)
- 401 Certification conditions request (will request during comment period)
- Review and respond to public comments



Thank you

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All 10 EPA Regions

OECA, OGC, ORD, OP