

STORM WATER PERMIT APPLICATION WORKSHOP

January/February 1991



Office of Water Enforcement and Permits

U.S. Environmental Protection Agency
Region 5, Library (PL-12J)
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Chicago, IL 60604-3590

OBJECTIVES

A. Overview of storm water program (pages A-1 - A-13)

- Storm water impacts on water quality
- History of rulemaking
- 1987 Clean Water Act Amendments
- National storm water permit program overview/strategy

B. Municipal applications (pages B-1 - B-23)

- Coverage
- Permit Application Requirements

C. Industrial applications (pages C-1 - C-26)

- Storm water discharge associated with industrial activity
- Application requirements
- Storm water permitting strategy

NOTES:

WATER QUALITY IMPACTS

- **Pollution from diffuse sources such as runoff from agriculture and urban areas is a leading cause of water quality impairment**
- **Diffuse pollution sources are increasingly important as controls for industrial process dischargers and POTWs are implemented**
- **38 states have reported urban runoff as a major cause of use impairment**
- **21 states report construction site runoff as a major cause of use impairment**

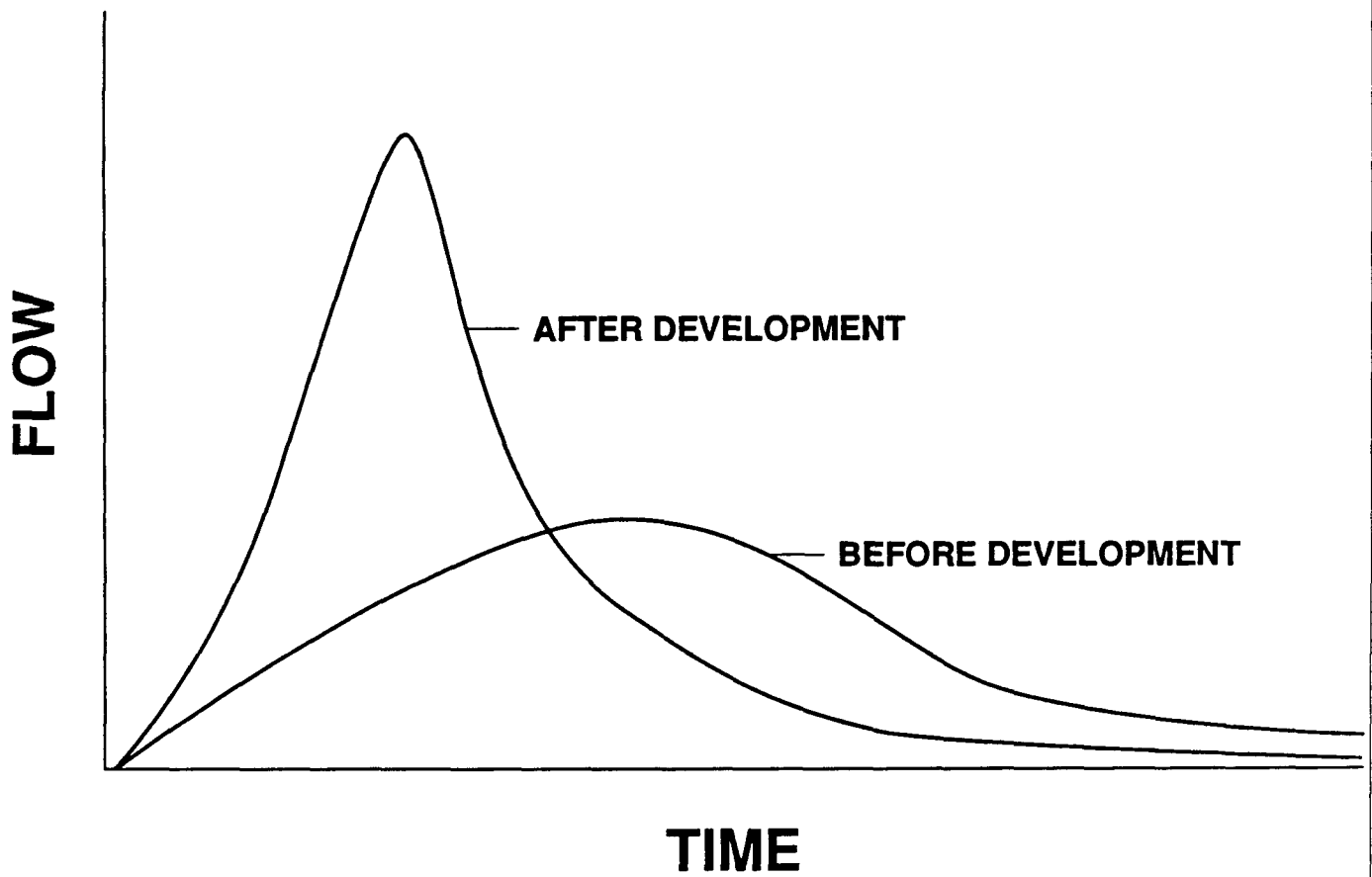
NOTES:

WATER QUALITY IMPACTS (CONTINUED)

- **In some municipalities, illicit connections to separate storm sewers have had a significant adverse impact. Removing illicit discharges provides opportunities for dramatic improvement in the quality of storm water discharges from urban areas**
- **One study showed that 14% of the buildings studied within a drainage basin had improper connections to storm sewers**
- **Storm water has contributed to the impairment of approximately one quarter of the lakes and estuaries assessed by states and found to be impaired**

NOTES:

HYDROGRAPH



NOTES:

HISTORY OF STORM WATER RULEMAKING

- **Amendments to the Federal Water Pollution Control Act – 1972**
- **First final rule in 1973**
- **Subsequent rulemaking reaffirmed regulation of point source discharges of storm water**
- **Final rule – September 26, 1984**
 - **Group I and Group II**
- **CWA Amendments – 1987**
- **Proposed rule - December 7, 1988**
- **Final rule – November 16, 1990**

NOTES:

WATER QUALITY ACT REQUIREMENTS

- **Overview**
- **General prohibition against issuing permits for discharges composed entirely of storm water until October 1, 1992, except for Phase I**

NOTES:

WATER QUALITY ACT REQUIREMENTS

- **Phase I storm water discharges**
 - **Covered by an NPDES permit before February 4, 1987**
 - **Associated with industrial activity**
 - **From a municipal separate storm sewer system serving a population of 250,000 or more**
 - **From a municipal separate storm sewer system serving a population of 100,000 to 250,000**
 - **Designated by the Administrator or State as**
 - a) **Contributing to a water quality standard violation, or**
 - b) **Being a significant contributor of pollutants to waters of the United States.**
- **Phase I permit application requirements**

NOTES:

WATER QUALITY ACT REQUIREMENTS (CONTINUED)

- **Phase II Reports to Congress**
- **Phase II designation regulations**
- **Statutory exemptions for agricultural storm water runoff and uncontaminated storm water runoff from mining and oil & gas activities.**

NOTES:

REGULATIONS/GUIDANCE/REPORTS

I. Regulations/Guidance

- **Application rule – November 16, 1990**
 - **Municipal guidance**
 - **Industrial guidance**
- **Implementation rule**
 - **NOI**
 - **DMR**
 - **General permit**
- **Implementation guidance**
 - **Municipal guidance**
 - **Industrial guidance**

II. Reports to Congress

- **First report**
- **Second report**

NOTES:

SUMMARY OF WATER QUALITY ACT PHASED APPROACH

Phase I

- **Prior to 10/1/92, storm water permits are only required for:**
 - **Storm water regulated under an existing permit**
 - **Storm water that is associated with an industrial activity**
 - **Storm water that is discharged from municipal separate storm sewers serving 100,000 or more persons**
 - **Designated storm water discharges determined by the Administrator or State Director to contribute to a violation of water quality standards or that result in significant pollutant loadings to receiving waters**

NOTES:

SUMMARY OF WATER QUALITY ACT PHASED APPROACH

Phase II

- **Other storm water discharges are the subject of two EPA reports to Congress and subsequent regulation by 10/1/92.**

Exemptions

- **Agricultural storm water runoff and discharge is not covered.**
- **Uncontaminated storm water runoff from mining and oil & gas activities is not covered.**

NOTES:

OVERVIEW OF MUNICIPAL STORM WATER PROGRAM

Phase I

- **Coverage:**
 - **173 cities**
 - **47 counties**
- **Two Part Permit Application**
- **Application Deadlines**
 - **Large Municipal Separate Storm Sewer System (serving over 250,000 pop.)**
 - Part 1 - November 18, 1991**
 - Part 2 - November 16, 1992**
 - **Medium Municipal Separate Storm Sewer System (serving 100,000-250,000 pop.)**
 - Part 1 - May 18, 1992**
 - Part 2 - May 17, 1993**
- **Municipal Permits - site-specific permit conditions based on proposals in permit application.**

NOTES:

OVERVIEW OF INDUSTRIAL STORM WATER PROGRAM

Phase I

- **Coverage: 100,000 facilities**
 - **Large administrative burden**
- **Four-tier strategy to establish a flexible framework for developing priorities reflecting case-specific needs**
- **Application deadlines**
 - **Individual - November 18, 1991**
 - **Group Part 1 - March 18, 1991**
 - **General permit - 180 days after promulgation**

NOTES:

MUNICIPAL PERMIT APPLICATION REQUIREMENTS

- **Statutory requirements**
- **Coverage**
- **Part 1 permit application requirements**
 - **Includes dry weather field screen for illicit connections**
- **Part 2 permit application requirements**
 - **Includes representative data from 3 rain events**
 - **Includes proposed management programs**
- **Deadlines for applications**

NOTES:

STATUTORY PROVISIONS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMITS

- System or jurisdiction-wide permits allowed
- Effectively prohibit non-storm water discharges into storm sewers
- Controls to reduce discharge of pollutants to MAXIMUM EXTENT PRACTICABLE (MEP), includes
 - Management practices
 - Control techniques
 - System design, engineering methods
- Must continue to meet all existing requirements of CWA 402

NOTES:

MUNICIPAL SEPARATE STORM SEWER SYSTEM

- **A conveyance or system of conveyances which is**
 - **Publicly owned or operated**
 - **Designed or used for collecting or conveying storm water**
 - **Not a combined sewer**
 - **Not a part of a POTW**
- **Medium = located in an incorporated place with a population between 100,000 and 250,000, or located within certain counties (after excluding incorporated towns or townships)**
- **Large = located in an incorporated place with a population of over 250,000 or located within certain counties (after excluding incorporated towns or townships)**
- **The Director may designate other municipalities as medium or large**
 - **Due to interrelationship; based on 6 factors**
- **Based on petition**

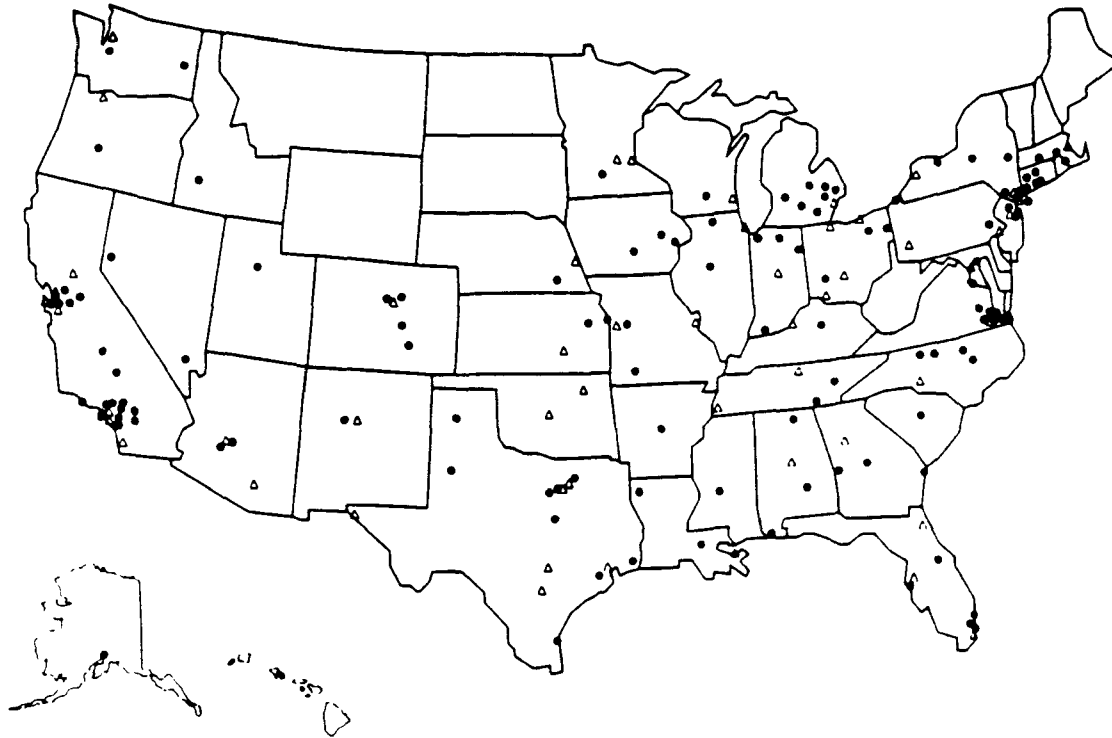
NOTES:

MUNICIPAL SEPARATE STORM SEWER SYSTEM

- **Large and medium municipal separate sewer systems are composed of municipal separate storm sewers**
 - **Located in one of the 173 incorporated cities with a population of 100,000 or more**
 - **Located in one of the 47 counties identified by EPA as having populations of 100,000 or more in unincorporated, urbanized portions of the country**

NOTES:

CITIES WITH A POPULATION OF OVER 100,000



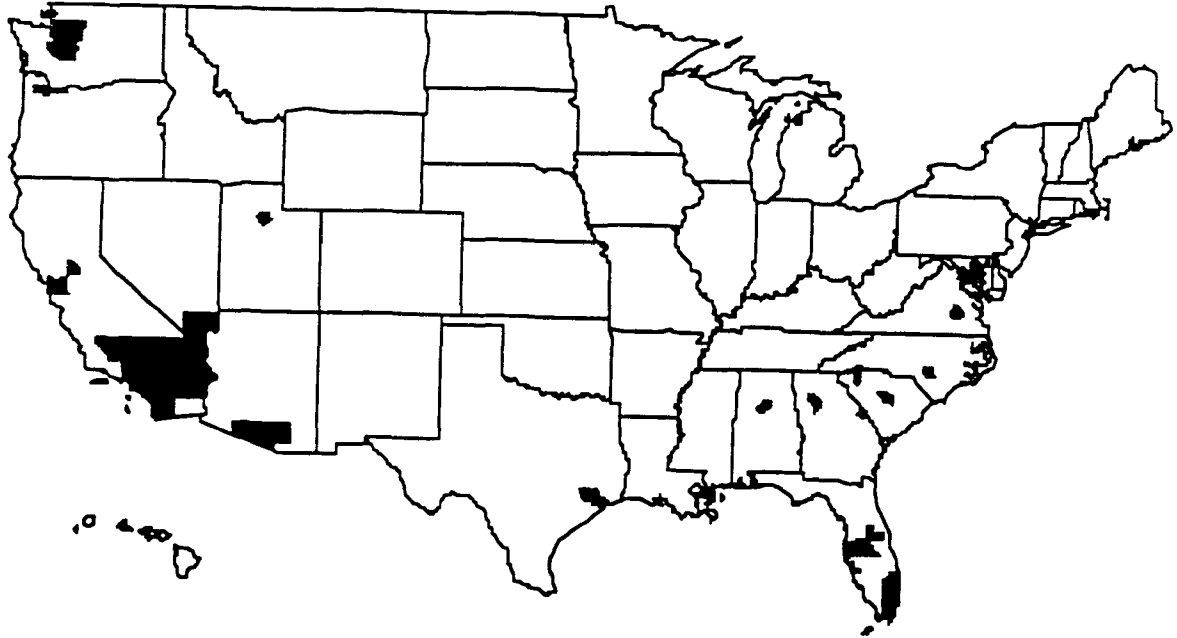
● Cities with a population of between 100,000 and 250,000 (114 cities)

△ Cities with a population of 250,000 or more (59 cities)

Note: Cities are not represented to scale

NOTES:

COUNTIES WITH UNINCORPORATED URBANIZED AREAS GREATER THAN 100,000



NOTES:

COMBINED SEWER EXCLUSION

- **Rule provides that municipalities may petition to be excluded from permit requirements**
- **Permit would explain the population served by the MS4 is less than 100,000 or 250,000**
- **Total population estimate is reduced proportionally to the fraction of the length of CS over the length of MS4 plus CS**
- **Example:**
 $750 \text{ miles of CS} / 500 \text{ miles of MS4} + 750 \text{ miles of CS} =$
 $0.6 (200,000 \text{ total population}) = 120,000 \text{ served by CSS}$
 $200,000 - 120,000 = 80,000 \text{ served by MS4}$

NOTES:

MUNICIPAL PERMIT APPLICATION PART 1

Key Elements

- **General information**
- **Existing legal authority**
- **Source identification**
- **Discharge characterization**
- **Existing storm water management programs**
- **Proposed Part 2 sampling plans**

NOTES:

MUNICIPAL PERMIT APPLICATION - PART 1

- **General information (name, address, etc.)**
- **Existing legal authority and any additional authorities needed**
- **Source identification:**
 - **Description of historic uses of control mechanisms for non-storm water discharges**
 - **Topographic map (or equivalent):**
 - **Location of known outfalls**
 - **Description of land use activities**
 - **Location and description of any operating or closed municipal landfill (or other treatment, storage, and disposal facility for municipal waste)**
 - **Location and permit number of NPDES discharges to the municipal storm sewer**
 - **Location of major structural controls**
 - **Identification of publicly owned parks and open lands**

NOTES:

MUNICIPAL PERMIT APPLICATION - PART 1

- **Discharge characterization**
 - **Monthly mean rain and snow fall estimates**
 - **Existing quantitative data on volume and quality of storm water discharges**
 - **List of receiving water bodies and existing information on water quality impacts**
 - **Field screening analysis for illicit connections/improper dumping (dry weather evaluation)**
 - **Field screening is required for:**
 - **Either all major outfalls, or**
 - **Selected points on a grid system**
 - **Narrative description of outfalls or grid points**
 - **If flow observed:**
 - **Two grab samples**
 - **Narrative of appearance of sample**
 - **Narrative of field analysis for**
 - **pH, total chlorine, total copper, total phenol, detergents**
 - **Estimate flow rate**
 - **Identify test method**

NOTES:

MUNICIPAL PERMIT APPLICATION - PART 1

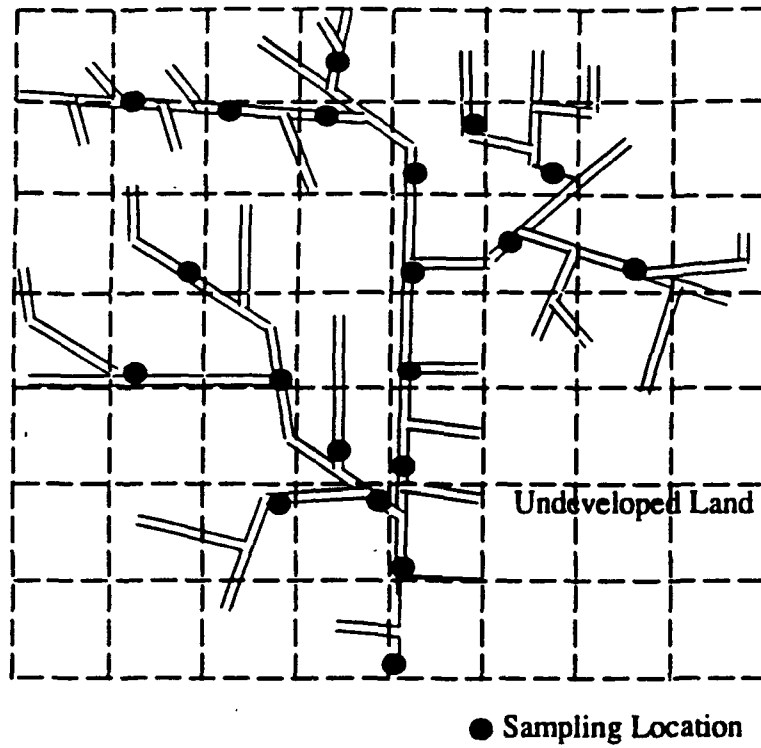
- **Definition of municipal major outfalls**
- **Point source with a diameter of 36 inches or greater or its equivalent**
- **Or conveyance associated with a drainage area of more than 50 acres**
- **If land is zoned for industrial activity, point source with a diameter of 12 or more inches or drainage area of 2 acres or more**
- **Maximum number of major outfalls that must be screened**
 - **Medium municipality: 250**
 - **Large municipality: 500**

NOTES:

MUNICIPAL PERMIT APPLICATION - PART 1

- **Grid system option**
- **Perpendicular north/south and east/west lines spaced 1/4 mile apart overlaid on a map of the storm sewer system**
- **Identify all cells that contain a segment of the storm sewer system**
- **Select field screening point in each cell considering**
 - **Suspected illicit discharges**
 - **Downstream location**
 - **Hydrological conditions, total drainage area, population density, traffic density, age of structure, history of area, and land use type**
- **Maximum number of field screening points**
 - **Medium municipality: 250**
 - **Large municipality: 500**

NOTES:



Example Grid Sample Plan

MUNICIPAL PERMIT APPLICATION - PART 1

- **Existing management programs to control pollutants from the municipal separate storm sewer and to identify illicit connections**
- **Characterization plan**
 - **Identify outfalls for Part 2 representative sampling**

NOTES:

MUNICIPAL PERMIT APPLICATION REQUIREMENTS - PART 2

Key Elements

- **Program description (including legal authority description)**
- **Source identification**
- **Discharge characterization**
- **Proposed storm water management program**
- **Assessment of proposed storm water management program**
- **Fiscal analysis**

NOTES:

MUNICIPAL PERMIT APPLICATION - PART 2

- **Program description**
 - **Demonstrating adequate legal authority to control discharges, prohibit illicit discharges, require compliance, and carry out inspections, surveillance and monitoring**
- **Source identification**
 - **Indicating the location of any major outfalls and inventorying the principal products or services provided by each facility discharging storm water associated with industrial activity to the municipal separate storm sewer**

NOTES:

MUNICIPAL PERMIT APPLICATION - PART 2

- **Discharge characterization**
 - **Quantitative data from 5 - 10 representative sampling points designated by the Director**
 - **For each, samples must be collected from 3 storm events (at least one month apart)**
 - **Description of date and duration of storm event(s) sampled**
 - **Quantitative data provided for certain pollutants**
 - **Estimates of annual pollutant load of system discharges and event mean concentration of system discharges during a storm event for certain parameters**

NOTES:

MUNICIPAL PERMIT APPLICATION - PART 2

- **Discharge characterization (continued)**
 - **Proposed schedule to provide estimates of seasonal pollutant load and of the event mean concentration of a storm event for certain detected pollutants**
 - **Proposed monitoring program for representative data collection during the term of the permit**
 - **Location of outfalls or field screening points to be sampled**
 - **Explanation of why locations are representative**
 - **Frequency of sampling**
 - **Parameters to be analyzed**
 - **Description of sampling equipment**

NOTES:

MUNICIPAL PERMIT APPLICATION - PART 2

- **Proposed management program**
 - **Description of structural and source control measures to reduce pollutants from runoff from commercial and residential areas**
 - **Maintenance activities**
 - **Planning procedures to develop, implement, and enforce controls over areas of new development and significant redevelopment**
 - **Practices for maintaining public streets and highways**
 - **Procedures to assure flood management projects assess impacts on water quality**
 - **Program to monitor pollutants in runoff from operating or closed municipal landfills (or other treatment, storage and disposal facilities for municipal waste)**
 - **Program to reduce pollutants in discharges associated with the application of pesticides, herbicides, and fertilizer**

NOTES:

MUNICIPAL PERMIT APPLICATION - PART 2

- **Proposed management program (continued)**
 - **Program to detect and remove illicit discharges and improper disposal to storm sewer**
 - **Program to implement and enforce an ordinance or order**
 - **Procedures to conduct on-going field screening activities**
 - **Procedures to be followed to investigate potential illicit discharges**
 - **Procedures to prevent, contain, and respond to spills**
 - **Program to promote, publicize, and facilitate public reporting**
 - **Educational activities for management of used oil and toxic materials**
 - **Controls to limit seepage from sanitary sewers to storm sewers**

NOTES:

MUNICIPAL PERMIT APPLICATION - PART 2

- **Program to monitor and control pollutants from municipal landfills, hazardous waste treatment, disposal and recovery facilities, and certain industrial facilities**
 - **Priorities and procedures for inspections and establishing control measures**
 - **Monitoring program**

NOTES:

MUNICIPAL PERMIT APPLICATION - PART 2

- **Proposed management program (continued)**
 - **Program to implement and maintain best management practices to reduce pollutants from construction sites**
 - **Site planning**
 - **Nonstructural and structural best management practices**
 - **Identify priorities for inspecting and enforcing control measures**
 - **Education and training**
- **Assessment of proposed storm water management program**
 - **Estimated reductions in loadings of pollutants as a result of the management program**
- **Fiscal analysis of necessary capital and O & M expenditures**

NOTES:

MUNICIPAL PERMIT APPLICATION DEADLINES

	Part 1	Review Period	Part 2
Medium Municipalities	May 18, 1992	90 Days	May 17, 1993
Large Municipalities	November 18 1991	90 Days	November 16, 1992

NOTES:

INDUSTRIAL PERMIT APPLICATION REQUIREMENTS

- **Statutory requirements**
- **Storm water discharge associated with industrial activity**
- **Application options**
- **Individual application requirements**
- **Mining and oil & gas application triggers**
- **Construction application requirements**
- **Group application requirements**
- **General permits**
- **Application deadlines**
- **Storm water permitting strategy**

NOTES:

STATUTORY REQUIREMENTS FOR INDUSTRIAL STORM WATER PERMITS

- **Permits must require the achievement of CWA 301 (BAT/BCT) and water quality-based limitations**
- **Permitted industries must continue to meet all existing requirements of CWA 402**

NOTES:

STORM WATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY

- **Defines coverage of industrial storm water program**
 - **Discharge from any conveyance which is used for collecting and conveying storm water**
 - **Directly related to manufacturing, processing, or raw materials storage areas**
 - **Located at an industrial plant**
- **Coverage of Federal, State, and municipal owner-operated facilities**
- **Exclusions**

NOTES:

STORM WATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY

- Discharge from any conveyance which is used for collecting and conveying storm water.
- “Conveyance” has broad meaning - see Point Source definition.
- “Storm water” means storm water runoff, snow melt runoff, and surface runoff and drainage (i.e., not process waste water).
- Includes industrial storm water discharges to municipal separate storm sewer systems

NOTES:

STORM WATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY

- **Directly related to manufacturing, processing, or raw materials storage areas**
- **Taken from legislative history**
- **Covers storm water discharge from wide range of general industry areas and activities.**
 - **Industrial plant yards**
 - **Immediate access roads and rail lines**
 - **Material handling sites**
 - **Refuse sites**
 - **Sites used for application or disposal of process waste waters**
 - **Sites used for storage and maintenance of material handling equipment**
 - **Sites for residual treatment, storage and disposal**
 - **Shipping/receiving areas**
 - **Manufacturing buildings**
 - **Storage areas (including tank farms)**
 - **Areas of past industrial activities where significant materials remain and are exposed to storm water.**

NOTES:

STORM WATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY

- **Located at an industrial plant**
- **Industrial facilities and operations covered by Application Reg. includes:**
 - **Manufacturing Facilities**
 - **Mining and Oil & Gas Operations**
 - **Hazardous waste treatment, storage, or disposal facilities**
 - **Landfills, land application sites, and open dumps that receive industrial wastes**
 - **Recycling facilities classified as SIC codes 5015 and 5093. (These codes include metal scrapyards, battery reclaimers, salvage yards, and automobile yards.)**
 - **Steam electric generating facilities (including coal handling sites)**
 - **Transportation Facilities**
 - **STP over 1 MGD design flow or approved under pretreatment program**
 - **Construction activities**
- **Other specified categories of industries where materials are exposed to storm water.**

NOTES:

CLASSES OF FACILITIES THAT DISCHARGE STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY

- **Facilities subject to National effluent limitations guidelines for storm water [Section 122.26(b)(14)(i)]**
- **Manufacturing Facilities classified as Standard Industrial Codes (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, and 373. (These codes include lumber; paper mills; chemical; petroleum; rubber; leather tanning and finishing; stone, clay, and concrete; metal; enameled iron and metal sanitary ware; and ship/boat manufacturing facilities.) [122.26(b)(14)(ii)]**
- **Mining and Oil & Gas Operations classified as SIC codes 10 - 14 including active and inactive mining and oil and gas operations with contaminated storm water discharges, except for areas of coal mining operations which have been reclaimed and the performance bond has been released by the appropriate SMCRA authority, or non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990 (see the description of special application provisions for mining operations and oil and gas operations below). [Section 122.26(b)(14)(iii)]**

NOTES:

CLASSES OF FACILITIES THAT DISCHARGE STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY (CONTINUED)

- **Hazardous waste treatment, storage, or disposal facilities [122.26(b)(14)(iv)]**
- **Landfills, land application sites, and open dumps that receive industrial wastes [122.26(b)(14)(v)]**
- **Recycling facilities classified as SIC codes 5015 and 5093. (These codes include metal scrapyards, battery reclaimers, salvage yards, and automobile yards). [122.26(b)(14)(vi)]**
- **Steam electric power generating facilities (including coal handling sites) [122.26(b)(14)(vii)]**

NOTES:

CLASSES OF FACILITIES THAT DISCHARGE STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY (CONTINUED)

- **Transportation facilities classified as SIC codes 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 including vehicle maintenance, material handling facilities, equipment cleaning, or airport de-icing areas of railroad, mass transit, school bus, trucking and courier services, postal service, water transportation, and airport facilities [Section 122.26(b)(14)(viii)]**
- **Sewage treatment plants treating domestic sewage, or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of sewage (including land used for the disposal of sludge located within the confines of the facility) with a design flow of 1.0 mgd or more or required to have an approved pretreatment program. This does not include farm lands, domestic gardens, or lands used for beneficial reuse of sludge which are not physically located in the confines of the facility.
[Section 122.26(b)(14)(ix)]**

NOTES:

CLASSES OF FACILITIES THAT DISCHARGE STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY (CONTINUED)

- **Construction activity (except for disturbances of less than 5 acres of total land area which are not part of a larger common plan of development or sale)
[Section 122.26(b)(14)(x)]**
- **Other specific facilities where materials are exposed to storm water classified under SIC codes 20, 21, 22, 23, 2434, 25, 265, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25. (These codes include food; tobacco; textile; apparel; wood kitchen cabinets; furniture; paperboard containers and boxes; converted paper/paperboard products; printing; drugs; leather; fabricated metal products; industrial and commercial machinery and computer equipment; electronic equipment; transportation equipment; measuring, analyzing, and controlling instruments and photographic, medical, and optical goods, and watches and clocks; and glass manufacturing, and certain warehousing and storage establishments.)
[Section 122.26(b)(14)(xi)]**

NOTES:

APPLICATION OPTIONS FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

Discharges of storm water associated with industrial activity are required to either:

- **Apply for an individual permit (November 18, 1991)**
- **Apply for a permit through a group application (March 18, 1991), or**
- **Seek coverage under a storm water general permit using notice of intent (180 days from general permit issuance)**

NOTES:

INDIVIDUAL APPLICATIONS

- **Applicants for discharges composed entirely of storm water shall submit Form 1 and Form 2F**
- **Applicants for discharges composed of storm water and non-storm water shall submit Forms 1, 2C, and 2F**
- **Applicants for new sources or new discharges composed of storm water and non-storm water shall submit Forms 1, 2D, and 2F**

NOTES:

INDIVIDUAL APPLICATIONS (CONTINUED)

The operator of a storm water discharge associated with industrial activity shall provide:

- **Site map showing topography and/or drainage areas and site characteristics.**
- **Estimate of impervious surface area and the total area drained by each outfall**
- **Description of significant materials exposed to storm water including current materials management practices**
- **Certification that outfalls have been tested or evaluated for non-storm water discharges**
- **Information on significant leaks and spills in last 3 years**
- **Quantitative testing data**

NOTES:

INDIVIDUAL APPLICATIONS (CONTINUED)

- **Quantitative Testing Data Parameters**
 - Any pollutants limited in an effluent guideline to which the facility is subject
 - Any pollutant listed in the NPDES permit for process wastewater
 - Oil and grease, pH, BOD₅, COD, TSS, total phosphorus, and nitrate plus nitrite and total Kjeldahl nitrogen
 - Certain pollutants known to be in the discharge
 - Flow measurements or estimates
 - Date and duration of storm event

NOTES:

APPLICATION REQUIREMENTS FOR CONSTRUCTION ACTIVITY

- **Provide a narrative description of:**
 - **Location and nature of construction activity (including a map)**
 - **Total area of the site and area to be excavated under the permit**
 - **Proposed measures to control pollutants in storm water discharges during and after construction operations**
 - **Estimate of runoff coefficient and increase in impervious areas after construction**
 - **Name of receiving water**
- **Application deadline**
 - **90 days prior to date when construction begins**

NOTES:

APPLICATION REQUIREMENTS FOR OIL & GAS FACILITIES AND MINING INDUSTRIES

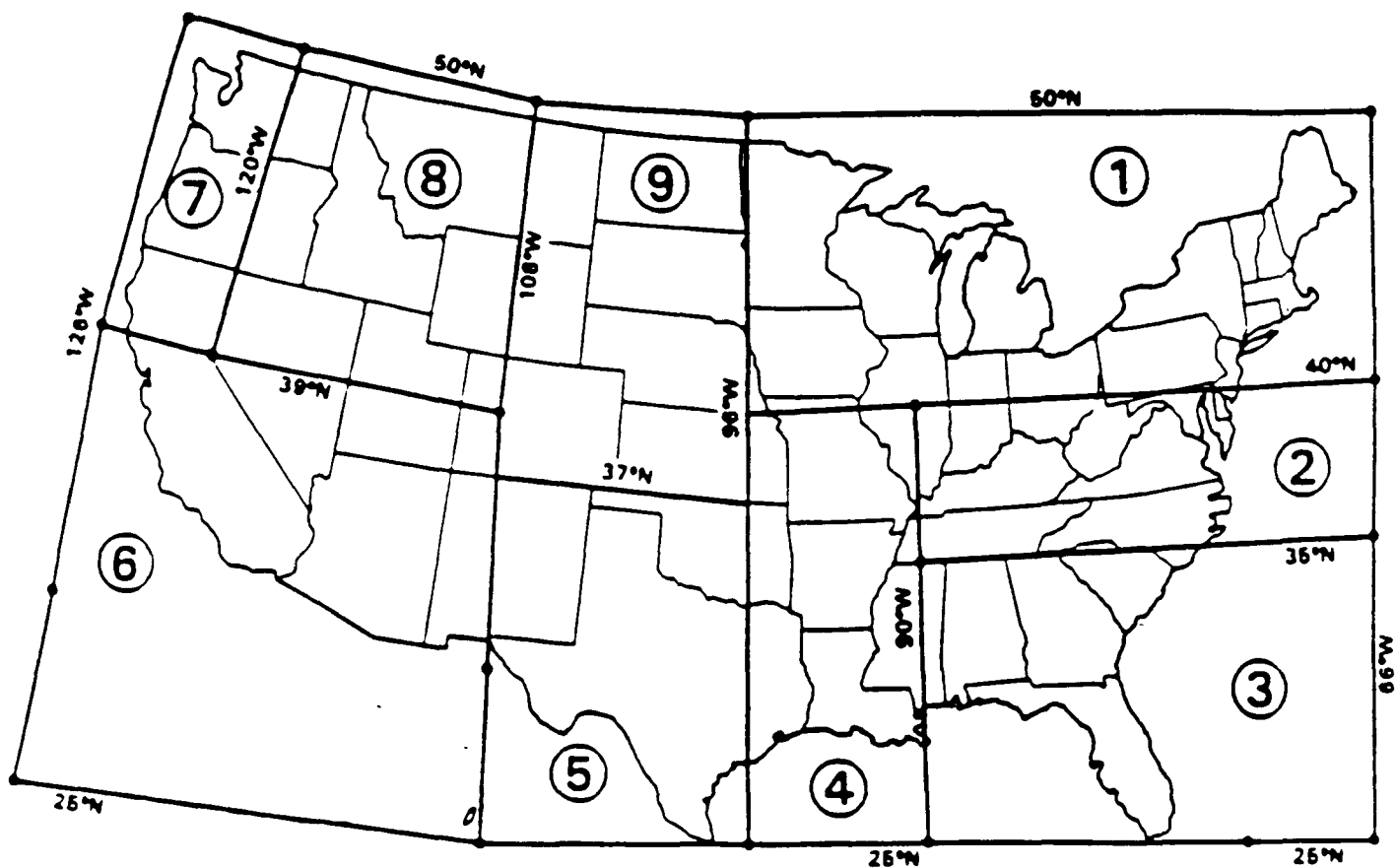
- **Oil & gas facilities are not required to submit a permit application unless the facility**
 - **Has had a discharge of a reportable quantity for which notice is required under CERCLA or CWA in the past 3 years or**
 - **Contributes to a violation of a water quality standard**
- **Mining industries are not required to submit permit applications unless the discharge has come into contact with any overburden, raw material, intermediate or finished products, byproducts, or waste products located on site.**

NOTES:

GROUP APPLICATIONS

- **Part 1**
 - **Identify participants**
 - **Summary of industrial activities of each participant and an explanation of why each is sufficiently similar to be covered by a general permit**
 - **List of significant materials stored outside by participants and materials management practices**
 - **Identify 10% of the facilities that will submit quantitative data. Identify 50% of the facilities if the group has 4-10 members.**
- **Part 2**
 - **Quantitative data from 10% of the facilities**

NOTES:



Precipitation Zones

OVERVIEW OF DRAFT BASELINE GENERAL PERMIT

- **Coverage**
- **Application Requirements**
- **Special Conditions**
- **Effluent Limitations**
- **Monitoring and Reporting Requirements**
- **Standard Permit Conditions**

NOTES:

DRAFT BASELINE GENERAL PERMIT APPLICATION REQUIREMENTS

- **General information**
 - **Name, address, SIC code**
 - **Latitude - Longitude**
 - **Receiving water(s)**
 - **Existing quantitative data**
- **Additional information for construction activities**

NOTES:

DRAFT BASELINE GENERAL PERMIT SPECIAL CONDITIONS

- **Prohibition on RQ releases**
- **Prohibition on non-storm water discharges**
- **Tailored pollution prevention plan requirements:**
 - **All plans must provide a description of: (1) potential pollutant sources and (2) storm water management controls.**
 - **Additional requirements for:**
 - **SARA Title III, Section 313 facilities**
 - **Construction activities**
 - **Salt storage**

NOTES:

DRAFT BASELINE GENERAL PERMIT EFFLUENT LIMITATIONS

- **Effluent limitations only apply to two classes of discharges:**
 - **Coal pile runoff: 50 mg/l TSS and 6-9 pH.**
 - **Acute whole effluent toxicity (WET) testing, and in certain cases, WET limitations for discharges from chemical storage containment areas at SARA Title III, Section 313 facilities with storm water discharges associated with industrial activity.**

NOTES:

DRAFT BASELINE GENERAL PERMIT MONITORING AND REPORTING REQUIREMENTS

- **Tailored sampling requirements for different classes of industries**
- **Landfills; SARA Title III, Section 313 facilities; wood treaters; primary metal facilities; and coal pile runoff sample semi-annually, and submit DMR to EPA and to the municipal operator if the discharge is to a large or medium Municipal Separate Storm Sewer System**
- **Oil & gas exploration and production facilities with a PE certification that their storm water pollution prevention plan is being adequately implemented need not sample**
- **All other facilities must sample annually for conventional pollutants and retain information unless requested by EPA.**

NOTES:

INDUSTRIAL PERMIT APPLICATION DEADLINES

Individual:	November 18, 1991		
Group:	<u>Part 1</u> March 18, 1991	<u>Review Period</u> 60 Days	<u>Part 2</u> 12 months after Part 1 approval
General Permit NOI	180 Days from General Permit Issuance		

NOTES:

RATIONALE FOR INDUSTRIAL STORM WATER STRATEGY

- **Additional 100,000 industrial facilities to NPDES Program will be a large administrative burden**
- **Need to establish a flexible framework for developing priorities that includes consideration of case-specific factors**
- **Provides for the use of a variety of administrative tools, including general permits**

NOTES:

FOUR TIER STRATEGY FOR INDUSTRIAL STORM WATER

- **Tier I - Baseline permitting**
 - **General permits will cover majority of discharges**
- **Tier II - Watershed permitting**
 - **Facilities within adversely impacted watersheds will be targeted for individual or watershed-specific permits**
- **Tier III - Industry-specific permitting**
 - **Industrial categories will be targeted for individual or industry-specific general permits**
- **Tier IV - Facility-specific permitting**
 - **A variety of factors will be used to target specific facilities for individual permits**

NOTES:

ROLE OF MUNICIPALITIES IN CONTROLLING STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

- **Identifying local priorities**
- **Overseeing the development of site-specific industrial controls**


NOTES:

COMPLEMENTARY PERMIT APPROACH

- **Industrial permits:**
 - **Permits for these discharges will establish controls and monitoring requirements for industrial operators of the discharge into the municipal system.**
- **Municipal permits:**
 - **These permits can be used to require municipalities to:**
 - **identify priorities**
 - **inspect priority sites and review plans at these sites**
 - **initiate enforcement for priority sites**

NOTES:

NPDES Application Form 1

FORM 1 GENERAL		U.S. ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION Consolidated Permits Program (Read the "General Instructions" before starting.)		EPA I.D. NUMBER					
									
LABEL ITEMS		PLEASE PLACE LABEL IN THIS SPACE		GENERAL INSTRUCTIONS					
I. EPA I.D. NUMBER	<p>If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.</p>								
III. FACILITY NAME									
V. FACILITY MAILING ADDRESS									
VI. FACILITY LOCATION									
II. POLLUTANT CHARACTERISTICS									
<p>INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.</p>									
SPECIFIC QUESTIONS		MARK 'X'		SPECIFIC QUESTIONS		MARK 'X'			
		YES	NO	FORM ATTACHED			YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)					B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)				
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)					D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)				
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)					F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)				
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)					H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)				
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)					J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)				
III. NAME OF FACILITY									
1. SKIP									
IV. FACILITY CONTACT									
A. NAME & TITLE (last, first, & title)				B. PHONE (area code & no.)					
V. FACILITY MAILING ADDRESS									
A. STREET OR P.O. BOX									
B. CITY OR TOWN		C. STATE		D. ZIP CODE					
VI. FACILITY LOCATION									
A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER									
B. COUNTY NAME									
C. CITY OR TOWN		D. STATE		E. ZIP CODE		F. COUNTY CODE (if known)			

CONTINUED FROM THE FRONT

VII. SIC CODES (4-digit, in order of priority)

A. FIRST										B. SECOND									
C	7	(specify)								C	7	(specify)							
13	14									13	14								
C. THIRD										D. FOURTH									
C	7	(specify)								C	7	(specify)							
13	14									13	14								

VIII. OPERATOR INFORMATION

A. NAME										B. Is the name listed in Item VIII-A also the owner?											
C	8																			<input type="checkbox"/> YES <input type="checkbox"/> NO	
13	14																			66	
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)										D. PHONE (area code & no.)											
F = FEDERAL M = PUBLIC (other than federal or state) S = STATE O = OTHER (specify) P = PRIVATE										E A 13 14 15 16 17 18 19 20 21 22 23 24											
E. STREET OR P.O. BOX																					
F. CITY OR TOWN										G. STATE		H. ZIP CODE		IX. INDIAN LAND							
C	B																	Is the facility located on Indian lands?			
13	14																	<input type="checkbox"/> YES <input type="checkbox"/> NO			
																		52			

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)										D. PSD (Air Emissions from Proposed Sources)									
C	T	I								C	T	I							
9	N									9	P								
13	14	15	16	17	18	19	20	21	22	13	14	15	16	17	18	19	20		
B. UIC (Underground Injection of Fluids)										E. OTHER (specify)									
C	T	I								C	T	I							
9	U									9			(specify)						
13	14	15	16	17	18	19	20	21	22	13	14	15	16	17	18	19	20		
C. RCRA (Hazardous Wastes)										E. OTHER (specify)									
C	T	I								C	T	I							
9	R									9			(specify)						
13	14	15	16	17	18	19	20	21	22	13	14	15	16	17	18	19	20		

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

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XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)										B. SIGNATURE										C. DATE SIGNED									

COMMENTS FOR OFFICIAL USE ONLY

C																		
13	14																	55

**NPDES Permit Application Requirements
for Storm Water Discharges**

Final Regulation

Summary

**United States Environmental Protection Agency
October 31, 1990**

I. INTRODUCTION

Pollutants in storm water discharges from many sources are largely uncontrolled. The "National Water Quality Inventory, 1988 Report to Congress" (EPA, 1988), concluded that the States cite diffuse sources of water pollution as the leading cause of water quality impairment. In developing the National Water Quality Inventory, the States identified a number of major classes of diffuse sources of pollution, including, separate storm sewers, urban runoff, construction, waste disposal, and resource extraction, which correlate well with categories of discharges covered by the NPDES storm water program. Although many studies characterize these sources as a diffuse or nonpoint source of pollution, the majority of urban runoff and construction site runoff is discharged via separate storm sewers and, therefore, under the Clean Water Act (CWA), are discharges from point sources.

The National Urban Runoff Program (NURP), has shown that storm water from residential and commercial areas can contain a variety of pollutants including heavy metals, fecal coliforms, pesticides, suspended solids, nutrients and floatables. Runoff from industrial facilities can contain additional pollutants depending on the nature of industrial activity such as material management and waste disposal practices and activities which disturb soils. Other studies have shown that many storm sewers also receive illicit discharges of untreated non-storm water discharges, spills, and large amounts of improperly disposed wastes, particularly used oils. Removal of non-storm water discharges to storm sewers presents opportunities for dramatic improvements in the quality of storm water discharges.

II. SUMMARY OF THE RULE

This summary addresses amendments to 40 CFR 122 which establish NPDES permit application requirements for: storm water discharges associated with industrial activity; discharges from large municipal separate storm sewer systems (systems serving a population of 250,000 or more); and discharges from medium municipal separate storm sewer systems (systems serving a population of 100,000 or more, but less than 250,000).

III. DISCHARGES FROM LARGE AND MEDIUM MUNICIPAL SEPARATE STORM SEWER SYSTEMS

A. Defining Municipal Separate Storm Sewer System¹

A "large municipal separate storm sewer system" is a system serving a population of 250,000 or more. A "medium municipal separate storm sewer system" is a system serving a population of

100,000 or more, but less than 250,000. These systems include separate storm sewers:

- o located in one of the 173 cities with a population of 100,000 or more;
- o located in one of the 47 counties identified by EPA as having large populations in unincorporated, urbanized areas;
- o that are designated by the Director of the NPDES program as part of the large or medium system due to the interrelationship with the large or medium systems described above; or
- o that are located within the boundaries of a region defined by a storm water management regional authority and are designated by the Director of the NPDES program as part of a large or medium system.

B. Storm Water Permits for Municipalities

The CWA requires that NPDES permits for discharges from municipal separate storm sewer systems include: a requirement to effectively prohibit non-storm water discharges into the storm sewers; and controls to reduce the discharge of pollutants to the maximum extent practicable (including management practices, control techniques and system, design and engineering methods, and other provisions appropriate for the control of such pollutants.)

EPA or authorized NPDES States may issue system-wide or jurisdiction-wide permits covering all discharges from a municipal separate storm sewer system.

C. Permit Application Requirements²

The permit application requirements for discharges from municipal separate storm sewer systems have been designed to facilitate development of site specific permit conditions. The permit application requirements provide municipal applicants an opportunity to propose appropriate management programs to control pollutants in discharges from their municipal systems. This increases flexibility to develop permit conditions and ensures input from municipalities in developing appropriate controls.

A two-part application process for discharges from large and medium municipal separate storm sewer systems has been established.

1. Part 1 of the application includes:
 - o General information (name, address, etc.);
 - o Existing legal authority and any additional authorities needed;
 - o Source identification information;
 - o Discharge characterization including:
 - monthly mean rain and snow fall estimates;
 - existing quantitative data on volume and quality of storm water discharges;
 - a list of receiving water bodies and existing information on the impacts on receiving waters;
 - o Field screening analysis for illicit connections and illegal dumping;
 - o Characterization plan identifying representative outfalls for further sampling in Part 2;
 - o Description of existing management programs to control pollutants from the municipal separate storm sewer and to identify illicit connections; and
 - o Description of financial budget and resources currently available to complete Part 2.
2. Part 2 of the application includes:
 - o Demonstration of adequate legal authority to control discharges, prohibit illicit discharges, require compliance, and carry out inspections, surveillance, and monitoring;
 - o Source identification indicating the location of any major outfalls and inventorying the principal products or services provided by each facility discharging storm water associated with industrial activity to the municipal separate storm sewer;
 - o Discharge characterization data including:
 - quantitative data from 5-10 representative locations in approved sampling plans;
 - for selected conventional pollutants and heavy metals, estimates of the annual pollutant load and event mean concentration of system discharges;

- proposed schedule to provide estimates of: seasonal pollutant loads; and the mean concentration for certain detected constituents in a representative storm event; and
 - proposed monitoring program for representative data collection.
- o Proposed management program including descriptions of:
- structural and source control measures that are to be implemented to reduce pollutants in runoff from commercial and residential areas including:
 - maintenance activities;
 - planning procedures to develop, implement, and enforce controls for areas of new development and significant redevelopment;
 - practices for operating and maintaining public streets and highways;
 - procedures to assure flood management projects assess impacts on water quality;
 - program to monitor pollutants in runoff from operating or closed municipal landfills (or other facilities for municipal waste); and
 - program to reduce pollutants in discharges associated with the application of pesticides, herbicides, and fertilizer;
 - program to detect and remove illicit discharges including:
 - program to implement and enforce an ordinance or order;
 - procedures to conduct on-going field screening activities;
 - procedures to be followed to investigate potential illicit discharges;
 - procedures to prevent, contain, and respond to spills;
 - program to promote, publicize, and facilitate public reporting;
 - educational activities for management of used oil and toxic material; and
 - controls to limit infiltration of seepage from sanitary sewers;

- program to monitor and control pollutants from municipal landfills; hazardous waste treatment, disposal, and recovery facilities; SARA Section 313, Title III facilities; and other priority industrial facilities including:
 - priorities and procedures for inspection and enforcement;
 - monitoring program; and
 - program to implement and maintain structural and non-structural BMPs;
- program to control pollutants in construction site runoff including:
 - site planning requirements;
 - non-structural and structural management practices;
 - procedures for identifying priorities for inspecting sites and enforcement actions;
 - educational and training measures for construction site operators.
- o Estimated reduction in loadings of pollutants as a result of the management program; and
- o Fiscal analysis of necessary capital and operation and maintenance expenditures.

D. Effective Prohibition of Non-Storm Water Discharges³

For many municipalities, a first priority for reducing pollutants from municipal separate storm sewer systems is to effectively prohibit non-storm water discharges to their municipal separate storm sewer system. The permit application process implements this effective prohibition by establishing requirements for a field analysis to detect illicit connections and illegal dumping. In addition, applicants are required to submit a proposed program to control illicit connections and illegal dumping as part of their proposed management programs.

E. Application Deadlines⁴

For large municipal separate storm sewer systems, Part 1 must be submitted within 12 months of the date of publication of the final rule. The Director will then have 90 days from receipt of Part 1 to approve or deny a sampling plan. Part 2 must be submitted within 24 months of the date of publication of the final rule. Medium municipal separate storm sewer systems must submit Part 1 within 18 months from the date of publication of the final rule. The Director will have 90 days from receipt to

approve or deny a sampling plan. Part 2 must be submitted within 30 months of the date of publication of the final rule.

IV. REQUIREMENTS FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

A. Industries Covered by Regulation⁵

The term "storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant including:

- o Facilities subject to National effluent limitation guidelines;
- o Facilities classified as Standard Industrial Codes (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, and 373. (These codes include lumber; paper mills; chemical; petroleum; rubber; leather tanning and finishing; stone, clay, and concrete; metal; enameled iron and metal sanitary ware; and ship/boat manufacturing facilities);
- o Facilities classified as SIC codes 10 through 14 including active and inactive mining and oil and gas operations with contaminated storm water discharges, except for areas of coal mining operations which have been reclaimed and the performance bond has been released by the appropriate SMCRA authority, or non-coal mining operations which have been released from applicable State or Federal reclamation requirements after 30 days after publication of the final regulation (see the description of special application provisions for mining operations and oil and gas operations below);
- o Hazardous waste treatment, storage, or disposal facilities;
- o Landfills, land application sites, and open dumps that receive industrial wastes;
- o Recycling facilities classified as SIC codes 5015 and 5093. (These codes include metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards);
- o Steam electric power generating facilities (including coal handling sites);

- o Vehicle maintenance, equipment cleaning, or airport de-icing areas of railroad, mass transit, school bus, trucking and courier services, postal service, water transportation, and airport facilities, and petroleum bulk stations;
- o Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of sewage (including land used for the disposal of sludge located within the confines of the facility) with a design flow of 1.0 mgd or more or required to have an approved pretreatment program. This does not include farm lands, domestic gardens or lands used for beneficial reuse of sludge which are not physically located in the confines of the facility;
- o Construction activity (except for disturbances of less than 5 acres of total land area which are not part of a larger common plan of development or sale); and
- o Facilities where materials are exposed to storm water classified under SIC codes 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25 (These codes include food; tobacco; textile; apparel; wood kitchen cabinets; furniture; paperboard containers and boxes; converted paper/paperboard products; printing; drugs; leather; fabricated metal products; industrial and commercial machinery and computer equipment; electronic equipment; transportation equipment; measuring, analyzing, and controlling instruments and photographic, medical, and optical goods, and watches and clocks; glass; and certain warehousing and storage manufacturing facilities).

Areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots are generally excluded from the definition of storm water discharge associated with industrial activity, as long as the drainage from the excluded areas is not mixed with storm water drained from areas with industrial activity.

B. Industrial Storm Water Permitting Strategy

EPA estimates that about 100,000 facilities are addressed by the regulatory definition of "storm water discharges associated with industrial activity". The large number of facilities addressed will place correspondingly large administrative burdens on EPA and States with authorized NPDES programs to issue and administer permits for these discharges. To provide a reasonable and rational framework to addressing this permitting task, EPA is developing a strategy for permitting storm water discharges associated with industrial activity. In developing this strategy, the Agency recognizes that the CWA provides flexibility

in the manner in which NPDES permits are issued⁶, and intends to use this flexibility in designing a workable and reasonable permitting system that emphasizes reduction of risk to human health and aquatic resources. The strategy is intended to establish a framework for developing permitting priorities based on reduction of risk to human health and aquatic resources, and includes the following four tier set of priorities for issuing permits over time:

- o Tier I - Baseline Permitting: One or more general permits⁷ will be developed initially to cover the majority of storm water discharges associated with industrial activity;
- o Tier II - Watershed Permitting: Facilities within watersheds shown to be adversely impacted by storm water discharges associated with industrial activity will be targeted for individual or watershed-specific general permits.
- o Tier III - Industry-Specific Permitting: Specific industry categories will be targeted for individual or industry-specific general permits; and
- o Tier IV - Facility-Specific Permitting: A variety of factors will be used to target specific facilities for individual permits.

The industrial storm water permitting strategy also calls for the development of State storm water permitting plans as a mechanism to provide public participation and ensure appropriate implementation of storm water permitting activities within the various States. State strategies will also provide a foundation from which State storm water management programs required under section 402(p)(6) of the Clean Water Act can be developed.

C. Relationship of Strategy to Permit Application Requirements

The industrial storm water permitting strategy described above identifies several permitting approaches that the Agency anticipates will be used in addressing storm water discharges associated with industrial activity. The NPDES regulatory scheme provides three potential options for applying for permit coverage for storm water discharges associated with industrial activity: (1) individual permit applications; (2) group applications; and (3) notice of intent requirements developed for general permit coverage. Notices of intent will generally need to include only information such as the type of industry, location and name of receiving waters.

The following discussion summarizes regulatory requirements for individual permit applications and group applications. These requirements apply to discharges that are not covered by a general permit. Where a general permit has been issued for a

discharge, individual or group applications are not required, as the general permit establishes alternative (and typically simplified) requirements for obtaining coverage under the general permit.

D. Individual Application Requirements for Storm Water Discharges Associated with Industrial Activity⁸

1. Generally Applicable Requirements (See Parts 2 and 3 below with Regard to Construction, Mining, and Oil and Gas Operations)

Individual application requirements for most storm water discharges associated with industrial activity are comprised of Form 1 (general information) and Form 2F (storm water discharges). The Form 2F requirements include:

- o Topographic map showing on-site drainage;
- o Estimate of impervious surfaces and the total area drained by each outfall;
- o Narrative description of material management practices and control measures;
- o Certification that separate storm water outfalls have been evaluated for non-storm water discharges;
- o History of leaks and spills; and
- o Test Data Parameters
 - Any pollutant with effluent guideline limitation;
 - Any pollutant in NPDES permit for process discharge;
 - Oil and grease, pH, TOC, BOD₅, COD, TSS, Nitrogen, Phosphorus;
 - Certain pollutant(s) known to be in the discharge;
 - Flow measurement(s) or estimate(s);
 - Date(s) and duration of storm event(s).

2. Application Requirements for Construction Activities⁹

Construction facilities which discharge storm water associated with industrial activity are not required to submit sampling data in permit applications. Instead, individual application requirements for these facilities include, in addition to Form 1:

- o Narrative description of the construction activity;
- o Total area of the site and area to be excavated under the permit;

- o Proposed measures to control pollutants in storm water discharges during and after construction operations;
 - o Estimate of runoff coefficient and increase in impervious areas after construction; and
 - o Name of receiving water.
3. Application Requirements for Mining Operations and Oil and Gas Operations¹⁰

Oil and gas facilities (active or inactive) are not required to submit a permit application unless the facility had a discharge of a reportable quantity¹¹ for which notice is required under CERCLA or CWA at any time since three years before the publication of the rule; or such facility has a discharge which contributes to a violation of a water quality standard.

Mining operations (active or inactive) are not required to submit permit applications unless the storm water discharge has come into contact with any overburden, raw material, intermediate or finished products, byproducts, or waste products located on site. Areas of coal mining operations which have been reclaimed and the performance bond has been released by the appropriate SMCRA authority, or non-coal mining operations which have been released from applicable State or Federal reclamation requirements after 30 days after publication of the final regulation are not subject to permitting requirements.

E. Group Application Requirements¹²

Certain facilities which discharge storm water associated with industrial activity have the option of participating in a group application in lieu of submitting a complete individual application. If dischargers are part of the same effluent guideline subcategory or are sufficiently similar as to be appropriate for general permit coverage, they may submit a group application. Group applications consists of two parts:

Part 1 - Identifies participants and includes:

- o A summary of each participant's industrial activities;
- o An explanation of why the participants are sufficiently similar to make use of the group application;
- o A list of significant materials stored outside by participants and material management practices; and
- o A list of 10 percent of the dischargers that will submit test data in Part 2.

Part 2 - 10 percent of discharges must submit test data (a minimum of 10 and a maximum of 100 dischargers with either 2 from each precipitation zone¹³ represented, or one discharger from each precipitation zone in which nine or fewer members of the group are located).

F. Storm Water Discharges Associated with Industrial Activity to Large and Medium Municipal Separate Storm Sewer Systems¹⁴

In addition to submitting permit applications, operators of storm water discharges associated with industrial activity which discharge through large or medium municipal separate storm sewers are required to submit to the operator of that municipal storm sewer: the name of the facility; a contact person and phone number; the location of the discharge; and a description of the principal products or services provided by the facility (including any SIC code). Such notice must be given no later than 180 days after the date of publication of the rule or 180 days prior to commencing an activity that could result in a storm water discharge associated with industrial activity.

G. Application Deadlines¹⁵

Individual applications for storm water discharges associated with industrial activity must be submitted within 12 months of the date of publication of the rule.

Part 1 of the group application must be submitted within 120 days of the date of publication of the rule. The Director will then have 60 days to approve or deny participation in the group. Part 2 must then be submitted no later than one year after the date of approval of Part 1. Facilities that are rejected as group members have 12 months from the date they received notice of rejection to file individual permit applications. Facilities may add on to group applications within 15 months of the date of publication of the rule at the Director's discretion but only upon a showing of good cause.

Where an applicable general permit has been issued, the general permit will establish a date for when a discharger must submit a notice of intent to be covered by the general permit. Dischargers obtaining coverage under a general permit are not required to submit an individual permit application or participate in a group application for the discharge covered by the general permit.

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1. 122.26(b)(4) and 122.26(b)(7)
2. 122.26(d)
3. 122.26(b)(2), 122.26(b)(5), 122.26(d)(1)(iii)(a), 122.26(d)(1)(iv)(D), 122.26(d)(1)(iv)(E)(1), 122.26(d)(1)(v)(B), 122.26(d)(2)(i)(B), 122.26(d)(2)(i)(C), 122.26(d)(2)(iii)(A), and 122.26(d)(2)(iv)(B)
4. 122.26(e)
5. 122.26(b)(14)
6. The court in NRDC v. Train, 396 F.Supp. 1393 (D.D.C. 1975) aff'd, NRDC v. Costle, 568 F.2d 1369 (D.C.Cir. 1977), has acknowledged the administrative burden placed on the Agency by requiring individual permits for a large number of storm water discharges. In this decision, the court recognized EPA's discretion to use certain administrative devices, such as area permits or general permits to help manage its workload. In addition, the court recognized flexibility in the type of permit conditions that are established, including requirements for best management practices.
7. A general permit is a permit that covers discharges from more than one facility within a State. General permits are either issued by EPA or, in States with authorized NPDES programs, by the State.
8. 122.26(c)
9. 122.26(c)(1)(ii)
10. 122.26(a)(2) and 122.26(c)(1)(iii) and (iv)
11. Reportable quantities for hazardous substances are defined at 40 CFR 117.21 and 40 CFR 302.6. The reportable quantity for oil is defined at 40 CFR 110.6.
12. 122.26(c)(2)
13. The storm water permit application regulation defines nine precipitation zones for the purposes of developing and submitting group applications.
14. 122.26(a)(4)
15. 122.26(e)