



## **Clean Water Act Industrial Stormwater Applicability Flowchart**

July 2009

Office of Compliance  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (MC 2221-A)  
Washington, D.C. 20460

<http://www.epa.gov/compliance/assistance/sectors/readymix-aggregate.html>

## Clean Water Act Industrial Storm Water Applicability Flowchart

This flowchart is intended to help guide facilities in determining if they should apply for an industrial stormwater permit. This is a guide only and does not replace the review of the 2008 MultiSector Group Permit to make final decisions.

### Clean Water Act (CWA) Industrial Storm Water National Pollutant Discharge Elimination System (NPDES)

Do you have storm water, surface runoff or drainage associated with your primary industrial or commercial activity and/or with any “co-located” activity (commingled\*) that enters waters of the United States or to a municipal separate storm sewer system?

Surface runoff or drainage can be a result of rain water, snow melt, surface runoff, or other self induced water runoff. This is considered “industrial storm water” discharge. The 2008 Multi Sector General Permit (MSGP) identifies eleven (11) allowable discharges (“non-storm water” discharges).

\* Regulated storm water discharges from your facility can also include storm water run-on that commingles with storm water discharges associated with industrial activity at your facility. This run-on could be from a neighboring unrelated facility. You are responsible for any pollutant that is on your site regardless of where it is generated from.

No

Yes

Do you have a primary Standard Industrial Classification (SIC) code that would trigger an industrial storm water permit?

Refer to the SIC list that identifies all required sectors under the MSGP.

Or

Is any activity at your facility defined by one of the following narrative descriptions?

- Facility with wastewater effluent limitations
- Hazardous waste: treatment, storage, or disposal facilities
- Landfills
- Steam Electric Plants
- Waste Water Treatment Works (1 million gallon or more per day flow)
- Construction activity (disturbing 1 acre or more)

No

No  
Exposure

Yes

An industrial storm water permit is not needed.

If you have SIC code and/or are defined by one of the narrative descriptions, but you can demonstrate all activities are properly stored under secure storm resistant shelter, you may be eligible for the “no exposure” exclusion from needing to have a permit.

Must submit a “No Exposure” certification and re-certify every 5 years.

**Yes**, your facility must seek coverage under the industrial storm water permit either through your state or federal program. Construction activities must seek coverage under the construction storm water permit.

1<sup>st</sup>, A Storm water Pollution Prevention Plan (SWPPP) must be developed. See SWPPP applicability chart.

2<sup>nd</sup>, then a Notice of Intent (NOI) is submitted to your permitting authority (the state, delegated territory, delegated Indian nation, or federal agency).

**Industrial Storm Water**  
**Ready Mixed, Crushed Stone and Sand and Gravel SIC Codes**  
**Who To Contact To Obtain Permit Coverage**

**Some common ready mix, sand and gravel, and crushed stone (SIC) could include, but not limited to:**

- Sand quarrying and gravel beneficiating (SIC 1442)
- Cement manufacturing (SIC 3241)
- Structural clay products (SIC 3250)
- Concrete block and brick manufacturing (SIC 3271)
- Concrete pipe manufacturing (SIC 3272)
- Other concrete product manufacturing (SIC 3272)
- Ready mix concrete manufacturing (SIC 3273)
- Lime manufacturing (SIC 3274)
- Concrete, gypsum & plaster products (SIC 3275)
- Cut & stone products (SIC 3281)

Check the full listing of SIC categories in the state or federal 2008 Multi Sector General Permit.

Note that some states may have additional SIC categories. Check with your state program.

**State Delegation:**

EPA has authorized 45 states and one territory to administer the NPDES program, including storm water. See state resource contact fact sheet attached.

**Federal Delegation:**

If your facility is located in any of the following you need to seek coverage under the federal program: AK, ID, MA, NH, NM, DC, Puerto Rico, Guam, Johnston Atoll, Midway Islands, North Mariana Islands, Wake Islands, Indian lands in 24 states, OK, TX oil/gas exploration operations only, federal facilities in CO, DE, VT, WA. You must seek coverage under the Multi Sector General Permit (MSGP).

**Current permit holder for wastewater discharge:**

If you already have a NPDES wastewater discharge permit, you are still required to have a storm water permit or have storm water addressed in your current wastewater permit.

## Industrial Storm Water Other Important Elements to Understand

1. **Effective date of permit coverage** is typically thirty (30) days after submitting a correctly completed Notice of Intent (NOI) (at times 60 days). The Director (e.g. federal EPA or state) may deny your NOI and require you submit an alternative general permit or an individual permit.
2. **Not allowed to discharge vehicle and equipment washwater**, including tank cleaning operations. These wastewaters must be covered under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.
3. **Not allowed to discharge solid material**, including waste, garbage, floatable debris into waters of the United States.
4. **You must minimize** tracking dust, raw, final, waste material, or sediment off your site or from any area that has no exposure to storm water to an area that has potential for storm water exposure.
5. **Non-erosive storm water flow**. It is essential to achieve a storm water flow that is non-erosive (e.g. that picks up as little sediment or pollutant material as possible). Velocity dissipation device must be placed at discharge locations and along the length of any outlet channel if you believe it is necessary.
6. **Best Management Practices (BMP)**. All BMP's identified in your Storm Water Pollution Prevention Plan (SWPPP) must be maintained. If the BMP is found to be ineffective a solution must be documented.
7. **Know your facility**. Depending on your SIC code and operations, you must identify in your SWPPP specific drainage areas, potential pollutant sources, and good housekeeping practices.
8. **Non-Storm Water Discharges**. Most non-storm water discharges are prohibited. There are only 11 allowable non-storm water discharges. Your SWPPP must include a certification signed by a facility responsible corporate officer that states all discharges have been tested or evaluated for the presence of non-storm water. You must include the date and results of any testing/evaluation, description of testing method(s), a list of outfalls or drainage points that were tested/evaluated, and identify the significant sources of non-storm discharges.
9. **“Inspection” is different than “Monitoring”**. Inspection refers to the visual observation and recording results and making necessary changes to facility control measures. Monitoring refers to sending storm water samples to a certified laboratory. **Perform visual inspections at least quarterly** when facility is in operation by qualified personnel and at least one member of your SWPPP team present. At least once a year, visual inspection must be conducted when a storm water discharge is occurring. **Perform monitoring** during the first 30 minutes of actual storm events and record the date, duration of storm (hours and days), and amount of rain inches. The following are required monitoring:
  - a. Quarterly benchmark – parameters depends on SIC code
  - b. Annual effluent limitations – parameters depends on regulated activity
  - c. State or Tribal requirements – depends on facility location
  - d. Annual impaired waterbody – depends on impairment(s)
  - e. Additional monitoring required by EPA – if notified by EPA
10. **Storm Water Pollution Prevention Plan (SWPPP)** must identify visual inspection schedule and monitoring results in you SWPPP.
11. **Reporting**. All monitoring data must be submitted to EPA within 30 days of receiving lab results. An annual report must be submitted to EPA for both visual inspection and monitoring results. Additional reporting to EPA includes: in the event of any spills, leaks, releases of hazardous substances/oil; oral report within 24 hours of noncompliance that endangers health/environment; 5 day follow-up report to the 24 hour oral report; any planned changes to your facility; anticipated non-compliance; transfer of ownership; the need to correct information on your Notice of Intent.
12. **Train all staff** who work or are associated with industrial areas associated with storm water. Training must include storm water control measures, monitoring, inspection, planning, reporting, documentation. Training must be annual or more frequent if high staff turn-over.

## Industrial Storm Water Non-Storm Water Discharges – Allowable

You are allowed to discharge the following eleven (11) non-storm water discharges as long as your SWPPP includes the following:

- Identify each non-storm water source (discharges from fire fighting activities are exempt from this SWPPP requirement)
- Identify the location where the non-storm water discharge is likely to be discharged
- Describe the Best Management Practice (BMP) for each non-storm water discharge
- If you've identified windblown mist from cooling towers (#11 below), you must evaluate the potential for discharge to be contaminated by chemicals used in the cooling tower and determine these levels will not cause or contribute to violations to water quality standards after you've effectively implemented your BMP.

↓

### Allowable Non-Storm Water Discharges:

1. Discharges from fire fighting activities
2. Fire hydrant flushing (testing)
3. Potable water including water line flushing (testing)
4. Uncontaminated air condition or compressor condensate
5. Irrigation drainage
6. Landscape watering, provide all pesticides, herbicides, and fertilizers have been applied in accordance with manufacturers instructions
7. Pavement wash water where no detergents are used and no spills, leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed)
8. Routine external building wash down which does not use detergent
9. Uncontaminated groundwater or spring water
10. Foundation or footing drains where flows are not contaminated with process materials
11. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but NOT intentional discharges from cooling towers

↓

You must monitor the allowable non-storm water discharge only if the discharge comes into contact with storm water discharge associated with industrial activity.