RATIONALE / FACT SHEET
FOR
INDUSTRIAL STORM WATER GENERAL PERMIT

Introduction

This rationale sets forth MDEQ's rationale for the permit conditions of the initial issuance and subsequent re-issuances of the Storm Water Industrial General Permit. This permit replaces the previous Baseline Storm Water General Permit for Industrial Activities. The current general permit expired on October 31, 2020.

MDEQ is authorized by the U.S. Environmental Protection Agency to administer the National Pollutant Discharge Elimination System (NPDES) Program in the State of Mississippi, including the issuance of general permits for categories of discharges under the provisions of 40 CFR 122.28, as adopted by reference in the "Mississippi Wastewater Regulations for National Pollutant Discharge Elimination System (NPDES) Permits, Underground Injection Control (UIC) Permits, State Permits, Water Quality Based Effluent Limitations and Water Quality Certification", (WPC-1) amended October 25, 2001. Under this authority, MDEQ may issue a single general permit to a category of point sources located within the same geographic area whose discharges warrant similar pollution control measures.

Specifically, MDEQ is authorized to issue a general NPDES permit if there are a number of point sources operating in a geographic area that:

1. Involve the same or substantially similar types of operations;
2. Discharge the same type of wastes;
3. Require the same effluent limitations or operating conditions;
4. Require the same or similar monitoring requirements; and
5. Are more appropriately controlled under a general permit than under individual permits (in the opinion of the Permit Board).

As in the case of individual permits, violation of any condition of a general permit constitutes a violation of the Mississippi Air and Water Pollution Control Law (Section 49-17-1 et seq., Mississippi Code of 1972) and subjects the coverage recipient to the penalties specified therein. Upon promulgation of the final general permit and request for recoverage, owners/operators qualified for recoverage are authorized to discharge under this general permit.

Coverage Provided by General Permits

This Industrial Storm Water General Permit authorizes storm water discharges associated with industrial activity. Discharges associated with industrial activities, listed in 40 CFR 122.26 (b) (14) (i - xi, except x) will require National Pollutant Discharge Elimination System (NPDES) storm water discharge permits if material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. Industrial operators claiming "no exposure" are required to submit written certification. Storm water discharges that enter state waters or storm water conveyance

systems leading to state waters are subject to regulation and compliance with the conditions set forth in this permit. The Industrial Stormwater permit does not authorize the following stormwater discharges with effluent guideline limitations: cement manufacturing (40 CFR Part 411); feedlots (40 CFR Part 412); fertilizer manufacturing (40 CFR Part 418); petroleum refining (40 CFR Part 419); phosphate manufacturing (40 CFR Part 422); coal mining (40 CFR Part 434); mineral mining and processing (40 CFR Part 436); ore mining and dressing (40 CFR Part 440); and paving and roofing materials (40 CFR Part 443).

Stormwater addressed through other General Permits

In addition to the Industrial Stormwater permit, MDEQ has developed the following general permits to provide detailed coverages for these activities: hot mix asphalt, hydrostatic test, ready-mix concrete, wet deck log spray, and pesticide facilities. (40 CFR §122.26(b)(14)(x)):

- The Hot Mix Asphalt General Permit (HMAGP) authorizes permit coverage recipients to construct and operate air emissions equipment and to discharge storm water in accordance with limitations, monitoring requirements and other conditions set forth in this permit. Facilities requesting coverage under this permit must operate under Standard Industrial Classification (SIC) 2951. These are establishments primarily engaged in manufacturing asphalt and tar paving mixtures.

- The Hydrostatic Test General Permit covers the sporadic discharges of hydrostatic test water to waters of the State from new or used pipelines, storage tanks, flowlines, etc., used for transportation or storage of natural gas, crude oil, or liquid or gaseous petroleum hydrocarbons, or other substances which would adequately be detected by the effluent limitations in this permit.

- The Ready-Mix Concrete General Permit (RMCGP) authorizes permit coverage recipients to construct and operate air emissions equipment and to discharge process wastewater and storm water in accordance with limitations, monitoring requirements and other conditions set forth in this permit. Facilities requesting coverage under this permit must operate under one of the following Standard Industrial Classification (SIC):

    - SIC 3271 – Establishments primarily engaged in manufacturing concrete building block and brick from a combination of cement and aggregate.
    - SIC 3272 – Establishments primarily engaged in manufacturing concrete products, except block or brick, from a combination of cement and aggregate.
    - SIC 3273 – Establishment primarily engaged in manufacturing Portland cement concrete manufactured and delivered to a purchaser in a plastic and unhardened state.

- The Mining Storm Water, Dewatering, and No Discharge General Permit (Mining General Permit) authorizes mining storm water and dewatering discharges and operation of wastewater recirculation systems with no discharge. This permit also authorizes storm water discharges from other mining activities, designated by the (Department) Executive

Director, based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to waters of the State.

- The Wet Deck Log Spray with Recirculation General Permit (WDLSGP) authorizes discharges from Wet Deck Log Spray (WDLS) recirculation systems. Discharges from WDLS facilities that enter state waters or conveyance systems leading to state waters are subject to regulation and compliance with the conditions set forth in this permit. This permit also authorizes storm water discharges from other industrial activities, designated by the Executive Director based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to state waters.

- The Pesticide General Permit, for Point Source Discharges to State Waters of Mississippi, covers operators who discharge to waters of the State from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (hereinafter collectively "pesticides"), for the following pesticide use patterns. Chemical pesticide residuals are pollutants as applied if they are discharged from a point source for which NPDES permits are required. Biological pesticides on the other hand are always considered a pollutant under the Clean Water Act (CWA) regardless of whether the application results in residuals or not and require NPDES permit coverage.

Stormwater addressed through Individual Permits

In addition to the Industrial Stormwater General Permit and the general permits listed above, other Stormwater discharges are covered through individual NPDES permits. These individual permits include Municipal Solid Waste (MSW) Landfills, Facilities with an applicable Stormwater ELG (cement manufacturing (40 CFR Part 411); feedlots (40 CFR Part 412); fertilizer manufacturing (40 CFR Part 418); petroleum refining (40 CFR Part 419); phosphate manufacturing (40 CFR Part 422); coal mining (40 CFR Part 434); mineral mining and processing (40 CFR Part 436); ore mining and dressing (40 CFR Part 440); and paving and roofing materials (40 CFR Part 443)), and discharges into waterbodies where a TMDL would require additional numeric limitations on the discharge.

Erosion and Sediment Controls

Erosion controls provide the first line of defense in preventing off-site sedimentation and are designed to prevent erosion through protection and preservation of soil. Sediment controls are designed to identify areas with a high potential for soil erosion, and specify prevention measures to limit erosion. Major types of erosion and sediment practices are summarized in MDEQ guidance manuals and many other recognized design manuals.

Housekeeping Best Management Practices (BMPs)

Pollutants that could be discharged in storm water from industrial facilities because of poor housekeeping include oil, grease, paints, gasoline, concrete truck chute washdown, raw materials, solvents, litter, debris and sanitary wastes. SWPPPs must specify BMPs to address these pollutants.

Risk Identification and Assessment/Material Inventory

Risk Identification and Assessment/Material Inventory assess the pollution potential of various sources at the facility including loading and unloading operations; outdoor storage, manufacturing or processing activities; significant dust or particulate generating processes and on-site waste disposal practices. Factors to consider include the toxicity and quantity of chemicals used, produced, or discharged, the likelihood of contact with storm water and history of significant leaks or spills of toxic or hazardous pollutants; including an inventory of materials handled. Based on the Risk Identification and Material Inventory management controls and, if necessary, structural controls to reduce or eliminate the potential for pollutants in the storm water discharges shall be specified.

Preventative Maintenance

A preventive maintenance program involves inspection and maintenance of storm water management devices (cleaning oil/water separators, catch basins, etc.) and the inspecting and testing of equipment to preclude breakdowns or failures that may cause pollution.

Facilities Subject to SARA Title III, Section 313

In 1986, the U.S. made significant changes and additions to Superfund with the passage of the Superfund Amendments and Reauthorization Act or SARA. The law was a direct response to the 1984 chemical disaster in Bhopal, India where methyl isocyanate gas leaked from a tank and killed approximately 3,800 people and injured thousands more.

One of the biggest changes instituted under SARA was the passage of the Emergency Planning and Community Right-To- Know Act or EPCRA. A separate law unto itself, it is commonly known as SARA Title III and it sets requirements for local and state emergency planning around hazardous chemicals, the right of the public to access information on chemical hazards in their community, and the reporting responsibilities for facilities that use, store, and / or release hazardous chemicals.

SARA Title III chemicals should be identified and areas where Section 313 Water Priority Chemicals are Transferred, Processed, or Otherwise Handled. Piping, processing and handling equipment shall be designed and operated so as to prevent discharges of Section 313 Water Priority Chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with Section 313 Water Priority Chemicals. Additional protection such as covers or guards to prevent exposure to wind, spraying or releases from pressure relief vents shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 Water Priority Chemicals without secondary containment.

Use of Control Measures to Meet Effluent Limits

MDEQ generally does not mandate the specific control measures operators must select, design and implement to meet non-numeric effluent limitations. It is up to the operator to determine what must be done to meet the applicable effluent limits. Control measures can be actions (including processes, procedures, schedules of activities, prohibitions on practices and other management practices), or structural or installed devices to prevent or reduce water pollution. They can be just about anything that “does the job” of preventing deleterious substances from entering the environment, and of meeting applicable limits.

In this permit, industrial facilities are required to select, design, implement and maintain site-specific control measures to meet these limits. The permit, along with associated guidance manuals, provide examples of control measures, but industrial facilities must tailor these to their sites as well as improve upon them as necessary to meet permit requirements.

Monthly Site Inspections
Visual site inspections are performed at minimum of once per month to ensure effectiveness of control measures contained in the SWPPP by a trained employee. This inspection will cover all areas contributing to Stormwater discharges. The results of these inspections will be recorded on a monthly inspection form and must be available upon request.

Facility Site Inspections
The procedures for MDEQ's Enforcement and Compliance Division facility inspections follow:
(1) The compliance inspector inspects the SWPPP and annual reports during their inspection the facilities can be cited for violations for failure to update their SWPPP.
(2) The compliance inspector checks that the recoverage form the facility certifies that the SWPPP is up to date and has any amendments attached.

Annual Comprehensive SWPPP Evaluation
The Industrial Stormwater General Permit requires a comprehensive evaluation of the SWPPP each calendar year by December 31st. This evaluation will determine the accuracy and effectiveness of the SWPPP, ensure the SWPPP is updated, and meets all the requirements of the permit. The results of this evaluation will be recorded on an Annual Comprehensive SWPPP Evaluation form and must be available upon request.

Antidegradation
MDEQ will conduct the antidegradation review for each activity for which a Notice of Intent (NOI) to discharge is received for coverage under a general permit. The procedures for general permits follow:

(1) An application is received for coverage (NOI).

(2) The NOI is posted on MDEQ's website at

http://opc.deq.state.ms.us/report_gnp_notice.aspx. Typically, the notice is posted for at least a 10-day period prior to action on the NOI.

(3) The permit manager uses MDEQ's tools to verify the impairment status [303(d) List and TMDL(s) developed] of the project receiving stream. Staff then makes determination of applicability/compliance for application. [TMDLs for each facility can release into an impaired waterbody as long as facility is not further impairing wasteload allocation]

(4) The permit manager uses the NOI application and other available data and information to answer a list of questions that relate to a proposed project including alternatives analysis and socio-economic issues.

(5) The information in the completed project awareness checklist provides the basis for MDEQ to complete its antidegradation review.

(6) If, based on the results of the antidegradation review, MDEQ determines that the applicant can receive coverage under a general permit, notice of coverage by a general permit is posted on MDEQ's website at http://opc.deq.state.ms.us/report_gnp_issued.aspx.

(7) If, based on the results of the antidegradation review, MDEQ determines that the applicant cannot receive coverage, the applicant must apply for an individual NPDES permit and fulfill the requirements of Section IV of this methodology.

APPENDIX A

Changes Incorporated in 2020 Reissuance

- The Baseline General Permit has been renamed to Industrial Stormwater General Permit

- Any changes in the area of the footprint of the facility identified the original submittal has been added to the Expansion and Modification Notification section.

- ACT6 Additional SWPPP Requirements for Rubbish Sites Accepting Industrial Waste has been added to assure that rubbish sites accepting Industrial Waste as regulated by Nonhazardous Solid Waste Management Regulations are covered under a stormwater permit.

- Rubbish sites accepting Industrial Waste as regulated by Nonhazardous Solid Waste Management Regulations have been added to the Monthly Site Inspections section this permit.

- ACT7 Additional Requirements for Automotive Salvage has been added to this permit to clarify the additional requirements for these industries.

- The coal piles section has been amended to clarify its limitations.

- The following has been added to address eReporting: In addition to mailing paper, electronic submittals are also recommended. Electronic submittals can be submitted at the following link: https://www.mdeq.ms.gov/rmcgp/. After December 20, 2020 (or a later date specified by EPA), these forms shall be submitted by the coverage recipient electronically as instructed by MDEQ.

- A modification form has been added to the Industrial Stormwater forms package to address any amendments denoted in ACT4, condition S-3.