

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT
601 57th STREET SE
CHARLESTON, WV 25304

FACT SHEET, INFORMATION, AND RATIONALE
FOR REVISION OF
WEST VIRGINIA/NPDES
MULTI-SECTOR GENERAL WATER POLLUTION CONTROL PERMIT
NUMBER WV0111457

1. **NAME AND ADDRESS OF APPLICANT:** Any establishment with discharges, composed entirely of stormwater associated with industrial activity, agreeing to be regulated under the terms of this proposed general permit (except as noted herein).
2. **GENERAL WV/NPDES PERMIT NO.:** WV0111457
3. **COUNTY:** Any WV county **RECEIVING STREAM:** Any WV stream
4. **PUBLIC COMMENT PERIOD: FROM:** 9/17/20 **TO:**10/23/20

The public may participate in the modification process by submitting written comments throughout the public notice period to:

DWWM MSGP
Attention: Sharon Mullins
601 57th ST SE
Charleston, WV 25304
sharon.a.mullins@wv.gov
(304) 926-0499 extension 43808

Please title Comments or Requests for Public Hearing:
MSGP WV0111457

The Director shall consider all comments prior to acting on the proposed permit modification.

Comments should include the name, address, and telephone number of the writer and a concise statement of the nature of the issues raised. Commenters are asked to list the permit number WV011147 on their comments. Commenters may further participate in the final decision by requesting a public hearing be held for the purpose of addressing the items listed in this fact for change, omission, or addition to the GP. The Director shall hold a public hearing whenever a finding is made, on the basis of requests, that there is a significant degree of public interest on issues relevant to the proposed permit.

If information received during the public comment period appears to raise substantial new questions, the Director may reopen the public comment period.

The draft permit and Fact Sheet may be reviewed at: (insert web address), or, may be inspected, by appointment, at the Division of Water and Waste Management Public Information Office, at 601 57th Street SE, Charleston, WV, between 8:30 a.m. and 4:30 p.m. on business days.

Copies of the proposed permit and Fact Sheet or further information may be obtained upon request to Sharon Mullins whose contact information is listed above. Individuals requiring Telecommunication Device (TDD) may contact our agency by calling (304) 926-0493. Calls must be made 8:30 a.m. to 4:30 p.m. Monday through Friday.

5. **BACKGROUND**

The West Virginia Multi-Sector Stormwater General Permit (GP) for Industrial Activities is intended to cover stormwater discharges to waters of the State from a wide variety of industrial activities and is derived from, and based in large part upon, the Final National Pollutant Discharge Elimination System (NPDES) Multi-Sector Stormwater General Permit For Industrial Activities as promulgated by the Environmental Protection Agency (EPA) in Federal Register Volume 80 No. 115, Tuesday June 16, 2015 / Notices (the “Federal Multi-Sector Permit” or FMSP).

6. **PURPOSE OF PROPOSED REVISION**

The Division of Water and Waste Management (DWWM) is proposing to modify the GP in response to Order Number 19-13-EQB issued by the West Virginia Environmental Quality Board. A copy of the Order is found at the end of this Fact Sheet. The Order addressed four items for modification in the GP:

1. Change the wording for the Water Quality Standards section;
2. Include a list of Allowable Non-Stormwater Discharges;
3. Change the benchmark monitoring frequency from 1/3 months to Quarterly and;
4. Clarify that two consecutive exceedances of benchmarks does not obligate a permittee to apply for an individual NPDES permit; rather it requires the permittee to modify its Stormwater Pollution Prevention Plan.

7. EPA's ROLE IN THE NPDES PROGRAM

The NPDES program is authorized by the federal Clean Water Act and the EPA has responsibility for oversight of its implementation. West Virginia administers the NPDES program on behalf of the EPA; therefore, permitting, inspections, and enforcement actions are subject to EPA review.

The draft modification of the GP, as written to satisfy Order Number 19-13-EQB, was referred to EPA prior to proceeding to the public notice stage of the modification process. Input from EPA was received and incorporated into the draft modified permit. With the exception of the language in the Water Quality Standards section that did not comply with WV state regulations, EPA did not notify DWWM of concerns about the issues in the Order from the EQB, therefore the draft modified permit includes the remaining changes and clarifications.

8. TYPES OF DISCHARGES COVERED

The modified permit primarily relies on EPA's definition of "stormwater discharges associated with industrial activity" defined in its Multi-Sector General Permit (MSGP). The industrial categories have been grouped into the appropriate Standard Industrial Classification (SIC) Sectors based upon similarities in the nature of the industrial activity, the type of materials handled, and material management practices employed. The draft modified GP also covers stormwater discharges associated with industrial activity from those industries which will not be, or are currently not, covered under sectors A through V. Sector W addresses these other industrial discharges. Refer to the draft permit, Section A, for the types of discharges covered under each sector.

9. TYPES OF DISCHARGES NOT COVERED

The DWWM intends to regulate pollutants in stormwater discharges associated with industrial activity listed below through permits other than this GP (WV0111457). For example, listed dischargers that are subject to Effluent Limitation Guidelines are authorized to discharge stormwater under individual WV/NPDES permits. There are a total of fourteen (14) GPs used by DWWM to provide NPDES coverage to industrial type discharges, and examples of GPs that address other stormwater discharges include number WV0115924 for discharges associated with construction activities and number WV0116815 for discharges associated with oil and gas construction related activities.

The DWWM's goal is to permit stormwater discharges under the most appropriate permit.

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)
Steam Electric (40 CFR Part 423)
Coal Mining (40 CFR Part 434)
Mineral Mining and Processing (40 CFR Part 436)
Ore Mining and Dressing (40 CFR Part 440)
Oil and Gas Extraction (SIC Major Group 13)
Publicly Owned Treatment Works (SIC 4952)
Landfills (SIC 4953)
Sewage Sludge Land Application Sites (SIC 4953)
Discharges Associated with Construction Activities (SIC 1629)
Wood Preserving Facilities (SIC 2491)
Hazardous Waste Treatment, Storage or Disposal Facilities (SIC 4953)
Leather Tanning or Finishing (SIC 3111)
Water Transportation Facilities (SIC 4412-4499)
Ship and Boat Building or Repairing (SIC 3731)
*Primary Metals (SIC 33)

*Primary Metals facilities are eligible for coverage under this GP (under Sector R), if the facility is providing pretreatment for the industrial wastes, in accordance with 47 CSR Part 10.14 and is transferring the wastes to a POTW which has been granted the proper permit or authority to accept such wastes and the facility has a discharge composed entirely of stormwater.

10. MONITORING REQUIREMENTS

The modified GP requires analytical monitoring of stormwater specific to the discharges from classes of industrial facilities. Monitoring is required for the industry sectors or subsectors that demonstrate a potential to discharge pollutants at concentrations or levels of concern that could be harmful to water quality. These levels are called benchmarks.

The level of concern is a concentration at which a stormwater discharge could potentially impair, or contribute to impairing, water quality or affect human health from ingestion of water or fish. DWWM also views the benchmarks as a level that, if below, a facility would represent little potential for water quality concern. As such, the benchmarks also provide an appropriate level to determine whether a facility's stormwater pollution prevention measures are being successfully implemented. The benchmark concentrations are not effluent limitations and should not be interpreted or construed as such. These values are levels which the DWWM is using to determine if a stormwater discharge from any given facility merits further scrutiny to ensure that the facility has been successful in implementing the Stormwater Pollution Prevention Plan (SWPPP) contained in the application that was approved for permit coverage. As such, benchmark levels represent a target concentration for a facility to achieve through implementation of pollution prevention measures at the facility.

The following table lists the parameter benchmark values and provides a reference to the Source for the monitoring concentrations.

**Parameter Benchmark Values
West Virginia**

Parameter Name	Benchmark Monitoring Concentrations	Source*
Biochemical Oxygen Demand (5)	30 mg/l	4
Chemical Oxygen Demand	120 mg/l	5
Total Suspended Solids	100 mg/l	14
Oil and Grease	15 mg/l	8
Nitrate+Nitrite Nitrogen	0.68 mg/l	7
Total Phosphorus	2.0 mg/l	6
PH	6.0-9.0 s.u.	14
Acrylonitrile (c)	7.55 mg/l	2
Aluminum, Total (pH 6.5-9)	0.75 mg/l	1
Ammonia	4 mg/l	14
Antimony, Total	0.636 mg/l	9
Arsenic, Total (c)	0.16854 mg/l	9
Benzene	0.01 mg/l	10
Beryllium, Total (c)	0.13 mg/l	2
Butyl benzyl Phthalate	3 mg/l	3
Cadmium, Total (H)	0.0159 mg/l	9
Copper, Total(H)	0.0636 mg/l	1
Chloride	860 mg/l	1
Dimethyl Phthalate	1.0 mg/l	11
Fluoranthene	0.042 mg/l	3
Fluoride	1.8 mg/l	6
Iron, Total Recoverable	1.5 mg/l	12
Lead, Total (H)	0.0816 mg/l	1
Manganese	0.0636 mg/l	13

Parameter Name	Benchmark Monitoring Concentrations	Source*
Mercury, Total	0.0024 mg/l	1
Nickel, Total (H)	1.417 mg/l	1
PCB-1016(c)	0.000127 mg/l	9
PCB-1221(c)	0.10 mg/l	10
PCB-1232(c)	0.000318 mg/l	9
PCB-1242(c)	0.00020 mg/l	10
PCB-1248(c)	0.002544 mg/l	9
PCB-1254(c)	0.10 mg/l	10
PCB-1260(c)	0.000477 mg/l	9
Phenols, Total	1.0 mg/l	11
Pyrene (PAH.c)	0.01 mg/l	10
Selenium, Total	0.2385 mg/l	9
Silver, Total (H)	0.0318 mg/l	9
Trichloroethylene (c)	0.0027 mg/l	3
Zinc, Total (H)	0.117 mg/l	1

(*) Sources

1. "EPA Recommended Ambient Water Quality Criteria." Acute Aquatic Life Freshwater
2. "EPA Recommended Ambient Water Quality Criteria." LOEL Acute Freshwater
3. "EPA Recommended Ambient Water Quality Criteria." Human Health Criteria for Consumption of Water and Organisms
4. Secondary Treatment Regulations (40 CFR 133)
5. Factor of 4 times BOD5 concentration - Benchmark
6. North Carolina stormwater benchmark derived from NC Water Quality Standards
7. National Urban Runoff Program (NURP) median concentration
8. Median concentration of Stormwater Effluent Limitation Guideline (40 CFR Part 419)
9. Minimum Level (ML) based upon highest Method Detection Limit (MDL) times a factor of 3.18
10. Laboratory derived Minimum Level (ML)
11. Discharge limitations and compliance data
12. WV State water quality standards.
13. Colorado - Chronic Aquatic Life Freshwater - Water Quality Criteria
14. Final 1995 MSGP Federal Register Notice, which was used for the Baseline GP.

Notes:

- (c) carcinogen
- (H) hardness dependent
- (PAH) Polynuclear Aromatic Hydrocarbon

The benchmarks for total recoverable lead for all sampling are proposed at 0.0816 mg/l, 0.117 for total recoverable zinc, and 0.0636 for total recoverable copper. These samples are hardness dependent, and DWWM used a hardness value of 100 mg/l to determine these values. 100 mg/l is a conservative value of hardness for all waters of the state.

As can be seen here, benchmark concentrations were determined based upon several existing standards or other sources to represent a level above which water quality concerns could arise. The DWWM believes that each of these benchmark values represents a reasonable level below which water quality impacts should not occur and therefore represent a useful level to assess whether a SWPPP is controlling pollution in the stormwater discharges.

Certain industrial discharges are eligible for coverage under the EPA MSGP even though ELGs have been established, therefore this GP also allows these establishments to register for coverage under this GP. The three industrial sectors are:

- Sector H for stormwater Discharges Associated with Industrial Activity from Vehicle Maintenance Areas, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities, when the permittee opts to monitor for urea rather than submit an annual certification that urea is not used for deicing;
- Agriculture Chemicals for SIC 2874;
- Asphalt Paving and Roofing Materials Manufacturing Facilities for SIC 2911.

11. NPDES Permitting Process

Beginning in 2011, DWWM began processing NPDES permit applications using an online platform, called the Electronic Submission System (ESS). Several factors served as driving forces for the change from paper to electronic processing, not the least of which was the DWWM's focus on public participation. Through a portal called the Public Query, ESS offers everyone the means for viewing NPDES applications deemed Administratively Complete. Hereinafter, this Fact Sheet will refer to the system utilized by DWWM as *ESS*.

12. SIGNIFICANT PROPOSALS FOR MODIFICATION TO WV0111457

A. 19-13-EQB

To satisfy the Order from the Environmental Quality Board, the proposed revisions include:

1. A listing of non-stormwater discharges, which can be found in Section B.2. of the modified permit - The following non – stormwater discharges are proposed for all sectors provided all discharges comply with the requirements of this permit.

- Discharges from emergency/unplanned fire-fighting activities.
 - Fire hydrant flushing.
 - Potable water, including waterline flushing.
 - Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gasses or liquids.
 - Irrigation drainage.
 - Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling.
 - Pavement wash waters where no detergents or hazardous cleaning products (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities, or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention; settlement).
 - Uncontaminated ground water or spring water.
 - Foundation or footing drains where flows are not contaminated with process materials.
 - Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., piped cooling tower blowdown; drains).
2. Frequency for sampling of stormwater discharges is to change from 1/3 months to quarterly. The intent is that sampling would be done once during each calendar quarter (January through March, April through June, July through September, and October through December) if there is a qualifying storm event, with reports of the results of sampling events due by the 25th day of the month following the quarter in which sampling occurred. The change can be found in each sector table displaying the parameters to be tested, which are contained in Section A.1.
 3. The GP to be modified to state that two consecutive exceedances of benchmarks do not obligate a permittee to apply for an individual NPDES permit; rather, the permittee is required to modify its Stormwater Pollution Prevention Plan. Section B.6. of the draft permit makes this clarification.
 4. The final requirement of the Order is to change the language in the Water Quality Standards section. The Order's language is:

This discharge shall not cause or materially contribute to: distinctly visible floating or settleable solids, suspended solids, scum, foam or oily slicks; deposits or sludge bank on the bottom; odors in the vicinity of the waters; taste or odor that would adversely affect the

designated uses of the affected waters; distinctly visible color which may impair or interfere with the designated uses of the affected waters; and shall not cause a fish or mussel kill. The limitations and conditions in this permit for the discharges identified in this permit are limitations and conditions that are necessary to meet applicable West Virginia water quality standards, Requirements Governing Water Quality Standards 47 CSR 2.

See the next item in this Fact Sheet for more on this requirement from 19-13-EQB.

B. EPA Recommendation

EPA recommended that language in the Water Quality Standards section, found in Section B.12, be reworded as stated here, which differs from the ordered language:

The discharge shall not cause or materially contribute to distinctly visible floating or settable solids, suspended solids, scum, foam or oily slicks; deposits or sludge bank on the bottom; odors in the vicinity of the waters; taste or odor that would adversely affect the designated uses of the affected waters; materials in concentrations which are harmful, hazardous or toxic to man, animal or aquatic life, distinctly visible color, algae blooms or concentrations of bacteria which may impair or interfere with the designated uses of the affected waters, requiring an unreasonable degree of treatment for the production of potable water by modern water treatment processes as are commonly employed and any other condition, including radiological exposure which adversely alters the integrity of the waters of the state; and shall not cause a fish or mussel kill. The limitations and conditions in this permit for the discharges identified in this permit are limitations and conditions that are necessary to meet applicable West Virginia water quality standards, Requirements Governing Water Quality Standards 47 CSR 2.

Since the language ordered by the EQB differed with that provided by the EPA, a decision on which version to propose in the draft modified permit had to be made by DWWM. The language proposed by EPA was taken wholly from section 47-2-3 of the Requirements Governing Water Quality Standards, whereas the language from the EQB Settlement Agreement only contained a portion of the language from the WV regulation. For this reason, the DWWM agrees to the language EPA recommends for revising the Water Quality Standards section of the draft permit.

C. Retaining or Obtaining Coverage

This portion of the draft permit states that applications for coverage are to be submitted through ESS. Applications that must be public noticed are to include a Statement for Billing. West Virginia's Code of State Regulations (CSR) 47-10 require permit applicants to bear the cost for public noticing and state an ad must be placed in a newspaper with the largest readership in the area of the facility. Many newspapers will not publish the ad without assurance for payment and the Statement for Billing serves as that assurance.

Rather than requiring facilities with existing coverage under the April 12, 2019 GP to submit a complete new application for authorization to discharge once this modified GP is issued, DWWM

intends to use a simplified form called the Renewal Certification Document. The form will be available in ESS and its use is limited to registrations approved from April 12, 2019 through the effective date of the modified GP. An application fee will not be charged for this application type. No modifications will be approved through the Renewal Certification Documents. DWWM's goal with the form is to provide an opportunity for existing permittees that wish to renew their coverage under the modified GP to do so with the least disruption possible, provided the permittees agree to abide by the terms and conditions of the modified GP. Qualified permittees are urged to review the option carefully because there is a deadline for applying, which will be sixty (60) days from the modified GP's effective date. Eligible permittees who miss the deadline are offered an additional thirty (30) days to continue coverage by submitting a Reissuance Application.

Language in the modified GP explains to permittees who do not submit a Renewal Certification Document or a Reissuance Application by the deadlines provided in the preceding paragraph, that a complete, new application is will be required and until the new application is approved, stormwater dischargers are considered to be operating without a permit.

There are some reissuance applications DWWM is still processing. Most of the applications in this category have been reviewed and DWWM has asked for additional information or corrections to the applications. DWWM will notify these applicants to comply with the terms and conditions of the proposed modified GP. Those who do so within a reasonable timeframe will be processed and recalcitrant permittees will need to file a completely new application.

DWWM has very limited human resources for reviewing applications for coverage under this GP. Permittees who allow their coverage to lapse create an unmanageable workload since its impossible to predict the number of applications to process at any given time. The busiest time should be for several months following deadlines for renewing coverage. DWWM could possibly shift its human resources for the months where the load is at its peak, but late applications are the bane of planning. This Fact Sheet advises each permittee that a late reissuance application equals no reissuance application.

The section of the draft permit containing terms and conditions defines major modifications to approved registrations. It also informs permittees of the public notice requirements for major modification applications. Major modifications include adding new outlets, applying to discharge to streams not listed in the original application, and to add or change Sector/SIC Codes, such as when a manufacturing plant adds a new product line.

D. Public Notice Requirements

Public noticing of applications for authorization to discharge under the GP for the very first time is not a new requirement. What previous GPs failed to do was clearly call out other times when public participation was appropriate.

Primarily to engage the public in the process of meeting Anti-Degradation requirements, the GP traditionally required public notice for the initial application for a facility. The draft modified GP continues the opportunity for renewing coverage to existing permittees without public notice, provided there are no changes at their facilities that could alter the quality of their stormwater discharges as currently permitted. The logic to this tradition is there's nothing new going on to announce to the public. Renewing this type of coverage is not subject to public notice, provided a complete application is made by the due date given in the permit.

Reissuance applications that contain requests for major modification to existing coverages will be subject to public notice. An example of an application of this type is a proposal to add an outlet during the renewal process.

E. Continuation of this GP and Continuing Coverage

Items 2 and 4 in this section are combined in the draft modified permit, since both address termination of coverage. Also, language was added to let permittees know to submit notices of termination through ESS when seeking an end to coverage. Termination is not complete until approved by the Director.

F. Permit Organization

As a state authorized to administer NPDES on behalf of the EPA, DWWM designs its own GP. Section A informs permittees about the stormwater monitoring requirements for the industrial activities eligible for coverage and Section B contains other requirements including SWPPP elements. Not all permits are set up this way, including the EPA MSGP.

An EPA recommendation to spell out SWPPP requirements for all industrial sectors was considered, but DWWM ultimately chose to keep its GP's traditional format. DWWM is willing to work with EPA and industry to develop sector-specific SWPPP requirements, but with its limited resources, DWWM views this as a long-term project. However, DWWM agrees with the EPA that permittees need to know of their obligations beyond monitoring. For this reason, references to Section B requirements have been described in Section A.

Furthermore, several permit terms in the past, DWWM made the decision to review each and every SWPPP to look for site-specific pollution controls. The reviews give DWWM the opportunity to look at the viability of the measures while giving applicants the flexibility to propose controls they purport to be the most suitable for their own sites.

This modified GP groups the three categories of industrial discharges with applicable effluent limitation guidelines (ELGs). Section A.2 contains the monitoring requirements for Agricultural Chemicals, SIC Code 2874; Asphalt Paving and Roofing Materials Manufacturing Facilities and SIC code 2911 consistent with the federal requirements.

Total phosphorus has been added to the monitoring requirements for SIC Code 2874, based on the ELG.

Monitoring requirements for new and existing airports subject to an ELG rather than benchmark concentrations was also moved to Section A.2.

G. Update to Standard Industrial Classifications

The draft modified GP offers better classification of stormwater discharges by being more specific in listing Standard Industrial Classification Major Groups, Groups Numbers, and Codes.

H. Sector W Coverage Must Be Requested

Sector W is used to provide permit coverage for facilities designated by WVDEP as needing a stormwater permit, and any discharges of stormwater associated with industrial activity that do not meet the description of an industrial activity covered by Sectors A-V. Because this sector is primarily intended for use by discharges designated by the WVDEP as needing a stormwater permit (which is an atypical circumstance), and your facility may or may not normally be discharging stormwater associated with industrial activity, you must obtain the Director's written permission to use this sector prior to submitting an NOI. WVDEP will establish any additional monitoring and reporting requirements for your facility prior to authorizing you to be covered by this permit. Additional monitoring requirements would be based on the nature of activities at your facility and your stormwater discharges.

I. Releases in excess of Reportable Quantities

The release of hazardous substances in stormwater discharges is prohibited. Previously, the GP stated that the discharge of such substances was to be in accordance with the SWPPP. This change is proposed since the SWPPP must be designed to control pollutants, and hazardous substances should not be in the stormwater.

J. Maintaining Low Concentration Waivers at Reissuance

Section B.4. explains that permittees may obtain waivers for benchmark sampling requirements after four consecutive sample results are averaged and come in lower than the benchmark concentration level. Instead of sampling for the remainder of the permit term, permittees have the option to certify annually that nothing at the facility changed that could affect the quality of the stormwater discharge.

At reissuance, DWWM conducts a review of the SWPPP contained in the application. The SWPPP cannot contain changes to the conditions at the facility that would affect eligibility for the waiver. DWWM then requires a confirmation sample, and provided the report of the analysis supports the veracity of the application (that nothing changed at the site), the waiver is re-authorized.

K. Section B.6.a. - Corrective Actions

As the EQB Order clarified, applying for an individual permit is only required after a permittee operating under benchmark requirements takes action to evaluate the SWPPP and make changes

to meet benchmarks but still has exceedances. DWWM recognized the concern presented in the order and that was the huge gap between a first, second, even a third benchmark exceedance and that of facing the possibility of having to obtain an individual NPDES permit. This new subsection assists permittees with timelines and specific steps for corrective actions, based on benchmark exceedances.

Exceeding a benchmark is not a permit violation, however, exceedance requires corrective action by the permittee. With major input from EPA, and consistent with their MSGP, the modified GP notifies permittees of a pathway toward compliance and its goal is to help them remain eligible for coverage under the GP.

Readers of this Fact Sheet should note that exceeding ELGs are permit violations, while benchmark exceedances are not. A violation would occur if corrective action is not taken in response to a benchmark exceedance.

L. Section B.8.a. Conditions Requiring SWPPP Review

To further illustrate its efforts to comply with 19-13-EQB, DWWM provides, in this section of draft modified GP, clear language telling permittees when SWPPP review and revision should be done.

When a spill, leak, or unauthorized discharge of non-stormwater discharge occurs; when a discharge exceeds a benchmark; when control measures are not sufficient to meet the applicable water quality standards or non-numeric effluent limits; or when a required control was not installed, installed incorrectly, or not in compliance with permit terms, or is not being properly operated or maintained, the SWPPP should be reviewed and if appropriate, should also be revised.

M. Removal of Section B.9. Alternative Certification

This certification was written into previously issued permits to provide the option for a No Exposure certification on an outlet basis. The option was not put in to practice and, upon close examination echoes the benefits of Low Concentration Waivers. Furthermore, it's not a procedure EPA endorses, so Alternative Certifications is proposed to be removed from the permit.

N. Antidegradation Requirements

The GP does not provide the appropriate conditions for new discharges to adequately protect Tier 3 Waters; therefore, they cannot be authorized by coverage under the GP. Language in the Antidegradation Requirements, Section B.13 was revised to say that any new facility is not eligible for coverage under this permit for discharges to waters designated as Tier 3. An individual permit is required for stormwater discharges from new facilities into Tier 3 waters.

This portion of the proposed modified GP explains DWWM's approach to protecting non-Tier 3 waters as well. Applications for new facilities and new discharges from existing facilities are subject to public notice and comment. Also, all facilities' SWPPPs must include site-specific

pollution prevention measures and controls, and all receive DWWM review prior to approval to discharge. The proposed change for the modified GP is the explanation that major modifications, including new discharges from existing facilities will be subject to public notice.

To be clear about new discharges from existing facilities: if the new discharge is proposed for a Tier 3 stream, an individual permit is required.

Based on a review of SWPPP requirements in Section B.18., DWWM proposed to remove the below from the GP as it conflicts with Section N. of this Fact Sheet because site-specific SWPPPs versus generic ones is a major component of the strategy for meeting Anti-degradation requirements. Instead of having the below statement in the permit, it is being explained here instead. If a sector-specific SWPPP is proposed to the Director, the matter will be taken into consideration at the time. In other words, the concept doesn't fit with DWWM's anti-deg strategy, but the permit won't specifically prohibit the idea altogether. Much work would be necessary to develop sector-specific generic SWPPPs that could be classified as meeting antidegradation standards, and as stated earlier in this Fact Sheet, DWWM is open to the possibility considering its limited resources.

If representative organization of a significant number of facilities in a particular SIC code can develop and demonstrate an acceptable SWPPP and GPP template, the Director will review this approach for considering those facilities for coverage under this GP and in compliance with this section.

O. Section B.14. TMDL and CWA Section 303(d) Impaired Waters Requirements

DWWM maintains a list of approved TMDLs on its website. Interested parties can find reports, lists, and the integrated report by visiting:

https://dep.wv.gov/WWE/watershed/wtr_reports/Pages/water_reports.aspx

Also, DWWM verifies the classification of receiving waters when reviewing applications for GP coverage. Though its best for applicants to determine the category of receiving waters early in the planning process, the review process does include a verification step.

P. Endangered and Threatened Species Requirements

EPA recommended adding to this section and DWWM agreed. "The permittee shall perform an investigation to determine whether their discharge will impact any endangered and/or threatened species, including critical habitat."

Q. Reopener Clause

If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit in accordance with Section B.1. of this

permit or the permit registration may be modified. If a modification is needed, the permittee must apply for a modification using the proper permit registration modification form which may be subject to public notice. A public notice is required if the modification makes major changes to a site such as adding a new outfall. When modified, the permit registration may include different benchmarks and/or requirements.

R. SWPPP Modifications

This new section, B.18.B. explains when it's necessary to modify the SWPPP.

Construction or a change in design, operation, or maintenance at the facility that significantly changes the nature of pollutants discharged in stormwater from the facility, or significantly increases the quantity of pollutants discharged.

The SWPPP shall also be modified in accordance with section B.6.

S. Liabilities

In addition to 14.a), 14.b), and 14.c) of Appendix A of the permit, the authority provided by Clean Water Act section 309, which sets out enforcement criteria and penalties for violations of the Act, and 40 CFR Part 19, which provides for the adjustment of civil monetary penalties for inflation is applicable to violations of this permit.

David L. Yaussy
Direct: 304-340-3829
Email: dyaussy@spilmanlaw.com

October 11, 2019

Via E-mail and Hand-Delivery
Ms. Jackie D. Shultz, Clerk
West Virginia Environmental Quality Board
601 57th Street, S.E.
Charleston, WV 25304



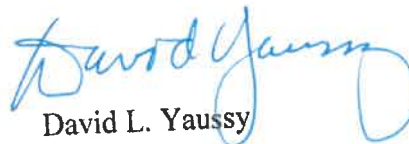
Re: *West Virginia Multi-Sector Water Pollution Control Permit,
WV/NPDES Permit No. WV0111457*

Dear Ms. Shultz:

Please find enclosed for filing the original and six copies of the Builders Supply Association of West Virginia's **Notice of Appeal** of the above-referenced permit. An electronic copy of the appeal has been provided to the Department of Environmental Protection's Office of Legal Services.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



David L. Yaussy

DLY:ksw

Enclosure

cc: Jason Wandling, Esq.

West Virginia Environmental Quality Board
Charleston, West Virginia



Builders Supply Association of
West Virginia,

Appellant,

v.

Appeal No. 19-13-EQB

Director, Division of Water and Waste Management,
West Virginia Department of Environmental
Protection,

Appellee.

NOTICE OF APPEAL

The appellant named above respectfully represents that it is aggrieved by the following conditions of WV/NPDES Permit No. WV0111457 (“the Permit”), issued on September 12, 2019 and effective October 12, 2019:

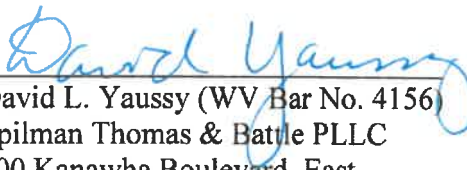
1. The requirement to sample stormwater every 3 months, as provided throughout Section A;
2. The prohibition of non-stormwater discharges, Section B.2;
3. The prohibition of violations of applicable water quality standards, Section B.13 and Appendix A, Section I.12; and
4. The statement in the appellee's response to comments that a permittee with consecutive exceedances of benchmarks must apply for an individual NPDES permit.

The appellant therefore prays that this matter be received and that the Board grant the following relief: amend the Permit to remove or modify the conditions identified above, as the Director should have done, or to provide such additional guidance and clarification through order of this Board, in light of the deficiencies identified in the attached Specific Objections, Questions of Fact and Conclusions of Law.

The specific objections to this action, including questions of fact and law to be determined by the Board, are set forth in detail in separate numbered paragraphs and attached hereto. The objections may be factual or legal.

Amendment of this Notice of Appeal may be had only by leave of the Board, and only for good cause shown.

Dated this 11th day of October, 2019.


David L. Yaussy (WV Bar No. 4156)
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Charleston, WV 25301
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Specific Objections to the Action of the Director

1. The Director, Department of Environmental Protection, Division of Water and Waste Management ("the Director"), issued WV/NPDES Permit No. WV0111457 ("the Permit") on September 12, 2019. The Permit will become effective October 12, 2019.
2. The Builders Supply Association of West Virginia ("BSA") is an organization that represents the cement and concrete industry within West Virginia, and the businesses and industries that support them. BSA members and their contractors regularly apply for and operate under the Permit, and their activities will be governed by the Permit until its termination or supersession. As such, they have an interest in the interpretation and implementation of the Permit. The BSA's objections to the terms of the Permit, and relevant Questions of Fact and Questions of Law raised by this appeal, are set forth herein.
3. The Permit requires sampling for discharges of stormwater from most industrial activities once every three months. That frequency of sampling represents a great expense for the many small operations that are regulated under the Permit. Unlike large businesses, small operations generally have to hire someone to perform stormwater sampling, and may have difficulty finding someone who can take stormwater samples at the appropriate time during a qualifying rain event. Six months may be needed to grab a sample at the right time. Furthermore, sampling once each three months leaves permittees uncertain as to when the sampling period begins and ends, and when is the reporting deadline. Semiannual sampling should be required.
4. Section B.2 states that "[a]ll discharges covered by this permit shall be composed entirely of stormwater." This is unrealistic, as it ignores the practical consideration that incidental non-stormwater discharges are neither unusual, nor do they pose any greater risk of environmental harm than stormwater discharges. It could force dischargers to obtain another permit for inconsequential discharges that should be covered under the Permit.

The previous iteration of the Permit allowed discharges of certain non-stormwater flows from industrial facilities in Section B.2:

The following non - stormwater discharges that are mixed with stormwater are allowed.

1. Mist discharges which originate from cooling towers and which are deposited at an industrial facility

Mist discharges must meet the following requirements: 1. The permittee has evaluated the potential for the discharges to be contaminated by chemicals used in the cooling tower and determined that the levels of such chemicals in the discharges would not cause or contribute to a violation of an applicable water quality standard and 2. The permittee has addressed

this source of pollutants with appropriate best management practices (BMPs) in the Stormwater Pollution Prevention Plan (SWPPP).

- 2. Discharges from fire fighting activities*
- 3. Fire hydrant flushings*
- 4. Potable water sources including waterline flushings*
- 5. Irrigation drainage*
- 6. Lawn watering*
- 7. Routine external building washdown without detergents*
- 8. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used*
- 9. Uncontaminated Air conditioning condensate*
- 10. Uncontaminated Compressor condensate*
- 11. Uncontaminated ground water or spring water and foundation and footing drains where flows are not contaminated with process materials*

These other sources of non - stormwater must be identified in the facility's SWPPP.

EPA's current Multi-sector Stormwater General Permit provides for non-stormwater discharges, including the following:

1.1.3.1 Allowable Non-Stormwater Discharges for all Sectors of Industrial Activity:

- Discharges from emergency/unplanned fire-fighting activities;*
- Fire hydrant flushings;*
- Potable water, including water line flushings;*
- Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gases or liquids;*
- Irrigation drainage;*
- Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;*
- Pavement wash waters where no detergents or hazardous cleaning products are used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities (see Part 5.2.3), or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention; settlement);*

- *Routine external building washdown /power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);*
- *Uncontaminated ground water or spring water;*
- *Foundation or footing drains where flows are not contaminated with process materials; and*
- *Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown; drains).*

1.1.3.2 Additional Allowable Non-Stormwater Discharge for Sector A:

Discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage (applicable only to Sector A facilities provided the nonstormwater component of the discharge is in compliance with the non-numeric effluent limits requirements in Part 2.1.2).

1.1.3.3 Additional Allowable Non-Stormwater Discharges for Earth-Disturbing Activities Conducted Prior to Active Mining Activities for Sectors G, H and J:

- *Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;*
- *Water used to control dust; and*
- *Dewatering water that has been treated by an appropriate control under Parts 8.G.4.2.9, 8.H.4.2.9, or 8.J.4.2.9.*

Note: These non-stormwater discharges are only authorized for earth-disturbing activities conducted prior to active mining activities, as defined in Part 8.G.3.2, 8.H.3.2, and 8.J.3.2. Once the earth-disturbing activities conducted prior to active mining activities have ceased, the only allowable non-stormwater discharges for Sectors G, H, and J are those listed in Part 1.1.3.1.

The Permit should allow similar non-stormwater discharges. Otherwise, the permittees may have no coverage for such discharges, or they may be required to obtain a separate permit for such discharges, which would be completely unnecessary and a waste of resources.

In addition, Section B.2 should include among the allowable non-stormwater discharges "water sprays on aggregate stockpiles." Concrete producers

continuously mist their aggregate stockpiles to ensure the proper level of moisture is contained within the sand, stone and gravel. Without this additional moisture the aggregates would dry the mixes while blending to a non-usable condition. This type of misting results in discharges that are not functionally different from stormwater discharges.

5. Section B.13 and Appendix A, Section I.12 mandate compliance with applicable water quality standards, in contravention of W. Va. Code §§ 22-11-6(a)(2) and 22-11-8(a).

For purposes of both this article and sections 309 and 505 of the federal Water Pollution Control Act, compliance with a permit issued pursuant to this article shall be considered compliance for purposes of both this article and sections 301, 302, 303, 306, 307, and 403 of the federal Water Pollution Control Act and with all applicable state and federal water quality standards, except for any standard imposed under section 307 of the federal Water Pollution Control Act for a toxic pollutant injurious to human health. Notwithstanding any provision of this code or rule or permit condition to the contrary, water quality standards themselves shall not be considered effluent standards or limitations for the purposes of both this article and sections 309 and 505 of the federal Water Pollution Control Act and may not be independently or directly enforced or implemented except through the development of terms and conditions of a permit issued pursuant to this article.

W. Va. Code §22-11-6(a)(2). W. Va. Code §22-11-8(a) provides that:

The secretary may, after public notice and opportunity for public hearing, issue a permit for the discharge or disposition of any pollutant or combination of pollutants into waters of this state upon condition that the discharge or disposition meets or will meet all applicable state and federal water quality standards and effluent limitations and all other requirements of this article and article three, chapter twenty-two-b of this code. While permits shall contain conditions that are designed to meet all applicable state and federal water quality standards and effluent limitations, water quality standards themselves shall not be incorporated wholesale either expressly or by reference as effluent standards or limitations in a permit issued pursuant to this article.

The provisions of Section B.13 and Appendix A, Section I.12 are an attempt to incorporate water quality standards wholesale into the Permit, and consequently must be removed or revised. Water quality standards are protected by the requirement of best management practices in Stormwater Pollution Prevention Plans (SWPPPs") and Groundwater Protection Plans ("GPPs")

6. Response 20 in the appellee's September 12, 2019 response to comments on the Permit states that "[f]acilities that cannot meet benchmarks after the second sampling event must

obtain an individual permit." That language is not found in the Permit, which only requires a re-evaluation of the SWPPP if there are two consecutive exceedances, not an individual permit. The BSA requests clarification that the Permit does not require an individual permit for sites that have missed one or more benchmarks during consecutive sampling events.

Questions of Fact

1. Whether it is reasonable to require stormwater sampling every three months.
2. Whether the Permit gives appropriate notice to permittees of when sampling must be done, and when monitoring results are due.
3. What similarities exist between stormwater discharges and non-stormwater discharges.
4. Whether the requirements of the Permit protect water quality.
5. Whether the Director intends to require individual permits for permittees that do not meet benchmarks for two consecutive sampling events.

Questions of Law

1. Whether the Director acted arbitrarily, capriciously or contrary to law, or abused her discretion, in issuing the Permit.
2. Whether the Director should have issued the Permit in the form containing the errors alleged herein.
3. Whether it is reasonable and lawful to require permittees to sample stormwater every three months.
4. Whether the Director should have eliminated the authorization of certain non-stormwater discharges.
5. What is the effect of not allowing non-stormwater discharges in the Permit.
6. Whether the Director can compel compliance with water quality standards, as opposed to inserting conditions that will lead to compliance with water quality standards.
7. Whether the Director can require application for an individual NPDES permit upon two consecutive benchmark exceedances.



**STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT
601 57th STREET SE
CHARLESTON, WV 25304**

**WEST VIRGINIA/NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MULTI-SECTOR GENERAL WATER POLLUTION CONTROL PERMIT**

Permit No. WV0111457

Issue Date: September 12, 2019
Effective Date: October 12, 2019
Expiration Date: September 12, 2024

Supersedes WV/NPDES General
Water Pollution Control Permit WV0111457
Issued March 3, 2014

Subject: Stormwater Associated
With Industrial Activity

This is to certify that any establishment with discharges composed entirely of stormwater associated with industrial activity, and who has satisfied the registration requirements, and agreeing to be regulated under the terms of this general permit GP except for:

1. Stormwater discharges associated with industrial activity from facilities with existing effluent guideline limitations EGL for stormwater, as listed herein.

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)
Steam Electric (40 CFR Part 423)
Coal Mining (40 CFR Part 434)
Mineral Mining and Processing (40 CFR Part 436)
Ore Mining and Dressing (40 CFR Part 440)
Asphalt Emulsion (40 CFR Part 443)
Oil and Gas Extraction (SIC Major Group 13)

2. Stormwater discharges associated with the following activities.

Wood Preserving Facilities (SIC 2491)

Publicly Owned Treatment Works (POTW) (SIC 33)

Landfills

Land Application Sites

Hazardous Waste Treatment, Storage or Disposal Facilities

Leather Tanning and Finishing (SIC 3111)

Water Transportation Facilities

Ship and Boat Building or Repairing (SIC 3731)

*Primary Metals

*Primary Metals facilities are eligible for coverage under this GP , if the facility is providing pretreatment for the industrial wastes, in accordance with 47 CSR Part 10.14 and is transferring the wastes to a POTW which has been granted the proper permit or authority to accept such wastes and the facility has a discharge composed entirely of stormwater.

3. Stormwater discharges associated with industrial activity from facilities with an existing individual NPDES permit which covers the stormwater discharges or which are issued a permit in accordance with Section B.1. of this permit.
4. Stormwater discharges associated with industrial activity that the Director has shown to be or may reasonably be expected to be contributing to a violation of a water quality standard.
5. Stormwater discharges associated with construction activities.
6. Registrations approved six months prior to and through the effective date of the GP may retain coverage under the Water Pollution Control Permit WV0111457. This Certification is available for facilities that have had no changes that could affect stormwater discharges since the registration approval date. This coverage is contingent upon all permittee certifying that they will agree to all terms and conditions of this GP by completing the required form provided by the Director.
7. Registrations issued more than 6 months prior to the effective date must submit a complete renewal application within six months of the effective date to continue coverage under this GP. The reissuance application must describe any changes that have taken place since the previous registration including new activities under additional sectors. New sources in this Permit are defined as stormwater discharges from any facility that began operations after the effective date of this GP. All other facilities discharges are defined as existing sources.

is hereby granted coverage under the General WV/NPDES Water Pollution Control Permit to allow stormwater discharges into the waters of the State.

This permit is subject to the following terms and conditions:

The information submitted on and with the Site Registration Application Form or any information presently incorporated in the permittee's previous WV/NPDES permits and other conditions set forth in Sections A, B, Appendix A and the approval issued by the Director is hereby incorporated with like effect as if all such information was set forth herein. All facilities requesting coverage under this GP for the first time are required to meet the public notice requirements. This requires a public notice in the local newspaper with the largest distribution in the area where the facility is located. The cost of this notice is

the responsibility of the applicant.

The validity of this permit is contingent upon the payment of the applicable annual permit fee, as required by Chapter 22, Article 11, Section 10 of the Code of West Virginia.

Continuation of this GP

If this GP is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 47 CSR Part 10 and remain in force and effect. If you were authorized to discharge under this GP prior to the expiration date, any discharges authorized under this Permit will automatically remain covered by this GP until the earliest of:

1. Your authorization for coverage under a reissued GP or under a replacement of this GP following your timely and appropriate submittal of a complete application requesting authorization to discharge under the new GP and compliance with the requirements of the new permit; or
2. Your submittal of notification that the facility has ceased operations, and a request for termination of permit coverage; or
3. Issuance or denial of an individual permit for the facility's discharge; or
4. A formal permit decision by the Director not to reissue this GP, at which time the Director will identify a reasonable time period of covered dischargers to seek coverage under an alternative GP or individual permit. Coverage under this permit will cease at the end of this time period.
5. If a permittee would like to terminate coverage under this GP, a signed, dated request must be submitted, on a form and in a format approved by the Director. When the request is received the Director has sixty days to conduct a site inspection and request additional information about the site before a decision on termination is made. The Director reserves the right to deny any termination request.

SECTION A

This portion of the GP identifies industrial activity eligible for coverage and associated benchmark monitoring requirements.

Sector A. Stormwater Discharges Associated with Industrial Activity from Timber Products Facilities

1. Discharges Covered Under this Sector. The requirements listed under this section shall apply to stormwater discharges from the following activities: establishments [generally classified under Standard Industrial Classification (SIC) Major Group 24] that are engaged in merchant sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, and plywood and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in manufacturing finished articles made entirely of wood or related materials, except for wood preserving facilities (SIC 2491), wood kitchen cabinet manufacturers (SIC 2434), and timber cutting operations.

2. Monitoring Requirements

Table A-1 (SIC 2421)
Monitoring Requirements for General Sawmills and Planing Mills Facilities

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Chemical Oxygen Demand	120.0 mg/l	1/3 Months
Total Suspended Solids	100 mg/l	1/3 Months
Total Recoverable Zinc	0.117 mg/l	1/3 Months
Biochemical Oxygen Demand	30 mg/l	1/3 Months
Iron, Total Recoverable	1.5 mg/l	1/3 Months

Table A-2
Monitoring for Log Storage and Handling Facilities (SIC 2411)

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/3 Months

Table A-3 (SIC 2435)

Monitoring Requirements for Hardwood Dimensions and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood and Structural Wood; Wood Containers; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified.

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Chemical Oxygen Demand	120 mg/l	1/3 Months
Total Suspended Solids	100 mg/l	1/3 Months

Sector B. Stormwater Discharges Associated with Industrial Activity from Paper and Allied Products Manufacturing Facilities

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges from the following activities: facilities engaged in the manufacture of pulps from wood and other cellulose fibers and from rags; the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes and envelopes; and establishments primarily engaged in manufacturing bags of plastic film and sheet. These facilities are commonly identified by Standard Industrial Classification (SIC) Major Group 26.

2. Monitoring Requirements

Table B-1 (SIC 2621)

Monitoring Requirements for Paper and Allied Products Manufacturing Facilities

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Chemical Oxygen Demand	120 mg/l	1/3 Months

Sector C. Stormwater Discharges Associated with Industrial Activity from Chemical and Allied Products Manufacturing Facilities

1. Discharges Covered Under this Section. The requirements listed under this section shall apply to stormwater discharges associated with industrial activity from a facility engaged in manufacturing the following products and generally described by the SIC code shown:

- a) Basic industrial inorganic chemicals (including SIC 281).
- b) Plastic materials and synthetic resins, synthetic rubbers, and cellulosic and other human made fibers, except glass (including SIC 282).

- c) Soap and other detergents and in producing glycerin from vegetable and animal fats and oils; specialty cleaning, polishing, and sanitation preparations; surface active preparations used as emulsifiers; wetting agents, and finishing agents, including sulfonated oils; and perfumes, cosmetics, and other toilet preparations (including SIC 284).
- d) Paints (in paste and ready-mixed form); varnishes; lacquers; enamels and shellac; putties, wood fillers, and sealers; paint and varnish removers; paint brush cleaners; and allied paint products (including SIC 285).
- e) Industrial organic chemicals (including SIC 286).
- f) Nitrogenous and phosphatic basic fertilizers, mixed fertilizer, pesticides, and other agricultural chemicals (including SIC 287).
- g) Industrial and household adhesives, glues, caulking compounds, sealants, and linoleum, tile, and rubber cements from vegetable, animal, or synthetic plastics materials; explosives; printing ink, including gravure ink, screen process ink, and lithographic; miscellaneous chemical preparations, such as fatty acids, essential oils, gelatin (except vegetable), sizes, bluing, laundry sours, writing and stamp pad ink, industrial compounds, such as boiler and heat insulating compounds, and chemical supplies for foundries (including facilities with SIC 289).
- h) Ink and paints, including china painting enamels, India ink, drawing ink, platinum paints, or burnt wood leather work, paints for china painting, artists' paints and artist's water colors (SIC 3952, limited to those listed).

2. Monitoring Requirements

Table C-1A (SIC 2812)
Agricultural Chemicals Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Nitrate plus Nitrite Nitrogen	0.68 mg/1	1/3 Months
Total Recoverable Lead	0.0816 mg/1	1/3 Months
Total Recoverable Iron	1.5 mg/1	1/3 Months
Total Recoverable Zinc	0.117 mg/1	1/3 Months
Phosphorus	2.0 mg/1	1/3 Months

Table C-1B (SIC 2874)
Agricultural Chemicals Effluent Limits Based on ELG

Industrial Activity	Parameter	Effluent Limit	Monitoring Frequency
Discharges from phosphate manufacturing facilities (SIC 2874)	Fluoride	75.0 mg/1 daily maximum	1/year
		25.0 mg/1 average monthly	

Table C-2 (SIC 2841, 2842, 2843)
Industrial Inorganic Chemicals Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Aluminum	0.75 mg/1	1/3 Months
Total Recoverable Iron	1.5 mg/1	1/3 Months
Nitrate plus Nitrite Nitrogen	0.68 mg/1	1/3 Months

Table C-3 (SIC 2844)
Soaps, Detergents, Cosmetics, and Perfumes Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Nitrate plus Nitrite Nitrogen	0.68 mg/1	1/3 Months
Total Recoverable Zinc	0.117 mg/1	1/3 Months
Surfactants	Monitor Only	1/3 Months

**Table C-4 (SIC 2821)
Plastics, Synthetics, and Resins**

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Zinc	0.117 mg/l	1/3 Months

Sector D. Stormwater Discharges Associated with Industrial Activity from Asphalt Paving and Roofing Materials and Lubricant Manufacturers

1. Discharges Covered Under This Section

- a) The requirements listed under this section shall apply to stormwater discharges from facilities engaged in manufacturing asphalt paving and roofing materials, including those facilities commonly identified by Standard Industrial Classification (SIC) 2951 and 2952.
- b) The requirements listed under this section shall apply to stormwater discharges from portable asphalt plant facilities (also commonly identified by SIC 2951).
- c) The requirements listed under this section shall apply to stormwater discharges from facilities engaged in manufacturing lubricating oils and greases, including those facilities classified as SIC 2992.
- d) **Limitations on Coverage.** The following stormwater discharges associated with industrial activity are not authorized by this section of the permit.
 - 1) Stormwater discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products and that are classified as SIC 2911.
 - 2) Stormwater discharges from oil recycling facilities, and
 - 3) Stormwater discharges associated with fats and oils rendering.

2. Monitoring Requirements

Table D-1A (SIC 2951)

Asphalt Paving and Roofing Materials Manufacturing Facilities Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/3 Months
Chemical Oxygen Demand	120 mg/l	1/3 Months
Oil and Grease	15 mg/l	1/3 Months

**Table D-2B (SIC 2911)
Asphalt Paving and Roofing Materials Manufacturing Facilities Effluent Limits Based on ELG**

Industrial Activity	Parameter	Effluent Limit	Monitoring Frequency
Discharges from asphalt emulsion facilities	Total Suspended Solids	23 mg/1 max daily	1/year
		15 mg/1 average monthly	
	pH	6.0 — 9.0 s.u.	
	Oil and Grease	15 mg/1 max daily	
		10 mg/1 average monthly	

Sector E. Stormwater Discharges Associated with Industrial Activity from Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges from the following activities: manufacturing flat, pressed, or blown glass or glass containers, manufacturing hydraulic cement; manufacturing clay products including tile and brick; manufacturing of pottery and porcelain electrical supplies; manufacturing concrete products; manufacturing gypsum products; nonclay refractories; and grinding or otherwise treating minerals and earths. This section generally includes the following types of manufacturing operators: flat glass, (SIC 3211); glass containers, (SIC 3221); pressed and blown glass, not elsewhere classified, (SIC 3229); hydraulic cement, (SIC 3241); brick and structural clay tile, (SIC 3251); ceramic wall and floor tile, (SIC 3253); clay refractories, (SIC 3255); structural clay products not elsewhere classified (SIC 3259); vitreous china table and kitchen articles (SIC 3262); fine earthenware table and kitchen articles (SIC 3263); porcelain electrical supplies, (SIC 3264); pottery products, (SIC 3269); concrete block and brick, (SIC 3271); concrete products, except block and brick (SIC 3272); gypsum products, (SIC 3275); minerals and earths, ground or otherwise treated, (SIC 3295); mineral wool and mineral wool insulation products (SIC 3296). and nonclay refractories, (SIC 3297).

Facilities engaged in the following activities are not eligible for coverage under this section; lime manufacturing (SIC 3274); cut stone and stone products (SIC 3281); abrasive products (SIC 3291); asbestos products (SIC 3292).

2. Monitoring Requirements

Table E.1 (SIC 3251, 3253, 3255, 3259)
Clay Product Manufacturers Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Aluminum	0.75 mg/l	1/3 Months
pH	6.0 to 9.0 s.u.	1/3 Months

Table E.2 (SIC 3272 and 3275)

Concrete and Gypsum Product Manufacturers Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/3 Months
Total Recoverable Iron	1.5 mg/l	1/3 Months
pH	6.0 to 9.0 s.u.	1/3 Months

Sector F. Stormwater Discharges Associated with Industrial Activity from Automobile Salvage Yards

1. Discharges Covered Under This Section

The requirements listed under this section shall apply to stormwater associated with industrial activity from facilities engaged in dismantling or wrecking used motor vehicles for parts recycling or resale and for scrap (SIC 5015).

2. Monitoring Requirements

**Table F-1 (SIC 5015)
Automobile Salvage Yards Monitoring Requirements**

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/3 Months
Total Recoverable Aluminum	0.75 mg/l	1/3 Months
Total Recoverable Iron	1.5 mg/l	1/3 Months
Total Recoverable Lead	0.0816 mg/l	1/3 Months
Oil and Grease	15 mg/l	1/3 Months
Chemical Oxygen Demand	120 mg/l	1/3 Months

Sector G. Stormwater Discharges Associated with Industrial Activity from Scrap Recycling and Waste Recycling Facilities

1. Discharges Covered Under this Section. The requirements listed under this section are applicable to stormwater discharges from the following activities: facilities that are engaged in the processing, reclaiming and wholesale distribution of scrap and waste materials such as ferrous and nonferrous metals, paper, plastic, cardboard, glass, animal hides (these types of activities are typically identified as SIC 5093). Facilities that are engaged in reclaiming and recycling liquid wastes such as used oil, antifreeze, mineral spirits, and industrial solvents (also identified as SIC 5093) are also covered under this section.

2. Monitoring Requirements

**Table G-1 (SIC 5093)
Industrial activity from Scrap Recycling and
Waste Recycling Facilities (non-source separated only) Monitoring Requirements**

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Chemical Oxygen Demand	120 mg/l	1/3 Months
Total Suspended Solids	100 mg/l	1/3 Months
Total Recoverable Aluminum	0.75 mg/l	1/3 Months
Total Recoverable Copper	0.636 mg/l	1/3 Months
Total Recoverable Iron	1.5 mg/l	1/3 Months
Total Recoverable Lead	0.816 mg/l	1/3 Months
Total Recoverable Zinc	0.117 mg/l	1/3 Months
Oil & Grease	15 mg/l	1/3 Months

Sector H. Stormwater Discharges Associated with Industrial Activity from Vehicle Maintenance Areas, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges from establishments and/or facilities including airports, air terminals, air carriers, flying fields, and establishments engaged in servicing or maintaining airports and/or aircraft (generally classified under SIC 45) which have vehicle maintenance shops, material handling facilities, equipment cleaning operations or airport and/or aircraft deicing/anti-icing operations. For the purpose of this permit, the term "deicing" is defined as the process to remove frost, snow, or ice and "anti-icing" is the process which prevents the accumulation of frost, snow, or ice.

2. Monitoring Requirements

Table H-1 (SIC 4581)
Industrial Activity from Vehicle Maintenance Areas, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities Monitoring Requirement

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Biochemical Oxygen Demand	30 mg/l	1/3 Months
Chemical Oxygen Demand	120 mg/l	1/3 Months
Ammonia	2.14 mg/l	1/3 Months
pH	6.0 to 9 s.u.	1/3 Months
Oil and Grease	15 mg/l	1/3 Months
Total Suspended Solids	100 mg/l	1/3 Months

40 CFR Part 449.10 Effluent limitations representing the best available technology (BAT) economically achievable.

Except as provided in 40 CFR 125.30 through 125.32 any existing point source with at least 1,000 annual non-propeller aircraft departures must comply with the following requirements representing the degree of effluent reduction attainable by the application of BAT. The BAT requirements for point sources with less than 1,000 annual non-propeller aircraft departures are beyond the scope of this regulation and shall be determined by the permit authority on a site-specific basis. Any registration under this section will require annual certification in accordance with section (a) below.

- (a) Airfield pavement deicing. There shall be no discharge or airfield pavement deicers containing urea. To comply with this limitation, any existing point source must certify annually that it does not use airfield deicing products that contain urea or alternatively, airfield pavement discharges at every discharge point must achieve the numeric limitations for ammonia in Table H-2, prior to any dilution or commingling with any non-deicing discharge.

Table H-2 — BAT Limitations

Waste stream	Pollutant	Daily Maximum
Airfield Pavement Deicing	Ammonia as Nitrogen	14.7 mg/l

40 CFR Part 449.11 New Source Performance Standards (NSPS).

New sources with at least 1,000 annual non-propeller aircraft departures must achieve the following new source performance standards. The new source performance standards for point sources with less than 1,000 annual non-propeller aircraft departures are beyond the scope of this part and shall be determined by the permit authority on a site-specific basis.

- (a) Aircraft deicing. All new sources located in an area that, at the time of construction, had more than 3,000 annual heating degree days, and are estimated, within five years of commencing operations, to exceed 10,000 annual departures. New source performance standards that apply prior to that date, new source performance standards for sources that project they will not exceed 10,000 annual departures within five years of commencing operations are beyond the scope of this regulation and shall be determined by the permit authority on a site-specific basis.
 - (1) Collection requirement. The new source must collect at least 60 percent of available Aircraft De-Icing Fluids (ADF).
 - (2) Numerical effluent limitation. The new source must achieve the performance standards in Table H-3 for available ADF collected pursuant to paragraph (a)(1) of this section. The limitation must be met the location where the effluent leaves the onsite treatment system utilized for meeting these requirements and before commingling with any non — deicing discharge.

Table H-3 NSPS

Waste stream	Pollutant	Daily Maximum	Weekly average
Aircraft Deicing	Chemical Oxygen Demand	271 mg/l	154 mg/l

(b) Airfield pavement deicing. There shall be no discharge of airfield pavement deicers containing urea. To comply with this limitation, any new source must certify annually that it does not use airfield deicing products that contain urea or alternatively, airfield pavement discharges at every discharge point must achieve the numeric limitations for ammonia in Table H-4, prior to any dilution or commingling with any non-deicing discharge.

Table H-4 NSPS

Waste stream	Pollutant	Daily Maximum
Airfield Pavement Deicing	Ammonia as Nitrogen	14.7 mg/l

Sector I. Stormwater Discharges Associated with Industrial Activity from Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities

1. Discharges Covered Under This Section. Stormwater discharges from ground transportation facilities and rail transportation facilities (generally identified by SIC 40, 41, 42, 43, and 5171), that have vehicle and equipment maintenance shops, vehicle and equipment rehabilitation, mechanical repairs, painting, fueling and lubrication) and/or equipment cleaning operations are eligible for coverage under this section.
2. Monitoring Requirements

Table I-1 (Multiple SIC Codes see item 1 above)

Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities and United States Postal Transportation Facilities Monitoring Requirements.

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/3 Months
Chemical Oxygen Demand	120 mg/l	1/3 Months
Oil and Grease	15 mg/l	1/3 Months

Sector J. Stormwater Discharges Associated with Industrial Activity from Food and Kindred Products Facilities

1. Discharges Covered Under This Section. This section covers all stormwater discharges from food and kindred products processing facilities (commonly identified by SIC 20), including: meat products; dairy products; canned, frozen and preserved fruits, vegetables, and food specialties; grain mill products; bakery products; sugar and confectionery products; fats and oils; beverages; and miscellaneous food preparations and kindred products and tobacco products manufacturing (SIC 21), where industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewater; sites used for storage, or disposal; shipping and receiving areas; manufacturing buildings; and storage areas for raw material and intermediate and finished products that are exposed to stormwater and areas where industrial activity has taken place in the past and significant materials remain. For the purpose of this paragraph, material handling activities include the storage, loading, and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product.

2. Monitoring Requirements

**Table J-1 (SIC 2041)
Grain Mill Products Monitoring Requirements**

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/1	1/3 Months

**Table J-2 (SIC 2079)
Fats and Oils Products Monitoring Requirements**

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Biochemical Oxygen Demand	30 mg/1	1/3 Months
Chemical Oxygen Demand	120 mg/1	1/3 Months
Nitrate Plus Nitrite Nitrogen	0.68 mg/1	1/3 Months
Total Suspended Solids	100 mg/1	1/3 Months

Sector K. Stormwater Discharges Associated with Industrial Activity from Textile Mills, Apparel, and Other Fabric Product Manufacturing Facilities

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges from the following activities: textile mill products, of and regarding facilities and establishments engaged in the preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage, the manufacturing of broad woven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn; processes involved in the dyeing and finishing of fibers, yarn fabrics, and knit apparel; the integrated manufacturing of knit apparel and other finished articles of yarn; the manufacturing of felt goods (wool), lace goods, nonwoven fabrics, miscellaneous textiles, and other apparel products (generally described by SIC 22 and 23).

2. Monitoring Requirements. There is no chemical analysis to be performed for this industry sector.

Sector L. Stormwater Discharges Associated with Industrial Activity from Wood and Metal Furniture and Fixture Manufacturing Facilities

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges associated with industrial activities from facilities involved in the manufacturing of: wood kitchen cabinets(generally described by SIC 2434); household furniture (generally described by SIC 251); office furniture (generally described by SIC 252); public buildings and related furniture (generally described by SIC 253); partitions, shelving, lockers, and office and store fixtures (generally described by SIC 254); and miscellaneous furniture and fixtures (generally described by SIC 259) If waste wood products are exposed to stormwater.

2. Monitoring Requirements.

Table L-1 (Multiple SIC Codes see item 1 above)
Furniture and Cabinet manufacturing Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/3 Months
Chemical Oxygen Demand	120 mg/l	1/3 Months

Sector M. Stormwater Discharges Associated with Industrial Activity from Printing and Plate making Facilities

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges associated with industrial activity from the following types of facilities: book printing (SIC 2732); commercial printing, lithographic (SIC 2752); commercial printing, gravure (SIC 2754); commercial printing, not elsewhere classified (SIC 2759); and platemaking and related services (SIC 2796).

2. Monitoring Requirements. There is no chemical analysis to be performed for this industry sector.

Sector N. Stormwater Discharges Associated with Industrial Activity from Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to all stormwater discharges associated with industrial activity from rubber and miscellaneous plastic products manufacturing facilities (SIC Major Group 30) and miscellaneous manufacturing industries, except jewelry, silverware, and plated ware (SIC Major Group 39, except 391).

2. Monitoring Requirements

Table N-1 (Multiple SIC Codes see item 1 above)
Industrial Activity from Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Zinc	0.117 mg/l	1/3 Months

Sector O. Stormwater Discharges Associated with Industrial Activity from Fabricated Metal Products Industry

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges associated with industrial activity from the fabricated metals industry listed below, except for electrical related industries: fabricated metal products, except machinery & transportation equipment, SIC 34 (3429, 3441, 3442, 3443, 3444, 3451, 3452, 3462, 3471, 3479, 3494, 3496, 3499); and jewelry, silverware, and plated ware (SIC 391).

2. Monitoring Requirements

Table O-1 (Multiple SIC Codes see item 1 above)
Fabricated Metal Products Except Coating Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Aluminum	0.75 mg/l	1/3 Months
Total Recoverable Iron	1.5 mg/l	1/3 Months
Total Recoverable Zinc	0.117 mg/l	1/3 Months
Nitrate plus Nitrite Nitrogen	0.68 mg/l	1/3 Months

**Table 0-2 (Multiple SIC Codes see item 1 above)
Fabricated Metal Coating and Engraving Monitoring Requirements**

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Zinc	0.117 mg/l	1/3 Months
Nitrate plus Nitrite Nitrogen	0.68 mg/l	1/3 Months

Sector P. Stormwater Discharges Associated with Industrial Activity from Facilities that Manufacture Transportation Equipment, Industrial, or Commercial Machinery

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to stormwater discharges associated with transportation equipment, industrial or commercial machinery manufacturing facilities (commonly described by SIC Major Group 35 except SIC 357. And SIC Major Group 37, except SIC 373). Common activities include: industrial plant yards; material handling sites; refuse sites, sites used for application or disposal of process wastewater; sites used for storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw material and intermediate and finished products; and area where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

2. Monitoring Requirements

**Table P-1 (Multiple SIC Codes see item 1 above)
Transportation Equipment, Industrial, or Commercial Machinery Manufacturing Facilities
Monitoring Requirements**

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/3 Months
Oil and Grease	15 mg/l	1/3 Months
Chemical Oxygen Demand	120 mg/l	1/3 Months

Sector Q. Stormwater Discharges Associated with Industrial Activity from Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to all stormwater discharges associated with industrial activity from facilities that manufacture: electronic and other electrical equipment and components, except computer equipment (SIC Major Group 36); measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (SIC Major Group 38) and computer and office equipment (SIC 357).

2. Monitoring Requirements. There is no chemical analysis to be performed for this industry sector.

Sector R. Stormwater Discharges Associated with Industrial Activity from Primary Metals Facilities

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to all stormwater discharges from the primary industry, which includes the following types of facilities:

- a) Steel works, blast furnaces, and rolling and finishing mills including: steel wiredrawing and steel nails and spikes, cold-rolled steel sheet, strip, and bars; and steel pipes and tubes (SIC 331).
- b) Iron and steel foundries, including: gray and ductile iron, malleable iron, steel investment, and steel foundries not elsewhere classified (SIC 332).
- c) Primary smelting and refining of nonferrous metals, including; primary smelting and refining of copper, and primary production of aluminum (SIC 333).
- d) Secondary smelting and refining of nonferrous metals (SIC 334).
- e) Rolling, drawing, and extruding of nonferrous metals, including: rolling, drawing, and extruding of copper; rolling, drawing, and extruding of nonferrous metals, except copper and aluminum; and drawing and insulating of nonferrous wire (SIC 335).
- f) Nonferrous foundries (Castings, including: aluminum die-castings, nonferrous die-castings, except aluminum, aluminum foundries, and nonferrous foundries, except copper and aluminum (SIC 336).
- g) Miscellaneous primary metal products, not elsewhere classified, including: metal heat treating, and primary metal products, not elsewhere classified (SIC 339).

Activities covered include, but are not limited to, stormwater discharges associated with coking operations, sintering plants, blast furnaces, smelting operations, rolling mills, casting operations, heat treating, extruding, drawing, or forging of all types of ferrous and nonferrous metals.

2. Monitoring Requirements.

Table R-1 (SIC 331)
 Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC 331)
 Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Aluminum	0.75 mg/1	1/3 Months
Total Recoverable Zinc	0.117 mg/1	1/3 Months

Table R-2 (SIC 332)
 Iron and Steel Foundries Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Aluminum	0.75 mg/1	1/3 Months
Total Suspended Solids	100 mg/1	1/3 Months
Total Recoverable Copper	0.0636 mg/1	1/3 Months
Total Recoverable Iron	1.5 mg/1	1/3 Months
Total Recoverable Zinc	0.117 mg/1	1/3 Months
Oil and Grease	15 mg/1	1/3 Months
Total Recoverable Lead	0.0816 mg/1	1/3 Months

Table R-3 (SIC 335)
Rolling, Drawing, and Extruding of Non-Ferrous Metals Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Copper	0.0636 mg/l	1/3 Months
Total Recoverable Zinc	0.117 mg/l	1/3 Months

Table R-4 (SIC 336)
Non-Ferrous Foundries Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Recoverable Copper	0.0636 mg/l	1/3 months
Total Recoverable Zinc	0.117 mg/l	1/3 months
Oil and Grease	15 mg/l	1/3 months
Total Recoverable Lead	0.0816 mg/l	1/3 months

Sector S. Stormwater Discharges Associated with Industrial Activity from Facilities engaged in Motorsports including Motorcycles, All Terrain Vehicles and Automobiles

1. Discharges Covered Under this Section Stormwater discharges from Motorsport complexes that involve the racing of Motorcycles, All Terrain Vehicles, Automobiles or other motorized vehicle (generally identified by SIC Code 7948).

2. Monitoring Requirements

Table S-1 (SIC7948)
Automobile, Motorcycle, ATV and other Motorsports Complexes Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Oil and Grease	15 mg/l	1/3 Months
Total Suspend Solids	100 mg/l	1/3 Months

Sector T. Stormwater Discharges Associated with Industrial Activity from Facilities engaged in the Mining of Shale for NON-MANUFACTURING PURPOSES.

1. Discharges Covered Under This Section. Stormwater discharges from facilities engaged in the mining of shale for NON-MANUFACTURING PURPOSES ONLY (generally identified by SIC 1459).

2. Monitoring Requirements

Table T-1 SIC (1459)
Mining of Shale for NON-MANUFACTURING PURPOSES Monitoring Requirements

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/3 Months
Total Recoverable Iron	1.5 mg/l	1/3 Months

Sector U. Stormwater Discharges Associated with Industrial Activity from Facilities engaged in the Storage of Salt (Less than 50,000 tons only).

1. Discharges Covered Under This Section. Stormwater discharges from facilities engaged in the storage of less than 50,000 tons of salt (generally identified by SIC 5169).
2. Monitoring Requirements

Table U-1
Storage of Salt (Less than 50,000 tons only Monitoring Requirements (SIC 5169))

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/1	1/3 Months
Chloride	860 mg/1	1/3 Months
Cyanide	Monitor Only	1/3 Months
Total Recoverable Iron	1.5 mg/1	1/3 Months

The Following special conditions apply to Sector U.

Salt piles must be covered at all times by an impervious cover. The only time this cover may be removed is when product is being added or removed. All salt must be entirely stored on an impervious pad. All ponds and diversion ditches must have an impervious liner with a minimum imperviousness of 10 to the negative 7.

Sector V. Stormwater Discharges Associated with Industrial Activity from Facilities engaged in the transloading of Ammonia Nitrate.

1. Discharges Covered Under This Section. Stormwater discharges from facilities engaged in the transloading of ammonia nitrate between trucks, barges, and rail cars. (generally identified by SIC 5169).

2. Monitoring Requirements

**Table V-1 (SIC 5169)
Transloading of Ammonia Nitrate Monitoring Requirements**

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Total Suspended Solids	100 mg/l	1/3 Months
Ammonia Nitrogen	4 mg/l	1/3 Months
Nitrite Plus Nitrate Nitrogen	0.68 mg/l	1/3 Months
Oil and Grease	15 mg/l	1/3 Months
pH	6.0-9.0 s.u.	1/3 Months

Sector W. Stormwater Discharges Associated with Industrial Activity from Facilities that Are Not Covered Under Sectors A Thru V.

1. *Discharges Covered Under This Section.* The requirements listed under this section shall apply to stormwater discharges associated with industrial activity from those facilities that are not covered for such discharges under Sectors A thru V. It is the intent of the DWWM that this sector includes those stormwater discharges not covered under Sectors A thru V, at the discretion of the Director. In addition to the pollutants of concern listed in Table W-1, the Director may require monitoring of metals or other pollutants, based on evaluation of the subject discharge.

2. Monitoring Requirements

**Table W-1
Facilities that Are Not Covered Under Sectors A Thru V Monitoring Requirements**

Pollutants of Concern	Monitoring Cut-Off Concentration	Measurement Frequency
Biochemical Oxygen Demand	30 mg/l	1/3 Months
Chemical Oxygen Demand	120 mg/l	1/3 Months
Total Suspended Solids	100 mg/l	1/3 Months
Ammonia Nitrogen	4 mg/l	1/3 Months
Oil and Grease	15 mg/l	1/3 Months
pH	6.0-9.0 s.u.	1/3 Months

SECTION B. OTHER REQUIREMENTS

1. Requiring an individual permit.

The Director may require any person authorized by this permit to apply for and obtain an individual NPDES permit in accordance with 47 CSR Series 10.13.6.b.2.A. Any interested person may petition the Director to take action under this paragraph. The Director may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit, coverage under this GP shall automatically terminate. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application required by the Director under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

2. Prohibition on non-stormwater discharges.

All discharges covered by this permit shall be composed entirely of stormwater.

3. Releases in excess of Reportable Quantities.

This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. The discharge of hazardous substances in the stormwater discharge(s) from a facility shall be in accordance with the applicable Stormwater Pollution Prevention Plan (SWPPP) for the facility.

4. Low Concentration Waiver.

When the average concentration for a pollutant calculated from all monitoring data, with a minimum of four (4) consecutive samples, is less than the corresponding listed cut-off concentration for that pollutant, additional monitoring for that pollutant in Section A, is not required. The facility must submit each year, to The Director in lieu of the monitoring data, a certification (form provided) that there has not been a significant change in the industrial activity or the pollution prevention measures in the area of a facility that drains to the outlet for which sampling was waived.

The waiver is valid only for the term of this permit if the facility maintains a current registration. If a facility would like to continue its waiver after this date it must reapply at the time of reissuance. The sampling required for a waiver extension consists of one (1) sample of each pollutant. If the sample is less than the corresponding listed cut-off concentration, then the waiver may be extended for the subsequent permit term.

5. Natural Background Pollutant Levels

Following the first two quarterly benchmark monitoring results, if the average concentration of a pollutant exceeds a benchmark value, and the permittee determines that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, the

permittee is not required to perform corrective action or additional benchmark monitoring provided that:

- The average concentration of your benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;

- The permittee documents and maintains with the Stormwater Pollution Prevention Plan (SWPPP) the supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge; and

- The permittee notifies the Director on its final (second) quarterly benchmark monitoring report that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity at the facility, or pollutants in run-on from neighboring sources which are not naturally occurring.

6. Benchmark Monitoring

Most monitoring in this permit is benchmark monitoring. The "benchmarks" are the pollutant concentrations above which The Director determined represents a level of concern. The level of concern is a concentration at which a stormwater discharge could potentially impair or contribute to impairing water quality or affect human health from ingestion of water or fish. The benchmarks are also viewed by the DWWM as a level, that if below, a facility represents little potential for water quality concern. As such, the benchmarks also provide an appropriate level to determine whether a facility's stormwater pollution prevention measures are successfully implemented. The benchmark concentrations are not effluent limitations and should not be interpreted or construed as such. These values are merely levels which the DWWM is using to determine if a stormwater discharge from any given facility merits further monitoring to ensure that the facility has been successful in implementing a SWPPP. As such, these levels represent a target concentration for a facility to achieve through implementation of pollution prevention measures at the facility.

The SWPPP must be modified after the average of two consecutive samples are above the benchmark level for the sampled parameter. Based upon the modification of this plan, the selection, design, installation and implementation of any control measures at the facility may be required to ensure that all sampled parameters meet the required benchmark levels.

7. Effluent Limit Monitoring

For Sector H, Stormwater Discharges associated with Industrial Activity from Vehicle Maintenance Areas, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities, there is an effluent limitation that applies to both existing sources and new sources. For existing sources, there shall be no discharge of urea from airfield pavement, which can either be met by certifying in the annual report that non-urea containing deicing products are being used, or

by meeting with the effluent limit of 14.7 mg/l Ammonia as Nitrogen before the discharge comingles with non-deicing discharges. For new sources, not only does the no discharge of urea from airfield pavement deicing apply, along with the applicable effluent limit listed above, but all new sources must also collect 60% airplane deicing fluid that is used in the deicing and anti-icing of airplanes prior to takeoff. New sources must also meet an effluent limit of 271 mg/l daily maximum and 154 mg/l weekly for Chemical Oxygen Demand where the airplane deicing fluid leaves the site and prior to where it comingles with non-deicing discharges.

8. SWPPP Practice Review

The Permittee shall review its stormwater pollution prevention practices each year and revise the SWPPP (required in Section B-9), if the average concentration for any indicator pollutant in the previous year's sampling was greater than the corresponding benchmark monitoring value for that pollutant. The SWPPP must be revised within thirty (30) days of finding the previous year's sampling results being over the benchmark value.

9. Alternative Certification

A discharge outlet is not subject to the monitoring requirements of Section "A" provided the discharger makes a certification (form provided) for a given outlet, or on a pollutant-by-pollutant basis in lieu of monitoring reports, under penalty of law, signed in accordance with Signatory Requirements as specified in the Appendix. The certification must state that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial, machinery or operations, or significant materials from past industrial activity, that are located in areas of the facility within the drainage area of the outlet for which the permittee is claiming the certification are not presently exposed to stormwater and are not expected to be exposed to stormwater for the certification period.

10. No Exposure Certification

A facility that has a SIC code listed in section A requiring them to be covered under this permit is exempt from permitting requirements if they meet the following requirements consistent with the Code of Federal Regulations 40 CFR Part 122.26(g).

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snowmelt, and/or runoff. Industrial materials include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm-resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products, other than products that would be mobilized in stormwater discharges (e.g. rock salt).

A No Exposure Certification must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion. The certification must be submitted with each permit reissuance along with the required fee determined by 47 CSR Series 26.

If circumstances change and industrial materials or activities become exposed to rain, snow, snow melt, and / or runoff, the conditions for this exclusion no longer apply. In such cases, the discharge becomes subject to enforcement as an un-permitted discharge. Any conditionally exempt discharger who anticipates changes in circumstances should apply for and obtain permit authorization prior to the change of circumstances.

Notwithstanding the provisions of this paragraph, the Director retains the authority to require permit authorization (and deny this exclusion) upon making a determination that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.

11. Representative Discharge.

When a facility has two or more outlets that, based on a consideration of the industrial activity, significant similar materials management practices and activities within the areas drained by the outlet, which results in similar discharges from these outlets.

If the permittee reasonably believes that these outlets discharges substantially identical effluents then, the permittee may test the effluent of one of such outlets and report that the quantitative data also applies to the substantially identical outlet(s). This is allowed provided that the permittee includes in the SWPPP, a description of the location of the outlets and explains in detail why the outlets are expected to discharge substantially identical effluents. In addition, for each outlet that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g. low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the SWPPP. The permittee shall include the description of the location of the outlets, explanation of why outlets are expected to discharge substantially identical effluents and estimate of the size of the drainage area and runoff coefficient with the Stormwater Monitoring Report.

12. Visual Examination of Stormwater Quality

The permittee shall perform and document a visual examination of a stormwater discharge associated with industrial activity for each outlet quarterly. The examination shall be conducted from samples collected within the first 30 minutes (or as soon thereafter as practical, but not exceed one hour) of when the runoff or snowmelt begins discharging. The examinations shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids,

foam, oil sheen, and other obvious indicators of stormwater pollution. All visual examination reports must be maintained onsite in the SWPPP.

13. Water Quality Standards,

The effluent or effluents covered by this permit are to be of such quality so as to not cause or contribute to violations of applicable water quality standards under WV Code Chapter 22-11-6.

14. Antidegradation Requirements

All new facilities are required to comply with antidegradation requirements and therefore are required to be sent to public notice. In addition, best management practices must be implemented and in place before any stormwater discharge. Stormwater and groundwater protection plans must be submitted and reviewed prior to issuance of individual registrations under this permit. Any new facility is eligible for coverage under this permit for discharges to waters designated as Tier 3 (outstanding national resource waters) under 40 CFR Part 131.13(a)(3), if the following conditions are met. The facility has Best Management Practices and Controls acceptable to the Director and is public noticed in the local paper with the largest readership for the area in which the site is located.

15. TMDL and CWA Section 303(d) Impaired Waters Requirements,

Permittees discharging pollutants of concern to 303 (d) impaired water or waters for which there is a total maximum daily load (TMDL) established or approved by EPA are not eligible for coverage under this GP. Therefore, the permittee must submit an NPDES application to WV DEP for coverage under an individual NPDES permit. Applicants shall consult with the State permitting authority to confirm if the facility will require an individual permit.

Chesapeake Bay TMDL and West Virginia Watershed Improvement Plan (WIP).

In the state of West Virginia, the Counties of Jefferson, Berkeley, Morgan, Hampshire, Mineral, Grant, Hardy and Pendleton drain to the Chesapeake Bay and must take steps to comply with this plan. The existing facilities covered under this GP are not expected to have a reduction in loadings affecting the TMDL. The Phase 6 TMDL and Phase 3 WIP assumes any new facility will be developed on previously developed land or on agricultural lands resulting in a reduction of load to the Chesapeake Bay with proper post construction BMPs. The proper implementation of required SWPPP's and GPP's by facilities as indicated by section 19 of this GP will address the requirements of the WIP.

16. Endangered and Threatened Species Requirements,

If a site discharges to a stream where a Federally endangered or threatened species or its habitat are present, the applicant should contact the US Fish and Wildlife Service for a determination that requirements of the Federal Endangered Species Act are met.

17. Reopener Clause

If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit in accordance with Section B.1. of this permit or the permit registration may be modified to include different limitations and/or requirements.

18. Other Statutes or Regulations

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

19. SWPPP and Groundwater Protection Plans (GPP)

Each facility covered by this permit shall develop and implement a SWPPP and a GPP. Both the SWPPP and GPP must be developed and maintained as separate stand-alone documents. The SWPPP shall be prepared in accordance with good engineering practices. The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity from the facility. In addition, the SWPPP shall describe the implementation of practices which are to be used to reduce the pollutants in stormwater discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. The SWPPP and the GPP shall be signed in accordance with Appendix A (Section 1.6) of this permit and shall be retained on site. The permittee shall make plan(s) available, upon request, to the Director or authorized representative. All facilities wishing to be covered by this permit must submit a copy of the SWPPP and GPP with the application for review. The SWPPP must be prepared by a qualified person.

A qualified person is a person who is knowledgeable in the principles and practices of sediment and erosion controls, pollution prevention, and possesses the education and abilities to assess conditions at the proposed site that could impact stormwater quality and to assess the effectiveness of proposed stormwater controls to meet the requirements of this permit.

When the plan(s) are reviewed by the Director or authorized representative, that individual may notify the permittee at any time that either the SWPPP or the GPP does not meet one or more of the requirements of this section. After such notification, the permittee shall make changes to the plan in accordance with the time frames established.

The SWPPP must be modified after the average of two consecutive samples are above the benchmark level for the sampled parameter. Based upon the modification of this plan, the selection, design, installation and implementation of any control measures at your facility may be required to ensure that all sampled parameters meet the required benchmark levels.

All SWPPPs and GPPs required under this permit are considered reports that shall be available to the public under Section 308 (b) of the Clean Water Act (CWA). The owner or operator of a facility with stormwater discharges covered by this permit shall make plans available to members of the public upon request by the public. However, the permittee may claim any portion of a SWPPP plan as confidential in accordance with 47 CSR Series 12.7.a.

If representative organization of a significant number of facilities in a particular SIC code can develop and demonstrate an acceptable SWPPP, and GPP template, the Director will review this approach for considering those facilities for coverage under this GP and in compliance with this section.

A. SWPPP Requirements

1. Contents of SWPPP.

- a. The plan shall include, but not be limited to, the following items: Description of Industrial Activities and Potential Pollutant Sources. The plan shall provide a description of the**

nature of the industrial activities and potential sources which may be reasonably expected to add significant amounts of pollutants to stormwater discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The plan shall identify all activities which have the potential to be significant pollutant sources, including: 1) loading or unloading of dry bulk materials or liquids, 2) outdoor storage of raw materials, intermediary products or final products, 3) outdoor process activities, 4) dust or particulate generating processes, 5) illicit connections or management practices, and 6) waste disposal practices. To facilitate this process, the plan, shall also include, but not be limited to:

- 1. A site map indicating, each drainage and discharge structure; an outline of the drainage area of each discharge point, each past or present area used for outdoor storage or disposal of significant materials; each existing structural control measure to reduce pollutants in stormwater runoff; materials loading and access area; each hazardous waste storage or disposal facility (including each area not required to have a Resource Conservation and Recovery Act (RCRA) permit which is used for accumulating hazardous waste under 40 CFR Part 262.34); each well where fluids from the facility are injected underground; sinkholes; springs; and other surface water bodies;**
- 2. An estimate of the area of impervious surfaces (including paved areas and building roofs) relative to the total area drained by each outlet;**
- 3. A topographic map (or other map if a topographic map is unavailable), extending one mile beyond the property boundaries of the facility, depicting the facility and each of its intake and discharge structures, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area. The requirements of this paragraph may be included in the site map required under Section (A) under SWPPP Requirements.**

4. A narrative description of significant materials that have been treated, stored or disposed in a manner to allow exposure to stormwater between the time of three years prior to the date of the coverage under this permit and the present; method of on-site storage of disposal; materials management practices employed to minimize contact of these materials with stormwater runoff between the time of three years prior to the date of issuance of this permit and the present; materials loading and access areas; the location and a description of existing structural and nonstructural control measures to reduce pollutants in stormwater runoff; and description of any treatment the stormwater receives.
5. A list of significant spills and leaks of toxic or hazardous pollutant that occurred at the facility after the date of three (3) years prior to coverage under this permit and the present. Such list shall be updated when a significant spill or leak of toxic or hazardous pollutants occurs and shall include a description of the materials released, an estimate of the volume of the release, the location of the release, and a description of any remediation or cleanup measures taken;
6. For each area of the plant that generates stormwater discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which could be present in stormwater discharges associated with industrial activity; and
7. A summary of existing sampling data describing pollutants in stormwater discharges.

2. Stormwater Management Controls

- a. Each facility covered by this permit shall develop a description of stormwater pollution controls appropriate for the facility and implement such controls. Priorities developed in a plan for implementing controls shall reflect the nature of identified potential sources of pollutants at the facility. The description of stormwater pollution controls shall address the following minimum components, including a schedule for implementing such controls:

1. Pollution Prevention Committee - The SWPPP shall include a description of the stormwater Pollution Prevention Committee that identifies specific

2. **individuals within the organization who are responsible for developing the SWPPP and assisting the manager in its implementation, maintenance, and revision. The activities and responsibilities of the committee should address all aspects of the facility's SWPPP.**
3. **Risk identification and Assessment/Material Inventory - The SWPPP shall assess the potential of various sources at the facility to contribute pollutants to stormwater discharges associated with industrial activity. The SWPPP shall inventory the types of materials handled, the location of material management activities, and types of material management activities. Factors that shall be considered when evaluating the pollution potential of runoff from various portions of an industrial plant include: loading and unloading operations, outdoor storage activities; fueling operations; vehicle maintenance and cleaning; outdoor manufacturing or processing activities; dust or particulate generating processes; and waste disposal practices. Other factors to consider are the toxicity of chemicals; quantity of chemicals used, produced, or discharged; history of water quality violations; history of significant leaks or spills of toxic or hazardous pollutants; and nature and uses of the receiving waters.**
4. **Preventive Maintenance – The SWPPP shall include a preventive maintenance program that involves inspection and maintenance of stormwater pollution prevention devices (e.g., cleaning oil/water separators, catch basins, etc.) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.**
5. **Good Housekeeping - Good housekeeping requires the maintenance of a clean, orderly facility.**
6. **Spill Prevention and Response Procedures - Areas where potential spills can occur, and their accompanying drainage points shall be identified clearly in the SWPPP. Where appropriate, the SWPPP shall specify material handling procedures and storage requirements. Procedures for spill cleanup and the necessary equipment to implement a cleanup shall be identified in the SWPPP and made available to all personnel.**

7. **Sediment and Erosion Prevention** - The SWPPP shall identify areas which, due to topography, activities, or other factors, have a high potential for soil erosion, and identify measures to limit erosion. Facilities covered under Sector T shall be required to submit a sediment and erosion control plan.
8. **Employee Training** - Employee training programs that inform personnel at all levels of responsibility of the components and goals of the SWPPP shall be conducted annually. Training shall address topics such as spill response, good housekeeping, and material management practices. Records of the training programs performed (including date, topics, attendees, etc.) shall be maintained in the SWPPP.
9. **Visual Inspections** - Qualified company personnel shall be identified to inspect designated equipment and plant or other appropriate areas for quarterly visual inspections. Material handling areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking and follow-up program shall be developed to ensure that adequate response and corrective actions have been taken in response to observations/findings during the inspection. Records of inspections and any corrective actions taken shall be maintained in the SWPPP.
10. **Record keeping and Internal Reporting Procedures** - Incidents such as spills, leaks, and improper dumping, along with other information describing the quality and quantity of stormwater discharges from the facility shall be included in the SWPPP. Inspections and maintenance activities (such as cleaning oil and grit separators or catch basins) shall be documented and maintained in the SWPPP.
11. **Non-Stormwater Discharges** - A certification that the discharge has been tested for the presence of non-stormwater discharges shall be included in the SWPPP. The certification shall include a description of the results of any test for the presence of non-stormwater discharges, the method used, the date of any testing, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the stormwater discharge associated with

12. industrial activity does not have access to an outlet, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the SWPPP shall indicate why the certification required by this section was not feasible.

3. Site Inspection

A site inspection shall be conducted annually by appropriate personnel named in the SWPPP to verify that (1) the description of all potential pollutant sources required is accurate; (2) the drainage map has been updated or otherwise modified to reflect current conditions; and (3) the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. Records documenting significant observations made during the site inspection shall be retained as part of the SWPPP for three years.

4. Hazardous Substance Release

A facility which has experienced one or more releases of a hazardous substance in excess of reporting quantities established at 40 CFR Part 117.3 or 40 CFR Part 302.4 within twelve months prior to the effective date of this permit, or at any time after the effective date of this permit, shall include as part of the SWPPP for the facility a written description of each release, corrective actions taken in response to the release, and measures taken to prevent recurrence. (Note: Section B.3. of this permit prohibits stormwater discharges which, during any 24-hour period, contain a hazardous substance equal to or in excess of the reporting quantities of 40 CFR Part 117 and 40 CFR Part 302.)

5. Consistency with Other Plans and Programs

Stormwater management plans and programs may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the CWA or BMP plans otherwise required by a WV/NPDES permit and may incorporate any part of such plans into the SWPPP by reference.

B. Groundwater Protection Plan Requirements

1. Groundwater Protection Plans (GPPs) shall be prepared in accordance with this Section and the requirements of 47 CSR, Series 58, Section 4.11., et. seq. (Groundwater Protection Regulations). All GPPs must contain the following information.

2. The GPP shall include an inventory of all operations which may reasonably be expected to contaminate the groundwater resources with an indication of the potential for soil and groundwater contamination from those operations. The following potential sources must be considered: Outside materials storage areas; Disposal areas; Loading and unloading areas; Bulk storage and distribution areas; Drums; Sumps; Pumps; Tanks; Impoundments; Ditches; and Underground Pipelines. In addition, the GPP shall provide a thorough and detailed description of procedures designed to protect groundwater from the identified potential contamination sources. Specific attention must be given to manufacturing facilities, materials handling, equipment cleaning, construction activities, maintenance activities, pipelines, sumps, and tanks containing contaminants.
3. For facilities which have areas that require remedial action to install, implement, or develop procedures or control equipment to protect groundwater, shall include in their GPP a schedule of compliance listing such areas, the remedial actions necessary, and the projected date such remedial actions will be completed. The schedule of compliance is a part of the GPP and enforceable under 47 CSR, Series 58, Section 4.12.e. 1.
4. A thorough and detailed list of groundwater protection procedures to be employed in the design of new equipment or operations.
5. A thorough and detailed summary of all activities carried out under other regulatory programs which have relevance to groundwater protection (for example: RCRA, The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Stormwater Permit, SPCC, Toxic Substances Control Act, Department of Transportation training requirements, Management of Used Oil, etc.)
6. All reasonably available information on groundwater quality at the site. This should include any known sampling in the area, other potential sources of contamination, depth to groundwater, and any other information available.
7. A statement that no wastes will be used for deicing, fills, or for other uses on the site unless provided for in existing rule.
8. Documentation that annual training all employees and contractor personnel on their responsibility to ensure groundwater protection was conducted. Job procedures shall provide direction on prevention of groundwater contamination.
9. Instructions Provisions for quarterly inspections of the facility to ensure that all elements and equipment of the groundwater protection programs are in place, functioning properly, and are appropriately managed. Documentation of all inspections conducted shall also be included in the GPP.

20. Requirements for termination of GP registrations.

To request that the site's GP registration be terminated, permittee must submit a written certification to the WV DEP that meets the following requirements.

A. The request includes the following statement:

By completing and submitting this revocation application request, I have reviewed all site conditions and verify that no point sources associated with industrial activity are located on the permitted site.

I certify under penalty of law that I have personally examined and am familiar with the information submitted on this closure request and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

B. The permittee provides the Director sixty days to conduct a site inspection before the GP registration is closed.

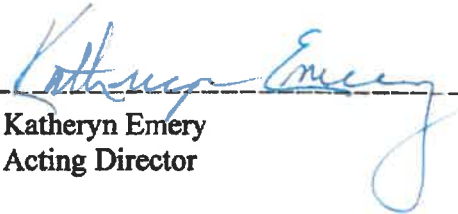
C. The request provides photographs, site sketches, disposal logs or any other requirements deemed necessary by the Director to determine that the site no longer needs permit coverage.

D. The Director reserves the right to deny any termination request.

The herein described activity is to be constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit; with all plans and specifications previously submitted with the individual site registration application form or individual permit application; with a plan of maintenance and method of operation thereof; and with any applicable rules and regulations promulgated by the State Environmental Quality Board.

Failure to comply with the terms and conditions of this permit, with the plans and specifications previously submitted with individual site registration application form or individual permit application, and with a plan of maintenance and method of operation thereof shall constitute grounds for the revocation or suspension of this permit and for the invocation of all the enforcement procedures set forth in Chapter 22, Article 11 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Chapter 22, Article 11 of the Code of West Virginia.

BY:  _____
Katheryn Emery
Acting Director