EPA's New Industrial Stormwater Permit: What You Need to Know about the MSGP 2008

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John Kosco: Good afternoon and welcome to today's webcast titled "EPA's New Industrial Stormwater Permit: What You Need to Know About the 2008 MSGP." This webcast is sponsored by EPA's Office of Wastewater Management. My name is John Kosco at Tetra Tech and I will moderate today's session. Thanks for joining us today.

Before we get started I'd like to go over a few housekeeping items. First if you have any technical difficulties, you can call 800-833-2812, I'll repeat that number, 800-833-2812, or click the Help button to receive technical support from On24.

You may also use the Ask-A-Question area to post any technical issues you are experiencing. Please include a telephone number where you can be reached and we will help you troubleshoot your problem.

We will have two question-and-answer sessions during the webcast. To ask a question, simply type your question in the text box located at the bottom of your screen, then click on the Submit Question button. You don't need to wait until the question-and-answer periods to submit your questions. In fact, there are a large number of participants today, so we highly encourage you to submit your questions early.

There will be several occasions when the presenters will ask you questions. These poll questions will appear in your slide window. Please submit your answers in that same window, not in the Ask-a-Question box.

If you'd like to see closed captioning, just click on the closed captioning button on the left side of your screen above the Ask-A-Question box. At the end of the webcast, you will be asked to complete an evaluation survey. The survey will appear in a pop-up window, so please make sure your pop-up blocker is turned off at this time.

EPA offers the ability to receive certificates for those who view the live webcast. In order to receive the certificate, you need to click on the Download Certificate button to view and print it. For sites with more than one participant, the last slide in this presentation will have a URL where you can download a blank certificate that you can fill in for each person at your site. Remember that you must print this certificate after the webcast; it will not be mailed to you.

This webcast will be archived indefinitely so you can access it after today's live presentation. The archived webcast will be posted within a few weeks on EPA's NPDES Training website.

Before I cover the topics of today's webcast, I'd like to introduce our three speakers. Greg Schaner has been an attorney advisor with EPA for the past five years. Greg led the

reissuance of the final MSGP In September and worked on EPA's construction general permits that were issued in 2003 and 2008. Prior to joining EPA, Greg worked for a state government, consulting firm and a national clean water association. He has a law degree from the University of Maryland.

Jack Faulk has worked at EPA for eight years, all on the NPDES Stormwater Program. Prior to joining EPA, Jack worked 16 years as an EPA contractor, primarily supporting the NPDES Permit Program with permit writing, inspections and audits, guidance development, training and program review and assessment. Jack has a chemical engineering degree from Virginia Tech.

Rachel Herbert has worked in EPA's NPDES program for the past three years. Rachel managed the development of the updated eNOI system in conjunction with the 2008 MSGP. She received her MS degree in environmental science from the University of Maryland at College Park.

If you have any questions for our speakers after today's webcast is completed, you can reach them at the email address underneath each of their names, swpermit@epa.gov. Again this is displayed under each of our speakers' names on the left side of your screen.

We're now ready to begin today's webcast about the new 2008 Multi-Sector General Permit. As a reminder, the materials on this webcast have been reviewed by EPA's staff for technical accuracy; however, the views of the speakers and the speakers' organizations are their own and do not necessarily reflect those of EPA.

Also the slides for today's webcast present summary information about the 2008 Permit. We strongly encourage potential permitees to download and read the entire permit before developing their SWPPP and applying for permit coverage. One item to note, we have several people, or a number of people, signed in from all across the country today; however, I would like to point out that this EPA permit applies in a fairly limited number of states and other areas, which Greg will cover in a few minutes. State environmental agencies issue industrial stormwater permits in these areas where this EPA permit does not apply. Since this webcast is only intended to cover EPA's new Industrial Stormwater Permit, we will not be answering questions about state issued permits.

Once more the phone number to call for any technical problems you're experiencing during the webcast is 800-833-2812. I will now turn it over to Greg who will cover today's topics.

Greg Schaner: Good morning. We've split the presentation up into four not very equal parts. But first we're going to start with a very brief overview of what the 2008 MSGP is, talk about recommended steps to becoming authorized. Next talk about what implementation of the permit looks like, what the requirements are after you become covered. And then lastly a review of the major changes from the last permit.

So just very briefly, what is the 2008 MSGP, the Multi-Sector General Permit? It's also known as the Industrial Stormwater General Permit, and as a general permit it covers multiple facilities. In this case over 4,000 facilities have been covered in the last permit. The 2008 MSGP is actually the third issuance of this permit, there was one issued in 1995 and 2000. And as an industrial permit it covers 29 different sectors of industrial activity. And is effective only in those areas where EPA is the permit authority, which amounts to a few states, Indian tribal lands and territories, and federal facilities.

And lastly to note there is a web page that we are using on the bottom of the slide that you should make sure to check in regularly, we will be updating that with new guidance documents but currently it has a bunch of fact sheets that you'll want to check out for your sectors, or it also has the permit and fact sheet and a number of other links.

John Kosco: Thanks, Greg. We are going to do our first set of poll questions now and we would like to hear who is participating at each of the locations today. If you have multiple locations, just pick the best radio button that applies to your location.

So who is participating today? If you're an operator of an industrial facility, representing a municipal government, a state government or a federal government, you're a consultant or you fall into one other category. So again please click the radio button that applies to that. And again I would stress, as Greg pointed out, that the MSGP website includes a lot of information on guidance and also copies of the permit.

If you click on the resources button underneath your screen, there are all these web links that we'll be talking about today, including all specific links to the permit. So I will just wait one more second, again press which applies to you and send us -- click the submit button. And what we see here is we do have a fair number of people representing industrial facilities, 27%. I'd assume a lot of the people that responded as consultants are probably writing SWPPPs for industrial facilities, and then you can see the proportion of different municipal governments out there.

So now we'll get to the next question, which is how many people are participating at the webcast today at your location? So is it just you listening on your own computer? Do you have two to five people in your room listening together, six to ten, 10 to 20, or more than 20? And we do appreciate you responding to this question just because it gives us a better idea of the total audience we have out there. Obviously if we have more than one person in the room we can't tell how many people there are without you responding to this question. So we do appreciate your responses to that.

And we'll give people another minute or two to respond to this. I also would like to remind you; you can download a copy of the slides using the button on your screen and see what all the topics are for today. Alright, let's see what the responses are. And as expected with most of these webcasts, about three quarters of people are listening by themselves. But we do have a fair number of people in small groups, about a quarter of people listening in groups of two to five.

And we do have one last quick question and this is specifically for industrial facilities or consultants who represent industrial facilities. We'd like to know if you represent a facility that was covered under the past MSGP 2000. So you were specifically issued a permit by EPA for your industrial facility under the 2000 permit. So click yes if your facility was covered under 2000, no, the second button, if your facility was covered by a state industrial stormwater permit, or no on the last button, your facility was not covered. Maybe you're just listening in. So please click the appropriate button and let us know.

And as Greg mentioned, we have approximately 4,000 facilities that were permitted under the 2000 permit and because it did take a little bit of extra time to get this permit reissued, we're trying to get the word out to those 4,000 and other facilities that may have come online since then that permit coverage is necessary.

So let's push out the results on here. And we find that almost half of the listeners were covered under the old MSGP. That's great. We're hopefully going to educate you on the changes and the different requirements in this new permit. And for everyone else, it also should be very beneficial.

So let me turn it back to Greg to talk about recommended steps to become authorized.

Greg Schaner: Thanks, John. So, essentially what we wanted to cover in this segment of the talk is you open up the 200 page permit and you're wondering what to do first. What is important that if you are covered by, or if you're eligible for coverage that you need to understand how to become authorized. And it's a little bit different from last time, so what we wanted to do is to break down what we thought was a logical sequence of steps that you should take to become covered. And these can be changed a little bit around; EPA thinks that these make sense. The only one that can't be changed around is the fourth step, submitting a notice of intent, which has to be last in this sequence before getting covered.

The steps very briefly are: determine the facility's eligibility; second, install and implement stormwater controls at the site that comply with the permit's control requirements; third, to develop or update the facilities paper SWPPP, or Stormwater Pollution Prevention Plan; and then lastly after those things are done, submit a notice of intent or NOI to be covered under the MSGP.

I wanted to remind folks before I get too into these slides that this is by necessity an overview. I'm not going to read every word on the slides. But these slides will be available to you and you'll be able to use them as references as time goes to -- as a more simplistic summary of the permit.

John Kosco: Great, now we have our poll questions coming fast and furious here. The fourth poll question asks, have you read the new 2008 MSGP? So we want to know, the permit's been out for a little over a month now. Click yes if you've read the entire permit and you're pretty familiar with it. The second button, yes, if you've downloaded it but haven't really read much of it, skimmed it. The third button, if you have a copy but

haven't read it at all, you're waiting for today's webcast. Or if you don't even know where the permit is, or haven't downloaded it yet, please click the last button, where do I get a copy of the MSGP.

So we'll give respondents another second to respond to this. Again, you can download a copy of that MSGP off of EPA's stormwater website and download the resources document to get those specific links. So let's push out the results here and see. So we have a fairly small percentage of people who feel like they've read the entire permit. About a third have skimmed it and than a third or less haven't really read it at all.

So hopefully with today's presentation, we can give you a very good overview, but again as Greg mentioned, read the permit for the specifics. So now we'll turn it back to Greg and talk about eligibility.

Greg Schaner: A few minutes ago I mentioned that there's four steps to becoming authorized under the permit. And the very first step that we think as a minimum, kind of the easiest part is, "Am I eligible for coverage?" There are several different ways we've divided the permit up in terms of eligibility. There's what we consider to be minimum eligibility requirements, which is the first type. And then second, certain limits on coverage, which I'll go over second.

Each facility by the way needs to demonstrate and certify that they've met these requirements and that will be later when we talk about the notice of intent. But in terms of minimum eligibility requirements, the first type, the very first thing is the facility needs to make sure it's located in an area where EPA's the permit authority. These areas are listed in Appendix B of the permit. Secondly, have as their primary industrial activity one of the defined industrial activities that are listed in Appendix D of the permit. And those again are the 29 different industrial sectors that we mentioned before. And then third are the storm water discharges from your property and the non-stormwater discharges allowable under the permit? And we'll go over each of these in more detail.

This map show where the permit applies, it comes down again to five states and territories, federal facilities and Indian country lands. Again this is in Appendix D of the permit. I will note that last week Alaska became authorized to administer its own permit; however, it will take one year to bring stormwater online. And we don't know yet how they're going to handle the MSGP permitees, but they'll -- more information will be coming.

John Kosco: We do have a poll question coming next. But take a look at this map and determine which area you're in and again the green area, EPA does not cover, and the white states, EPA does cover including territories and some federal facilities. So with that in mind, look at this next poll question. We're asking are you in an area covered by EPA's MSGP. So, yes, my facility is in one of the five states where EPA issues a permit. Again those states are Alaska, Idaho, New Mexico, Massachusetts, New Hampshire, the District of Columbia, territories except for the Virgin Islands, or Indian country land.

The second bullet there, if you are covered and you're in one of the territories or in the country land or federal facilities; click that radio button. Or no if you're in one of the other 45 states and you're issued a permit by your state agency, please click that radio button.

So we'll see what the responses are and let's push these out. Okay so actually we do have almost a 50-50 split here between the number of people who are subject to EPA's permit in the five states and other territories, and those subject to permit coverage under their state program. So, that's great and I will now turn it back to Greg.

Greg Schaner: Thanks, John. Picking up where we left off. These again are minimum eligibility requirements.

There are 29 sectors of industrial activity that have been defined in EPA's regulations and are part of this permit. These are based on SIC codes that have been picked from the Department of Labor's system in terms of their pollutant potential. Just wanted to note also that on the MSGP website, there are sector-specific fact sheets for each of the 29 sectors that go into a little bit of background on the sector and some of the typical controls that are used on those sites. So you should make sure to check those out as well.

Essentially, the thing to understand about this list; if you have one of these activities, thus making you eligible under that second bullet a few slides ago, if you have a facility on this list and you have stormwater discharges, then those activities can be covered under the permit assuming that other conditions are met.

The next type of discharges, though, are non-stormwater discharges. Most sites don't just have stormwater that's coming off their property, but they also probably have somewhat everyday sources of water that can either become mixed in with the stormwater or is discharged to the sewer system or nearby rivers and streams. And EPA has evaluated those and determined which are allowable under the permit. And this slide shows which of these are eligible such as pavement wash waters, assuming their not contaminated or firefighting activities or fire hydrant flushings. The thing to know about this is its okay to have those and they're coverable under the permit, but if you have other sources of non-stormwater, these need to be eliminated or covered under a different permit.

Okay so even if you've met those first three types of eligibility requirements, there are other types of requirements, which we call limitations on coverage. And this slide is showing those requirements that would make you ineligible if you have one of these.

And just briefly, if you have a stormwater discharge mixed with one of those prohibited non-stormwater discharges that would not be allowed under this permit. If you have discharges from construction activities and they're not from a mining operation, those would not be allowed under this permit. Additionally, if you have sources of stormwater that are covered under another type of permit, unless EPA specifically okays this, those will not be allowed; and then also if there is a numeric limit that is not specifically listed in this permit, that would not be covered. And then lastly if the facility is discharging to

an Outstanding Natural Resource Water, these are waters that are actually designated as Tier 3 by state or tribe, those discharges are not allowed under this permit.

There's also types of limitations on coverage where you as a facility need to make certain certifications to make yourself eligible. And these deal with certifying that your discharge is not harming endangered species or historic properties. Or that as a new discharge, if you're a new facility that has not been covered previously under the permit, that you're not causing or contributing or that you would not cause or contribute to an exceedance of water quality standards. So that completes Step 1.

The eligibility requirements, now we're -- after Step 1, Step 2 is what stormwater control requirements must I meet? The MSGP requires industries to reduce pollutants in stormwater and how much reduction is required and how to achieve it is actually spelled out in the permit. The first thing to understand is that the limits that are set out in the permit are obviously controlled by some means, either a procedure that's put in place or some kind of BMP or mechanism that's somehow treating the stormwater on your site.

So this slide is showing that what's required in the permit is part of this is that you actually go in and install those control measures to meet the permit's effluent limits, in part 2.1 And by the way, I should mention these numbers that are in the parentheses throughout the presentation are referring back to the permit, so if you have not yet printed out the permit, after you do that you will be able to refer back to this presentation. In addition, the stormwater control measures need to meet the design and selection considerations that are laid out, and an example of that is that it's beneficial to minimize impervious surfaces where you can. And then thirdly, stormwater control measures need to be designed, installed and implemented in accordance with good engineering practices.

What we're going to be talking about now is what are the effluent limits that are part of the MSGP? And when I say effluent limits, that's a term that EPA uses, but you could also think of them as what are the control requirements in this permit? So when I say effluent limits, you can think of them as this, although we do refer to them as effluent limits. And what effluent limits essentially do in this permit is to require that the facility minimize pollutants. And EPA defines minimize as reducing or eliminating to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice. And beyond being a mouthful of a standard, that is essentially explaining to the facility that they need to take these things into account when selecting the control measures that they're going to be using. It's obviously not intended to break the bank, but they should be choosing among the best practices that are out there and that are available, but also economically practicable.

Now there's three types of effluent limits in the permit, and I'll be talking about each of these. The first and most prominent of these are the non-numeric technology-based limits; there's also numeric technology-based limits, or effluent limitation guidelines; and then also water-quality based limits. And one thing I should add is that mixed into this, the different states and tribes where this permit is effective also have added in some cases

additional requirements, so depending on where you are, you should look at Part 9 of the permit and find out if there's additional requirements there. But I will not be going through Part 9 during this presentation.

So what is a non-numeric limit? The first type? EPA has found that many of the requirements for industrial stormwater are best expressed in a non-numeric manner as opposed to specifying a concentration that must be met. There are 12 of these non-numeric technology-based limits. I'm going to go through each of them and many of you will be familiar with these from past permits.

The first limit requires that facilities minimize exposure of industrial materials and activities to stormwater by locating them either inside or protecting them with storm resistant coverings. Beyond just simply covering the materials, however, there are ways to minimize exposure if you can't do that by grading or berming to prevent contamination and divert run-on away from industrial activities, by addressing leaks and spills, doing cleaning operations inside, and ensuring washwater drains to proper collection systems.

Another limit is good housekeeping -- requires all exposed areas be clean and that are potential sources of pollution, such as doing regular sweeping at the site and storing materials in appropriate containers. A very important limit is the requirement to keep all control measures on your sight in effective operating condition, and in addition to regularly inspect, test and maintain industrial equipment on your site that could result in a spill leading to contamination of stormwater. Those are the two different types of maintenance requirements. Also an expectation of this requirement is that if you see an easily fixable problem, you're required to immediately fix it as expeditiously as practicable. And if it takes longer to fix it, there is a separate set of procedures that Jack will be talking about that are called corrective actions.

Another effluent limit is the requirement to minimize the potential for leaks and spills that may be exposed to stormwater. How do you do that at your site? Some of the more obvious ones are labeling containers susceptible to spills, erecting barriers between material storage and traffic areas or putting up secondary containment, developing procedures for stopping, containing, and cleaning up spills and also for notifying, if there is a spill, notifying employees that are part of the team to respond and also to notify any agencies, government agencies that need to know.

The next limit, erosion and sediment control, requires both that exposed areas be stabilized and that runoff be contained to minimize erosion and sedimentation. And to place, where applicable, velocity dissipation devices at discharge locations and within channels to slow the runoff down and to settle out pollutants.

And a related limit, facilities are required to divert, infiltrate, reuse or reduce stormwater in runoff to minimize pollutants in the discharge. And these last two limits are by necessity, very site specific and we realize that there are a variety of different methods to do this. We've provided a few references, but many states and areas have developed their own resources and you should consult those are well.

If you have salt storage piles or piles containing salt, the permit as another limit requires that they be enclosed or covered. This next limit is a reference to limits that apply to individual sectors. This is actually -- each facility will need to check on Part 8 to determine whether they have what's called additional technology-based effluent limits. These are also non-numeric and all but eight sectors have these. So make sure to check these. These are on Page 47 of the permit. An example of this in Sector M, which is automobile salvage yards, they're required in Part 8 of the permit to drain vehicles that are intended to be dismantled of all fluids upon arrival at the site. And this is to minimize the potential for contamination that would end up in the discharge.

Each facility is also held responsible for training employees who work in the areas affected by the permit and who are responsible for implementing the permit. This is recommended to occur once a year. There's not a lot of specification in the permit for that, but essentially explaining to those employees -- and they could be contractors as well -- the different control measures that are a part of this permit and any monitoring, inspection, reporting and documentation requirements as well.

The last set of non-numeric limits - first is a reminder that you're required to eliminate any prohibited non-stormwater discharge, those discharges that aren't on that list we went over before. Also that exposed areas be kept free of waste, garbage and floatable debris. And then lastly that facilities minimize the generation of dust and offsite tracking of raw, final or waste materials.

So that completes the run through of the non-numeric technology-based limits. Unlike the 12 non-numeric limits, the permit also has for certain sectors, seven sectors actually, numeric limits. These are also called effluent limitation guidelines and these are promulgated by EPA as national technology-based standards. And these have been included in past permits and there haven't been any changes, these are just incorporated for those sectors that are affected by them.

The third type of limit in the permit is water quality-based effluent limits. And these apply to -- unlike the previous non-numeric limits that apply to the facility no matter what -- these differ based on where the facility is located. One thing to understand, because we'll be referring to, it is what is a water quality standard? These water quality-based limits are designed to protect water quality standards, which are requirements that apply to individual streams or receiving waters and they're required to be met as an indicator of the health of the stream. As a general matter, the permit requires that each facility control discharges as necessary to meet any applicable water quality standard.

The permit through the implementation of the non-numeric technology-based standards, EPA expects where those are complied with that in most cases, water quality standards will be met. However, if that's not true and a facility either determines, or EPA determines, that a specific facility discharge causes or contributes to an exceedance of water quality standards, the operator is required to conduct corrective actions to eliminate the problem. And also in addition to this requirement, EPA has the ability, if it becomes aware that there is a specific water quality standard exceedance to impose additional

requirements after notice to the permitee and to the public that would make its discharge meet applicable water quality standards, or it can also require an individual permit.

There are also some streams that have already been so heavily polluted that they are considered to be impaired. Impaired waters are -- it's actually an official designation that states and tribes can use -- and where water is impaired, typically a total maximum daily load is required to be developed or a TMDL, which kind of as a general matter spells out which sources will need to reduce what types of pollutants by how much.

The permit contains some requirements that affect impaired waters. If a discharge is going to a water body that is impaired and has a TMDL, EPA will assess the TMDL to determine what additional requirements, if any, are necessary. If however, the discharge is going to an impaired water where no TMDL has been completed, the affected facilities in addition to implementing and complying with the other non-numeric conditions, are required to monitor for the pollutant causing the impairment. And we'll be talking about that in a little bit.

And the last type of water quality-based effluent limit affects the anti-degradation requirements. If a discharge is going to a Tier 2 waterbody, EPA will be looking at the discharge specifically to determine if any additional requirements are necessary.

Jack Faulk: Greg just filled everyone in on the specific effluent limitations and controls that are identified in the permit and what we have is then trying to document the – an operators' procedures for how they intend to comply with those requirements. And that's in a document called The Stormwater Pollution Prevention Plan. And one of the things that we did in this permit, for those of you familiar with the previous permit, the SWPPP requirements often had limitations, documentation mixed from sentence to sentence, section to section. And this permit, we really tried to separate the two so that -- for example the effluent limits are in Part 2 of the permit, we have inspections and monitoring in a different section and the SWPPP is actually it's own chapter, Chapter 5 and really spells out the documentation of the procedures that the operator will follow to comply with the conditions of the permit.

As it says, you have to develop a SWPPP prior to submitting your NOI. Basically the concept being that you have all your procedures in place upon receiving your authorization to discharge. There's also potential that your previous SWPPP from the 2000 permit may be close to consistent with the requirements of this permit. Feel free to use that as a starting point and modify it as necessary to comply with the requirements of this permit.

So what I'm going to do is talk about the seven main elements of the SWPPP identified in the permit. I'll put one caveat though that Section 8 and 9 of the permit that Greg talked about may also have additional SWPPP requirements.

Again, Section 8 are the sector specific requirements and some of the sectors actually will have specific elements identified. I think Greg mentioned the auto salvage yards. And

then likewise, Section 9 has requirements, specific to state and tribal conditions. And there may be instances as well where there are specific SWPPP requirements that permitees have to follow.

So the first element of the SWPPP is identification of the Stormwater Pollution Prevention Team. And simply that's basically identifying the folks within your facility and others, maybe contractors, consultants that are going to help to implement that SWPPP. And the one requirement of the permit is that actually those folks do have ready access to the SWPPP and to the permit, so they actually are familiar with what conditions they're trying to implement.

The second piece, site description, and this is basically spelling out in general the activities that are occurring at the facility, focusing primarily on those outdoor activities that are likely to impact runoff. The permit also requires a general location map, and I think really the key component there is that is shows the proximity of the facility to nearby receiving waters, basically where the runoff is going when it leaves the facility. And then the third piece of the site description is a detailed site map -- and go to next slide -- it's detailed and really does require quite a bit of information, and in fact it may turn out to be multiple maps to be able to include all the information. But again focusing on the activities that are occurring outdoors, identifies the pollutants from the different areas, where there are likelihood of spills, where the outfalls are from the facility, monitoring points, if there have been past spills or areas where there's likelihood of spills, identifying those areas, direction of stormwater flow, et cetera. These bullets are just kind of some of the highlights of what's required. But it really is intended to provide a pretty detailed picture of what's going on outdoors at your facility.

The SWPPP also needs to include a summary of the potential pollutants that may end up in the runoff. The key term is that we're really talking about the industrial materials or activities that are exposed to stormwater. The regulations from which we issue this permit talk about industrial activity and separate it from the employee parking lot, the administrative offices and so forth that it's really taking a look at what's going on at the industrial facility and identifying those pollutants, activities that could potentially contaminate stormwater.

Have for each of the specific areas of your site where industrial activity occurs, your SWPPP should identify the activities, the pollutants likely or expected to be present, documentation of the spills. As Greg mentioned, certain non-stormwater discharges are authorized under this permit. Those should be included, salt storage piles, and then also a summary of any stormwater monitoring data that you may have collected in the past, basically showing what characterization information you have for the runoff from your site.

Next, the SWPPP needs to elaborate on the control measures designed to control stormwater runoff. I guess in addition as part of the NOI authorization process or subsequent to that, EPA may actually include or require additional control measures to meet water quality or to protect endangered species and those also should be included on

the SWPPP. It should acknowledge any of the measures that you have in place to control run-on to the site as well. In certain instances, without controls you may end up receiving a significant volume of run-on to your property that could potentially impact runoff. And if you have measures in place to minimize that, those should be identified as well.

And whatever controls that you decide to choose that you feel are appropriate, the concepts in Part 2.1.1 of the permit are really the considerations for how those control measures are selected. And some of the control measures, one is preventing stormwater from coming into contact with polluting materials is generally more effective than trying to remove pollutants. Use control measures in combination, et cetera. And so as you describe those controls and as you're designing and installing those controls, again it's the factors in 2.1.1 that should be key into how those are selected.

The next part of the SWPPP should describe the schedule and procedures to be used to comply with the selected effluent limitations. And in the Part 2 of the permit the effluent limits that actually have schedules would be things like good housekeeping, maintenance, bill prevention, employee training. So for example for good housekeeping, your SWPPP should identify a frequency that you're going to sweep or a frequency that you're actually going to replace parts or check equipment to determine the need for replacing parts. And then finally details on the employee training program that you're going to implement at your facility.

Also the permit, we'll talk about it a little bit later, includes various monitoring and inspection requirements and this part of the SWPPP should identify basically the schedules and procedures for how you'll conduct those activities. I think this is the opportunity where -- and again, I should probably talk about it in the monitoring -- but there's an opportunity for reducing monitoring frequencies. Where you have substantially identical outfalls, and if that has been a determination, this is where you could identify your frequency for how you're going to monitor those substantially identical outfalls that reduce frequency, and it’s kind of complicated. I'll probably save it for when I talk about monitoring.

And then finally, the SWPPP requires that you include documentation that generally you've had to collect to demonstrate eligibility related to endangered species, historic preservation, and then the new source performance standards, which were those effluent limitations guidelines that Greg talked about. If you're a new facility, there are some NEPA, National Environmental Policy Act requirements that may apply to you. And the expectation is that you will retain those records.

And then finally the SWPPP is to be signed by a responsible corporate officer, general partner, or principal executive officer or a duly authorized representative.

Rachel's going to talk a little bit about NOIs and in those instances the NOI actually has to be signed by that responsible corporate officer, where as this actually provides that person can authorize someone else in writing to be able to sign the SWPPP. And I'll talk a little bit about how you may have to update your SWPPP later on.

John Kosco: Great, thanks, Jack. We are at our first question and answer break and just like to announce that based on the -- one of the previous poll questions, we have over 1,700 people listening in – so it's a great turn out and the questions keep rolling in.

The first question is from Ed in North Carolina. And Ed asks how does the EPA's MSGP impact states that administer their own MPS Stormwater permits such as say North Carolina? I'll turn it over to Jack.

Jack Faulk: As Greg mentioned, this permit is issued for just a handful of states, federal facilities, tribes, territories, et cetera. And in those 45 states, this permit does not apply at all. That being said, we've had a lot of interest from the states, particularly as the current permit took a little extra time to be issued to factually see what we intended to do with our permit because most states at least look at our permit whether they decide to include similar provisions or not is up to them. Our NPDES regulations kind of lay out some minimum requirements about meeting water quality and implementing best available technology requirements, but those other states really do have a lot of flexibility in how they end up using our permit. And it's tough to say at this point. I think historically, maybe close to half have used a permit similar to ours. That being said, I think over time more and more have gone out somewhat on their own.

John Kosco: Great. Next question is, back to Jack, Jerry from New Mexico asks, do facilities that have existing SWPPPs developed under the 2000 MSGP that were permitted to discharge under 2000, do they have to modify their SWPPPs before submitting the NOI for the 2008 MSGP?

Jack Faulk: Yes, the simple answer is yes. Our permit, again, a lot of very similar provisions. There were changes made to the permit though, and the way the procedures are spelled out, the expectation is that when you submit your NOI, that you have a SWPPP that is compliant with the conditions in the 2008 permit. So hopefully you don't have to make too many changes, but the expectation is that you will do that beforehand.

John Kosco: Great. I'll send this next question to Greg. Christy from Idaho asks, if my stormwater discharge is to a combined sewer, am I subject to these regulations?

Greg Schaner: The answer to that question would be no. You would not be covered by the MSGP permit.

John Kosco: Okay, simple. And I'll throw this up for anybody. Amy asks how do you know if your waters are impaired. Is there any way -- does EPA have any tools or anything to help them figure that out?

Greg Schaner: There's a couple ways to answer that question. First of all, states do maintain -- a lot of states maintain their own lists and they may have websites or other resources that list the actual waterbodies that are imparted.

EPA has put together a tool called the Water Locator tool. You can access this off of the MSGP website or the NOI website. And if you follow through some basic steps about where your facility's located, lat-long, if you have it, it will give you a suggested set of streams that are near your location and also a separate list of whether those are impaired or not, and if there's TMDLs developed for those waters.

The caveat that we indicate is that this electronic tool is only as updated as the state lists and by nature what we encourage people to do it to check with either their states to make sure that those lists match. Or that if you're discharging to a municipal sewer system that you check with them. They may already know that information.

John Kosco: Okay. Thanks. The next question is from Claudia who asks, since there was a switch to NAICS codes, and a lot of these categories for industrial permit coverage are based on SIC codes, is there going to be some kind of amendment or some type of correspondence conversion for SIC?

Jack Faulk: The simple answer is that we wrote our stormwater regulations in 1990 and used SIC codes to do a one-to-one match with the SIC codes, but the NAICS code we found out is quite complicated. It's not nearly as simple as we would have hoped. For us to require folks to basically comply with our regulatory language, we would have to identify what all the corresponding NAICS codes are. We've talked about actually revising the regulations to use NAICS codes. We've not yet done that. We are working on guidance that's actually with our attorneys right now that has a table that actually does that SIC code to NAICS translation. So you can see the SIC codes covered under this permit, which corresponding NAICS codes match those, which hopefully will make it easier to figure out if you're covered under the permit.

John Kosco: Great. Dave asks, does the SWPPP need to be signed or stamped by a professional engineer?

Jack Faulk: The simple answer is no. We talked about that and in the end figured that there were plenty of other people that would be qualified to be able to sign that SWPPP. So we have a definition in the permit for who we identified as qualified personnel. But it's basically someone knowledgeable with the facility and the control of stormwater.

John Kosco: Okay, great. Next question comes from Bill who asks, what types of federal facilities does the MSGP apply to? I throw that out to either Greg or Jack.

Jack Faulk: I can try and answer it. It's -- federal facilities in the five states where EPA is the permitting authority, it's basically any federal facility. And again we have a definition in the permit that talks about that. I think the term when we talk about federal facilities, there are actually four states -- Washington, Delaware, Vermont and Colorado -- that actually EPA still covers federal facilities under the MSGP. And those states actually permit everybody else. For some reason there was a determination those states didn't want to regulate federal facilities.

But you should be able to find, I'm not sure which appendix it is, Appendix A has a definition and we describe federal facilities.

John Kosco: Do you have any examples of typical federal facilities? There's probably military type installation, Air Force type base?

Jack Faulk: Yes, and Postal Service.

John Kosco: Postal service?

Jack Faulk: Yes.

John Kosco: So they have to meet one of those categories under there. And Greg, the last question we'll take in this session is from David from New Jersey, who just wanted to ask or clarify the control measures are essentially defined as the effluent limits in the permit, is that correct?

Greg Schaner: Actually we differentiate between control measures and effluent limits. There's a requirement of course to install control measures to meet the effluent limits, but the effluent limits sort of apply regardless. They are things that the control measures need to achieve. And at times that line can be somewhat blurred when we're talking about procedures that need to be set up. But primarily the control measures are things that the facility needs to select and design and then implement that achieve the limits that we discussed about before.

John Kosco: Great. Well, I think we'll move onto the next section how on how do I submit my NOI for coverage. And this section will be covered by Greg and Rachel.

Greg Schaner: Thanks, John. So we're in the fourth step of the four-step process that we outlined. The first step was to determine eligibility. The second step was to install control measures to meet the effluent limits. Next was Jack's part about developing a SWPPP and now after those things are done, a facility having done that is ready to submit its Notice of Intent to be covered by the permit, and we're going to talk about how to do this. The first thing we wanted to talk about is the deadlines that apply for submitting an NOI. And this depends based on whether your facility is an existing discharger that was covered under the prior permit or is a new discharge.

So first, existing discharges, which were covered under the MSGP 2000, what's important to note is that during this time that the permit was issued in late September, those facilities that are existing have been and continue to be covered under the prior permit until their covered under the new permit. That's not to say that they don't have a deadline. They have a deadline of January 5th to submit an NOI to be covered under the new permit, and then there is a waiting period that applies after that is submitted of 30 days that after those 30 days, if all goes well, the discharger will be notified of its authorization.

There are also going to be new facilities covered under the permit. These are ones that came into existence after the last permit expired. And those deadlines depend on when the facility was established. If the facility started was -- came into existence, excuse me, and started discharging before January 5, 2009, which is the deadline for existing dischargers to submit an NOI, then they need to also submit an NOI by January 5th. And their authorization, like existing, should begin 30 days after the NOI is posted assuming all goes well.

Now, I say all goes well. There is a waiting period that is given for an endangered species review. And in cases where there may be a concern, there is the ability to take a closer look that might extend beyond the 30 days. However, I do want to emphasize that for existing facilities, specifically, they continue to be covered under the previous permit even if that time beyond 30 days is extended.

The other types of new facility are those that come -- that start discharging after January 5th. And their deadlines depend on -- it's either 60 days before commencing discharge or 30 days -- the ability to go to 30 is if the facility provides EPA with a link to its SWPPP so we can examine that. And then discharge authorization depending on whether it's 60 or 30 days is 30 or 60 days after the NOI is submitted.

Rachel Herbert: Today I'm going to walk you through an overview of the eNOI system including key features of the system, how to register and how to actually submit your NOI form to us. The eNOI system allows you to actually submit and modify Notice of Intents to us and also terminate coverage and submit no exposure forms if you qualify for that form. If you click on the link that's provided there, that would take you directly to the eNOI system.

We also will update that website to include screen shots of all of the pieces of the NOI, since our time is limited today I can't walk you through every single piece of the system. But if you go to that website, there will be information there.

So some key features of the system, you can, like I just said, modify forms that you submit to us electronically. This is a new function that was not previously included in the old eNOI system. If you have already submitted an NOI to us previously, you can actually select to pre-populate information and have the form filled out. And then you can choose to edit it further if necessary. And that would help you to save time in typing everything out again.

You can also view the status of all of the forms that you've saved in the system. It's important that you actually save them. There's a button at the bottom of the screen that will appear after you enter a few preliminary pieces of information to us that says Save as Draft. So as long you hit that form, you should be able to see it later.
We've also added a piece to the system that actually maps the location of your facility by the address that you provided. And it also -- the latitude and longitude value that you provided on a map so that you can visually see the distance between the two and tell if maybe there is something wrong with the latitude and longitude you've provided us.

We've also added some key help text to the system. There's a key word search function for frequently asked questions and glossary terms and where we can we've added hyperlinks to specific definitions and explanatory text. We've also added multiple drop-down menus so that you reduce the errors in typing things in and also it helps you to enter information more quickly.

The system also has two different options to view. The very first time you enter the system, you're going to have to go through the standard view, which walks you through the process step-by-step on page-by-page and it has extra explanatory text. However, and I will show you how to change this later, you can change it to an expert view. And that will show all of the information on one single page and it will not have as much explanatory text.

A few things to note before you get started. If you are inactive and you don't submit anything for 12 minutes or longer, the system will actually log you out. This is a security feature to ensure that no one can come up behind you and enter any information to us incorrectly with all of your information attached.

Also you should only have one account. Otherwise, if you have multiple accounts with the same email address, it's going to confuse the system and it's not going to know which account you actually want to have the NOI attached to. So that's been causing a few issues so far with the eNOI system being up. So make sure that you only have one account for yourself.

So with that, I'll walk you through how to actually register. If you go to the eNOI webpage and you click the icon to enter the system, you'll eventually get to this page. And depending on whether you already have an account or not, you'll click one of these links. If you forget your password, you should still select that you already have an account and then there's a link at the top of that page to actually reset your password.

Then on the next page is where you actually begin entering information, such as your name, you create your username and password, and you also decide on a secret question and answer that is attached to that account. It's important that you remember this answer because if you have any issues with your account, we are going to have to ask you that question to verify that you are the account holder.

Then on the next page you would enter your address, your email and your phone number. It's important to note that this is all of your information. If you are a consultant and you're entering information for a client, you should still enter your information and not your client's in this area.
If this is the case for you, there is a place, and I don't have the screen shot right now, but there's a place on the myCDX page when you first log into the system and it's called “add new employer profile.” And that would take you to a page that would enable you to create multiple areas within your one account so that you can include all of the different clients' information there. Also important to note is that this is the email address where all

correspondence will be sent to you within the eNOI system. So if your email address changes you need to make sure that you update this information.

Then on the next page is where you would actually select the eNOI application; that this is the system that you want to enter when you log in to the eNOI. And here you would select Stormwater Notice of Intent, eNOI, SWeNOI. It's known by many names so we included them all just to reduce confusion.

Then the next page is the last step in registration. Here there's not much to do, there's only one role. It says Both. And all you have to do is simply enter the state that you are in. And important to note is that all the screens we just went through, you will only go through one time when you first register. So if you've already registered, you probably won't need to go through all of those steps again. Then as soon as you click the Finish button, you're taken into the actual eNOI system.

So I thought I'd start by showing you a few of those help text pieces that I mentioned previously. If you look on the right hand side of the screen, you'll see a Tips section. And in this part you can find some questions that we frequently get asked, such as when should I submit an NOT. Even though it's not blown up, there's also a section where you can actually download the PDF NOI and view that prior to going through the entire system.

And then there's also some helpful information before you start that's available there. If you look to the bottom left, you'll see that I have circled a question mark. You'll see these question marks throughout the system and they're actually there to help provide additional instructions for you and answering your questions. Most of the time they're identical to the instructions that are provided on the paper NOI form.

Then at the top right, you'll see a help link. And this is how you'll get to the keyword search function to search through the frequently asked questions and glossary terms. If you go to that page and you don't select anything, it will just show you the multitude of information that's available.

John Kosco: Rachel, I'll just add, since you mentioned the paper NOI form. That is included as an appendix in the MSGP and there is still an option to submit those paper forms or mail them in. However, EPA created this eNOI system to help speed the process, ensure accuracy and help people complete the system. So we're strongly encouraging people to use the eNOI system, but that paper form is still available.

Rachel Herbert: Thanks for clarifying that, John. So, on the next page, if you were to click the Profile button at the top, which is right underneath that Help button that I just pointed out to you, it will take you to this page. On this page you can actually change your role. There are two different roles in eNOI. One is a staff person and the other one is a certifier.

A staff person is someone who can actually enter information, but they're not qualified and they don't meet the definition of a certifier to actually submit the form to EPA. So they can go in, draft all the information, save it and send it to that certifier so that they can send it to EPA and sign off on it. So if for some reason you are a staff person and you got promoted and suddenly you can sign your NOIs, you can change your role there. Also you can change the default view that I mentioned before; between the standard and the expert view. So if you feel like you are a pro at entering NOIs, you can go ahead and switch it to expert role and it will show all of the information on one page for you.

The important thing to note is that at the top, and I've circled it, there's a myCDX link. This is what you would select if you want to edit your address. However, if your name or your email address change, you have to contact the CDX help desk and their contact information is provided on a later slide for you.

So let's get back to that main page that you will come to when you first enter eNOI. As you see on this screen, I know it's kind of small, there are two basic sections. The first half of the page is where you would actually enter new forms and submit NOIs to us. The second half of the page, where you can see that table, is where you actually edit any forms that you've saved in the system, any forms that you've submitted to us, and any forms that you may have received from a staff person if you are a certifier.

We've changed it so that rows highlighted in red indicate that the form is there waiting for you to do something. So if you are a certifier and a staff person has submitted a form to you, then it will appear as red and it will be your indication that you need to go in and sign it. Another important thing is in the column that says status, there's a question mark, and similar to how I described earlier, if you click that it shows a description of all of the different statuses that are available and that your NOI may show up as.

And in the last column it says actions, if you click that drop-down menu, that's where you can actually view NOIs that you've saved, that you've submitted, you can edit NOIs, edit your owner-operator information and if you've previously submitted an NOI to us under the MSGP 2000 then you can actually select an option to apply using this data and it will pre-populate the information that you previously gave us. And you can edit it as necessary. You can also terminate here and certify. And then coming in March, you will actually be able to submit reports to us such as monitoring data and annual reports by selecting one of the actions in the drop-down. It's not there right now because we're still building it.

So let's say that I am coming into the NOI system and I want to start entering an MSGP NOI. The first thing that I need to do is actually select Industrial Multi-Sector General Permit. This enables the system to realize that you're submitting that form to us and not another one. Then you fill out some basic information such as the state that you're in, whether you're federal facility or on Indian land, and your company name and facility name.

So you'll receive one of two screens depending on whether the system actually recognizes the operator name that you provided on the previous screen. If the system does not recognize the operator name, you're going to receive that first screen that's at the top. And that's just simply because you need to enter all of the information. However, if the system does recognize the operator name that you provided, then it will show you a table with some radio buttons that you can select the address so that it will pre-populate it for you. If none of those that were showing up in that table are you, then you can select None of the Above and continue on from there.

So from this page you are actually led through each question that is identical to the paper NOI form. I'm not going to walk through all of those today, but I wanted to show you what happens at the end of submitting all of that information. You will actually come to a page that will say Form Review and after that there's a form confirm page. These two pages are identical, the only difference is the title. We have to show you, because of security reasons, all the information that you provided to us summarized before you actually hit Submit to EPA just in case there's any typos or any problems with the information. So once you reach these screens, you are close to submitting it to us, but you haven't actually submitted it to us yet. You're not done. You have to still click Certify.

So once you select that Certify button, you'll see one of two screens. It's going to depend on whether you're a staff person or a certifier. If you are actually a staff person, you'll see one of these screens here. The first screen is if there are no certifiers already associated with your facility or your company, so you have to enter the certifier name, their role or title and their email address. However, if the system does already recognize certifiers associated with that facility, it'll have a drop-down menu so that you can just select it and you don't have to type everything in. Or alternatively, if there's a new certifier, you can enter that information there, too. The important thing to note is that you need to make sure that you're entering the same email address that is associated with that certifier's account. It doesn't matter if the certifier already has an account or not, just has to be the same email address. Otherwise the system will have issues and not know that the name and email that you're entering here is the same name and email that is already in an account.

So if you're a certifier, instead of getting the previous screen, you will get one of the following two screens. The very first time you come into the system as a certifier, you're going to have to select two out of five questions to answer. They're personal questions about yourself, such as what city were you born in, what year did you graduate high school, those sorts of things. So you have to make sure that you remember those answers, because every time that you try sign your form, it's going to ask you those questions and it has to match. So make sure that if you enter a capital letter, you're using a capital letter when you come back into the system because it is case sensitive and format sensitive, so make sure on your dates you actually remember which format you used.

If a staff person submitted an NOI to you, you'll receive the bottom screen, and this actually allows you to either save the form and review it later, if you've gone through and you just don't have time to actually sign the form, or you can actually send it back to the

staff person if there are concerns. Say for instance you thought the latitude and longitude wasn't correct, you could write a comment in there that says, hey I don't think this is right, can you please go back and verify. It'll send it back to that staff person's account and they will have to double check and send it back to you again. Or you can just go ahead and sign it if everything looks correct.

So how you will receive confirmation from us, you will receive a thank you page at the end of both of those screens. And you will receive an automatically generated email that tells you that we've received the NOI, that the waiting period has begun, and that after the waiting period is over, if there are no issues with the NOI that you will -- the NOI will be active.

If you submitted your NOI to us via paper, then as soon as the form is entered into the system by the NOI processing call center, a letter will be generated and sent to you. So if you send electronic NOI to us, you'll receive an electronic confirmation. If you send a paper form to us, you'll receive paper back.

And then on this last page, I have a few important contacts. If you're having issues with registration, you should contact the CDX helpdesk and all of their information is provided there. You can also contact then via telephone, email or fax. If you have a specific question about the eNOI system, then you should be contacting our EPA NOI processing center via telephone, email or web form. The other thing is if you actually want to find out the status of your NOI, you can certainly do that via eNOI if you have an account. If you submitted a paper one you can log onto the NOI search page and there is a link for that on the MSGP page.

John Kosco: Thank you, Rachel. Now we'll turn it back over to Greg, or Jack, to talk about what to do in terms of implementation.

Jack Faulk: Thanks, John. So we've talked about how to figure out if your eligible for coverage, you've prepared your SWPPP, you've installed your control measures, you've submitted your NOI, you've obtained your authorization from EPA to discharge; now it's time to actually comply with the permit.

We spent quite a bit of time on this version of the permit, trying to make it as understandable and clean as we could, acknowledging that there are a lot of things that still have to be done. But I think we succeeded at some level at making the permit cleaner. So I'm now in 20 minutes going to tell you everything you need to know about how to comply.

That being said, you probably will need a little more time to actually figure it out. I'll try and hit the highlights, but it's a complicated permit. Five key components that I'm going to talk about, complying with the effluent limits, conducting inspections, conducting monitoring and reporting data, carrying out corrective actions and record keeping and the annual report.

The first thing and I would probably say most important is you have to comply with the effluent limits. The effluent limits that Greg talked about that are in Part 2 of the permit really are the foundation of the permit and really are what the measures that will protect water quality. That includes the non-numeric requirements, the numeric effluent limits and water quality-based effluent limits. And to make sure our compliance enforcement friends are happy, that violations of those conditions, or failure to meet those conditions are considered violations.

The next component of the permit are conducting inspections, and the MSGP includes three different types of permits as a way for you to assess your facility to ensure compliance with those effluent limits. And I'll get into some of the details of each of these three. But just want to note that for facilities that are inactive and unstaffed, there's actually a waiver for routine and visual assessments during those inactive and unstaffed periods, although the comprehensive annual inspection is still required to be performed.

So the first type of inspection, routine facility inspection, the permit states that at least quarterly, potentially more frequently depending on the types of activities conducted outdoors, you must conduct a basically a walk-through of the facility to assess the areas of your site where industrial materials and activities are exposed to stormwater and the control measures that you have in place to comply with the permit. It also mentions that that inspection has to be performed by a qualified personnel, which we define as the same qualified personnel who was able to sign the SWPPP, and basically that's someone knowledgeable in facility operations and stormwater control practices.

And then once a year we say that those quarterly or routine inspections should be conducted during a period when there actually is a discharge occurring. So I guess we tell people you might have to put on your slickers and boots and get out in the storm event. And really the intent of that is that you may find things, notice things on your site, notice the performance of your BMPs that you wouldn't notice unless you're actually out there when a discharge is occurring.

We have specific documentation requirements spelled out in the permit. Again I think this permit, we really tried to lay out details more so to avoid any confusion about what should or shouldn't be included. So for routine facility inspections, we have some basic documentation about dates and the weather and who did the inspection. And really the key in these is that where you identify any deficiencies, that you mention those and then address what those corrective actions are to respond to those deficiencies. And again this is something that inspectors, when they come to your site, EPA or the state always like to look at paperwork. And this is very easy for them to be able to track and see how you've done over the past year or so.
To a large extent, routine inspections are intended to evaluate if control measures are operating properly and if the measures are adequately maintained. And when we talk about the measures, we're talking about structural control such as containment systems, berms, as well as any non-structural practices, such as sweeping or spill clean-up. And these really are not intended, EPA doesn't intend for these inspections to take a significant amount of time, but it really does that there'll be an assessment of the entire

site. I wouldn't say it's really just a walk through of the site, but it really is to get out there and give a quick assessment of what is happening at the site is consistent with what's in your plan and if it is actually protective.

The second type of inspection we call, or we're calling them inspections, are the quarterly visual assessments. And basically what the permit requires is that once a quarter you collect a sample from each outfall and perform a visual assessment. And what that collecting a sample is, is in a clear -- take a dip of the runoff in a clear container and in a well lit area, take a look at it and basically report what you find. We actually have some modified requirements for situations where for adverse weather, or if its torrential downpour, lightning, whatever the case may be, so if you can't collect that sample during a quarter, the permit provides an opportunity to collect that sample at a later time.

And then we have a provision, and maybe here as good as any, that if you have multiple outfalls at your site, you determine that two or more are substantially identical, that you actually only have to monitor from one of those locations at any given time. The one exception to that and I'll mention it later is for effluent limits where there is an actual effluent limit on an outfall, you are required to monitor each and every one of those outfalls whether they're substantially identical or not. But in this instance, if you have two outfalls and they're substantially identical -- and again we define substantially identical in the permit -- so basically it's similar activities and procedures are happening in more than one area that you only have to collect a sample from one of those two or more areas. And then we talk about that each quarter you should pick a different location and then if you actually find a deficiency in one of those locations, you really need to assess the other substantially identical outfalls as well to see if similar situations exist.

So when we talk about quarterly visual assessments, I guess this is really where it's not rocket science. You're looking at the sample and smelling -- seeing if there's an odor, I don't think you want to put your nose into the jar -- but color, clarity, floating solids, oil sheen, some other indicator that there's something in the runoff that is coming from your activities. And the permit includes requirements for what you have to document when you do those assessments, and basically what you're observing and what corrective action you're doing in response.

And then the third type of inspection is the comprehensive site inspections. And that the permit requires to be done annually similar to the MSGP 2000, this really is expected to be a more thorough assessment of your facility, of the activities, of the expected pollutants, any signs of spills or leaks, full assessment of control measures, maintenance procedures, housekeeping procedures, et cetera. Our permit actually defines the annual to 12 month period and says that the 12 month period from September, I think 29$^{th}$ until September 28$^{th}$ is defined as the year. And that if you're a new facility and you get permit coverage within three months of the end of that 12 month period, that you actually don't have to perform the annual inspection that year. But basically if you're covered at least three months under the permit for that reporting year, you're expected to perform a comprehensive site inspection.

And then one of the new components of this permit is that we actually require that the annual report be submitted to EPA and as a note, Appendix I of the permit actually has a template for completing the annual report and reporting. And as Rachel mentioned, hopefully our eNOI system will allow for electronic submission of those annual reports.

So that's it for inspections. The next piece is effluent monitoring and our permit has four types of monitoring requirements that may apply to your facility. Note that some facilities may have no effluent monitoring requirements, other facilities may have two, may have three, may actually have all four sets of monitoring requirements apply to their discharges. You'll note that we actually have a statement in there that monitoring does not apply until April 1, 2009, and that's basically to give us time to have our e-reporting system in place to make it simpler for folks to report the monitoring data to us. And you can look forward to a future webcast on MSGP monitoring as well as we have a guidance manual that is close to being completed that, I think it's a user friendly, I think it's 30 or 40 pages to try and provide a little more explanation of how to -- one, generally how to monitor stormwater and two, how to monitor stormwater to comply with this MSGP.

Greg's going to highlight some of the changes from the previous permit having to do with monitoring, but again we really tried to make it easier to sample, I think we had heard in the past the last permit talked about how you had to sample a certain size storm event and you had to do it within the first 30 minutes, or if not, within the first hour. And when we talked about it, looked at the data, we realized that a lot of those were kind of some decisions that had been made on some statistical analysis in the past and that if there is a measurable discharge, that that would be adequate to sample, that it didn't necessarily have to meet a one-tenth of an inch storm event because in fact there would be facilities that had discharges at less than a tenth of an inch. So again there were some simple fixes that we thought would hopefully reduce costs for facilities to try even collect the sample that met the permit requirements.

The four types of monitoring, the first one that is probably the type of monitoring that most facilities -- or the type of monitoring that more facilities than any other will have to perform -- I think under MSGP 2000 about half of the permitees were required to perform benchmark monitoring -- and we really did not change who had to monitor under this permit. We made some changes to the approach and to some of the actual numbers for the benchmarks, but the facility is required to monitor, I'm going to say is virtually identical. There may have been a little tweak here or there but basically it's the same type of facilities that are going to monitor again.

Those specific benchmarks are in Section 8 of the permit, dependent upon which sector your facility is identified under, and I don't believe Greg mentioned it, but we have a primary SIC code that basically is used to identify whether or not you're covered by the permit. SIC code or primary activity -- once you're determined to be covered by the permit, then any applicable sector within the permit also applies to you. So if you're a sector C facility and you perform activities that are identified in sector F, both of those sector requirements will apply to your site.

And for this permit, in MSGP 2000, the benchmark monitoring was during year two and year four of the permit. This permit we actually changed, it's now -- we're calling it year one, but that year one date actually doesn't start until April of 2009. But benchmark monitoring, the expectation is that you'll collect four samples during the first four quarters beginning April of 2009.

And similar to the last permit, if the average of your samples does not exceed the benchmark, no further monitoring is required. You have to do that on a pollutant-by-pollutant basis. But if you monitor for three and all three are below the average, then for benchmark monitoring you're done for the duration of the permit. If your average actually exceeds the benchmark though, you have to follow-up and we've provided two options for what you have to do.

One is that you can basically assess and determine that there are actually some additional control measures that I can implement or some existing measures that I can modify, do those and then collect quarterly monitoring data for another four samples and determine whether or not you are above or below the benchmark. Conversely, if you've determined that I've done everything, and the key term here is that, and you've determined that no further reductions are technologically available and economically practicable and achievable in light of best industry practice, the permit allows you to make that determination and then continue to monitor once per year. And we've also added some language specific to natural background. There were some commenters that expressed concern that their facility was not contributing a specific pollutant that was showing up as a benchmark in exceedance, and we have procedures that basically lay out that if you can demonstrate that your exceedance is the result of natural background that you actually can receive a similar exemption from further monitoring.

I think early on Greg had mentioned that there were seven or eight sectors that actually will have numeric effluent limitations, I think it's Table 6.1 of the permit actually lists those activities. And the one note that I will make is that those limits may or may not apply to all the runoff from your facility. Some of the effluent guidelines actually are facility specific. For example, one of them is runoff from asphalt emulsion facilities. So if you're an asphalt emulsion facility, any discharge from your industrial activity must meet that numeric-effluent limit.

Conversely some of the guidelines are activity specific. I think there's one that it discharges from spray down of logs at wet-deck storage areas. So if you're in the timber products category, it's not the entire runoff from the entire facility, it's only the runoff from that specific activity for which the effluent limitation would apply.

And for those discharges that have an effluent limit, the permit establishes that you must monitor those once per year at each outfall. And again, there's no allowance allowed basically under our regulations, which we've included in the permit, no allowance for a substantially identical outfall waiver. And if you exceed an effluent limit, you have to conduct follow-up actions, which requires corrective action, but also requires that you re-sample within 30 days. And if that second limit, or that second sample also exceeds the

limit, you're required to submit an exceedance report, the details of which that are in the permit. And then you have to continue monitoring until you actually meet that effluent limit.

The next type of monitoring is impaired water monitoring, and Greg talked a little bit about TMDLs and impaired waters. And basically your SWPPP will identify whether or not your discharge goes to an impaired water. And if so, our permit establishes procedures that you have to monitor for the pollutants for which the waterbody is impaired. Basically we're saying a pollutant is something that is identified in the Part 136 of our regulations analytical methods, so something like a biological impairment that doesn't identify a specific pollutant, you wouldn't be required to monitor. But if it was an impairment say for zinc, the expectation is that you would monitor.

We've also said that if there is actually a TMDL that's been approved for that impaired water, that you do not have to monitor unless the EPA specifically notifies you that additional monitoring is required, the explanation being that if it was a TMDL and identified your facility as a contributor, it should be clearly identified in the TMDL document and EPA could figure out what the specific requirements for monitoring and potentially these effluent limits should be.

So that's a quick summary of the monitoring requirements. I want to talk a little bit about corrective actions. And I think this is probably one of the sections that we are hopeful that will be the clearest in trying to lay out what our expectations are when a violation or exceedance of a benchmark occurs: what steps and timeframe exists for facilities to respond.

We have two different types of triggering conditions, and I'll talk to those in a little bit. But basically what we require is that you investigate the problem, document the problem and then make any modification to your facility to prevent reoccurrence. And we actually have a requirement that you submit those corrective action summaries along with your annual report. And if you look at the last two pages of the annual report template in Appendix I, you'll see that there's actually a template for filling out that corrective action information.

The two triggering conditions, one actually we're saying is a permit violation and the other is an indication of a potential problem. The permit violations we identify unauthorized releases or discharges, violations to numeric effluent limits, inspection fines, control measures are not properly operated or maintained. Again that's a permit violation, the similar investigate – document - modify is expected. The second type of corrective action is an indication of a potential problem and that's if you've had a significant change in your facility operations that could change the types of pollutant activities that are occurring that the expectation is that you are going to assess the conditions and make any modifications as necessary.

The second is actually an exceedance of a benchmark, we're saying that that is not a actual permit violation but that that is a trigger for corrective action. As I mentioned

earlier, if you exceed a benchmark, you need to assess why that exceedance occurred and take any necessary actions or document that no further reductions are available and practicable.

Timeframes, I think what we received a lot of comments on responding to permit violations and potential problems, and the way the permit is laid out now is that where you identify a triggering condition that within 24 hours you're expected to document the problem, document the date you identified that problem. And then within 14 days actually document what actions will be taken to address that or document that no action is needed and then lay out a timeframe for actually completing that corrective action. And our timeframe is that we shoot for modifications being made before the next storm event if possible, or as soon as practicable following that storm event. And again, the explanation for timeliness should be spelled out in your documentation for the corrective actions.

The effect on compliance, if you've had a triggering condition that's a permit violation and you correct the problem, you've still have that underlying violation. If you fail to take corrective action, that's a second violation. Again with the inspectors and enforcement consideration will be given based on how well you responded or did not respond and Appendix I again has a template for you to use for documenting that information.

Last part I want to talk about is records and annual reports. The permit requires permitees to basically maintain records. We've talked a lot about the different types of activities that you have to perform and the documentation. The expectation is that you will maintain those records of the inspections, the monitoring, changes to your plan, descriptions of spills, et cetera. And that -- I think the permit says that they'll be retained for three years after termination of coverage under the permit.

And then the last part is for submitting annual reports and unlike the last permit which just required inspection records to be retained, we actually now require permitees to submit that annual report. Basically we did that in lieu of those of you who remember the draft MSGP, we actually added some monitoring requirements for all facilities. And in lieu of retaining those monitoring, we opted to instead include annual reporting requirements where basically permitees are now expected to submit that annual comprehensive inspection report as well as any identified corrective actions that were taken during the year.

And one note is that you're report actually is to be sent to EPA, not to the Regions. Hopefully, the Regions will send them to Headquarters, but we try to make it clear. And with the eNOI system, there should be a way to submit those reports electronically. But really get them to us in Washington. And I believe that is it.

Greg Schaner: The last thing we wanted to leave you with before having closing questions and answers is just a quick review of the major changes from the MSGP 2000. For those of you that are carry-over dischargers or for facilities that were covered under

the past permit, we covered a lot of this. But just to go over very briefly, we think there are eight major changes in the new permit as compared to the last permit.

The first major change is that we've separated out the SWPPP requirements from the effluent limits. And actually what used to be in the old permit one big SWPPP section is now potentially four different sections. One dealing with effluent limits, corrective actions, inspections and then the development of the SWPPP. And this is to clarify the difference between the two.

The second type of major change is water quality. And again we've talked about this in different segments of this talk, but the main thing to understand is that where the prior permit put most of the burden on the discharger to figure out what their water quality requirements are, we're trying to target these by looking at impaired waters those with TMDLs to determine, as EPA is the permit authority now what additional requirements might apply. Again just to emphasize what Jack mentioned, corrective actions are required to fix exceedances of water quality standards and there's also the new requirement to monitor for the impairment pollutants.

A third major change deals with the endangered species issue and in terms of submitting the NOI there's the 30 day or 60 day waiting period for new facilities, 30 for existing that enables the Fish and Wildlife Service or NOAA to look to see if there's any specific concerns about the facility.

Also historic properties in terms of demonstrating your lack of impact to historic properties; the eligibility criteria for this section has been adjusted based on our conclusion that the opportunity to impact historic properties for an industrial stormwater discharge is minimal. However, if there are potential impacts such as where BMPs are being installed, there is a process to follow for demonstrating the lack of impact.

Corrective actions was covered by Jack and the only thing I wanted to mention again here is that the difference between the last permit where corrective actions wasn't really called corrective actions, but it was called follow-up procedures wasn't really laid out. In this permit it is fairly well laid out in terms of what triggers a corrective action and then what deadlines apply.

The sixth major change in terms of monitoring and pretty much across the board, the biggest change being that submitting data to EPA will be -- we will facilitate electronic submittal, that'll be available in April 2009 as Jack mentioned. In terms of benchmark monitoring there were updates to the individual benchmarks depending on if in the last eight to ten years there have been changes made by EPA to water quality criteria, which were the basis for those benchmarks and also the exception for inactive and unstaffed sites has been modified.

And then lastly on benchmark monitoring to note that the natural background exception for certain facilities that can demonstrate this is also a new provision. And then lastly for

impaired waters, this is a new requirement for the MSGP that Jack covered that requires annual monitoring for the pollutant of impairment.

Also the annual report is a new requirement in the sense to submit something to EPA. It's not new in the sense that documentation was required in the past for not only the annual comprehensive site inspection, but also for actions taken to bring the facility back into compliance.

And then lastly the NOI, not only the eNOI but the paper NOI that the eNOI is based on has been changed. Just the fact that the eNOI is up for all facilities now is a change, but you should note that there are other -- there's new questions on the impairment status of your receiving water and other questions about the receiving water. Also we ask if the facility is inactive and unstaffed.

And that's the run view of the major changes.

John Kosco: Great. Okay, so Greg, Rachel and Jack just went through a very good and detailed summary of the permit. We'd like to take some additional questions now, but I would just like to remind everyone that obviously with 1,700 people online, we're not going to answer all your questions. So there is the MSGP website up there, also the email box of swpermit@epa.gov if you'd like to submit any additional questions.

We do have a couple of questions for Rachel on the eNOI system. So I will just fire those off. The first question came from, actually I won't read off people's names, it'll just be quicker. The question is who's certified, who constitutes a certified person to submit NOIs?

Rachel Herbert: So a certifier is a responsible person such as a president or a vice president of your company. Or someone who is a manager, so higher level supervisor and I don't know if Jack or Greg wants to jump in with some more specifics on that.

Greg Schaner: I think rather than reading out, you should refer to the language in Appendix B that specifies. Let me try to get you a reference there. But the signatory requirements are laid out on Page B6. And you should just familiarize yourself with that for the NOI.

Rachel Herbert: And it's also included in the instructions for the forms themselves.

John Kosco: Great. Thanks, Rachel. The next follow-up question was some from Cynthia who asked, can you describe to the extent with which parts of the eNOI system will be accessible to the public?

Rachel Herbert: Sure, any of the information that you provide us on your NOI is accessible on that NOI search page that I mentioned in the talk. I didn't have the link to it, but it is accessible on there. And the data that you submit us later would also be

accessible on that site. So any information that you provide to us is public, available information. So we provide that on our website.

John Kosco: Next question is a monitoring related question for either Jack or Greg. But Renee asks, they have facilities in areas with extended periods of no rain, sometimes for more than a quarter, how do they address that in terms of their benchmark monitoring and taking all four samples?

Jack Faulk: Yes, we've actually set up requirements in the permit that provide the ability for facilities to establish new, basically quarterly periods. One they may actually say we're going to have the first quarter this month, the second quarter this month and then know that there's going to be four months of dry periods. And after the dry period the third and fourth quarter can be two months later in the year. Conversely if you have a quarter and you don't actually have a storm event during that quarter, the permit basically says that next available sample that you can collect, that you collect and that basically would cover you for the previous quarter. And then you still are on the hook to collect another sample for that second quarter.

John Kosco: And Ryan asks when designing control measures, is there a specific storm event, like a 25 year storm that they need to design their control measure too?

Jack Faulk: This is Jack. And the answer is no, not directly. I believe the language is that selection design, installation and implementation of these control measures must be in accordance with good engineering practices and manufacturer specification. And then later we go on to talk about how they need to be done in lieu of best industry practice. And so those really are the guidelines by which the permit assesses expectations for control.

John Kosco: Before we take a couple additional questions, I just want to remind everyone that the seminar today will be archived so you can access it after today's live presentation. The archived webcast will be posted within a few weeks. Please revisit the NPDES training website to view the archived presentation. Finally an evaluation survey should soon appear on your screen. Please complete this survey and let us know your thoughts. We do appreciate your feedback and work to improve our webcasts. If you don't see an evaluation survey on your screen, please turn off your pop-up blocker. Also don't forget to download the certificate. Click on the web link on your screen if you have multiple people and complete the certificate for each person.

Now we do have some time for a couple additional questions. Jack or Greg, can you elaborate on the criteria for when a facility would be eligible for no exposure. I know that wasn't specifically covered today, but that was a question that came up a couple times.

Jack Faulk: Yes, actually our regulations and I believe it's in an appendix, we lay out -- it's actually a list of probably about 15 questions that if you basically can answer -- is it

no or yes to all the questions, Greg? That meet each of those specific criteria, then you meet the condition of no exposure and don't need permit coverage.

And that's on a facility wide basis, so if you have a portion of your facility that you maybe can say meets no exposure, you still actually have to obtain permit coverage. But if the entire facility you can answer those questions, then you're actually eligible. And there was actually some guidance developed back in 1999 that provides a little more detail as to how to make that determination. And I guess to clarify, it's actually Appendix K of the current MSGP that has the no-exposure form.

John Kosco: Yes, the guidance is available off the NPDES website also.

Greg Schaner: In terms of the form to demonstrate no exposure, you would to answer no to all the questions in Section C of the form.

John Kosco: Rachel, I've got an eNOI or CDX question. If you have multiple industrial facilities, do you have one account per facility or one account per the whole company?

Rachel Herbert: You can have one account per company and then under that you can submit NOIs from multiple facilities.

John Kosco And a related question, if they have a construction SWPPP or if they have filed the construction SWPPP using the eNOI system, do they have to register again or do they use that same account to do an industrial?

Rachel Herbert: You can use the same account. I'm not sure how it works if the name is different. I'm assuming that your operator information and your company name is identical, so in that case, it's simple. You can just log in and should be able to fill out an industrial NOI.

Greg Schaner: The only thing I would add is if the facility is one of the mining sectors, where in that section in Part 8 of the permit, we've actually enabled construction activities to be covered for mining facilities under the MSGP. So if there was separate coverage prior to that under the CGP, they could after they're covered under the current 2008 MSGP, they can submit an NOT for the construction activities. And then the construction and mining activities would be covered all under the MSGP.

John Kosco: Unfortunately, we're out of time. So I'd like to remind people to fill out the evaluation survey. Also I'd like to thank Greg, Jack and Rachel for presenting today. And of course thanks to everyone who joined us. If you're subject to the MSGP, make sure you submit your permit application by January 5, 2009. That ends today's webcast, thanks for joining us.