



Archived Publication

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The Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (2000 MSGP), issued in October 2000, expired at midnight on October 30, 2005. A new permit, the 2008 Multi-Sector General Permit (2008 MSGP) was issued on September 29, 2008. Visit www.epa.gov/npdes/stormwater/msgp to view the final 2008 MSGP and supporting documents.



**United States Environmental Protection Agency (EPA)
National Pollutant Discharge Elimination System (NPDES)**

**MULTI-SECTOR GENERAL PERMITS FOR STORMWATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITY (MSGP)**

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. 1251 *et seq.*), any operator who:

- develops and implements a Stormwater Pollution Prevention Plan (SWPPP) in accordance with Part 2,
- submits a complete Notice of Intent (NOI) in accordance with Part 1.5.1,
- for a discharge of stormwater associated with industrial activities,
- that is located in a state, territory or Indian Country where EPA is the permitting authority (see Appendix C for a detailed list), and
- that is eligible for permit coverage under Part 1.2

is authorized to discharge stormwater to waters of the United States in accordance with the requirements set forth herein. Definitions of permit-specific terms used in this permit are provided in Appendix A. Standard permit conditions applicable to all authorized discharges are included in Appendix B.

This permit becomes effective on **[insert date of FR publication]**.

This permit and the authorization to discharge expire at midnight, **[insert date 5 years]**.

Signed and issued this day of , 2006
Name
Title, Region 1

Signed and issued this day of , 2006
Name
Title, Region 5

Signed and issued this day of , 2006
Name
Title, Region 2

Signed and issued this day of , 2006
Name
Title, Region 6

Signed and issued this day of , 2006
Name
Title, Region 2, Caribbean Office

Signed and issued this day of , 2006
Name
Title, Region 9

Signed and issued this day of , 2006
Name
Title, Region 3

Signed and issued this day of , 2006
Name
Title, Region 10

**NPDES MULTI-SECTOR GENERAL PERMITS FOR STORMWATER
DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY
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1. Coverage under this Permit.

1.1 Permit Structure.

This permit is structured as follows:

- general requirements that apply to all facilities are found in Parts 1 through 3;
- industry sector-specific conditions are found in Part 4; and
- specific requirements applicable to individual States or Tribes are found in Part 5.

The Appendices (A through H) contain detailed information on additional permit conditions. Please note that permit numbers are assigned by the location of the facility. You can find your permit location number in Appendix C.

1.2 Eligibility.

In order to be eligible for coverage under this permit you must meet the eligibility requirements described below. If you do not meet the eligibility requirements then resulting discharges will be considered unpermitted discharges.

1.2.1 Facilities Covered.

You may obtain authorization to discharge under this permit only for discharges from facilities in the 30 “sectors” of industrial activity summarized in Appendix D.

Co-located Activities. If you have other industrial activities on-site in addition to your primary industrial activity, you must also comply with any sector-specific requirements of this permit for those co-located industrial activities.

1.2.2 Allowable Stormwater Discharges.

The following discharges are eligible for coverage under this permit:

1.2.2.1 Stormwater discharges associated with the industrial categories of activity detailed in Appendix D;

1.2.2.2 Discharges designated by EPA as needing a stormwater permit to implement an approved TMDL or to address exceedances of water quality standards as outlined in 40 CFR 122.26(a)(9)(C) or (D); and

1.2.2.3 Discharges that are not required to obtain NPDES permit authorization, but are co-mingled with discharges that are authorized under this permit.

1.2.2.4 Discharges subject to any of the stormwater-specific effluent limitations guidelines listed in Table 1-1, below;

1.2.2.5 For any facility where the New Source Performance Standards (NSPS) identified in Table 1-1 apply (i.e., where facilities commenced operation after the promulgation of that industry's NSPS), you must obtain and retain the following with your SWPPP, prior to submitting your NOI:

- documentation from EPA of "No Significant Impact"; or
- a completed Environmental Impact Statement in accordance with an environmental review conducted by EPA pursuant to 40 CFR 6.102(a)(6).

Table 1-1. Stormwater-Specific Effluent Limitations Guidelines			
40 CFR Part/Subpart	Eligible Discharges	Affected MSGP Sector	Applicable NSPS?
Part 411, Subpart C	Runoff from material storage piles at cement manufacturing facilities	E	Yes
Part 418, Subpart A	Runoff from phosphate fertilizer manufacturing facilities	C	Yes
Part 423	Coal pile runoff at steam electric generating facilities	O	Yes
Part 429, Subpart I	Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	A	Yes
Part 436, Subpart B	Mine dewatering discharges at crushed stone mines	J	No
Part 436, Subpart C	Mine dewatering discharges at construction sand and gravel mines	J	No
Part 436, Subpart D	Mine dewatering discharges at industrial sand mines	J	No
Part 443, Subpart A	Runoff from asphalt emulsion facilities	D	Yes
Part 445, Subparts A and B	Runoff from landfills	K, L	Yes

1.2.3 Allowable Non-Stormwater Discharges.

The following non-stormwater discharges are authorized under this permit:

- Discharges from fire-fighting activities;
- Fire hydrant flushings;
- Potable water, including water line flushings;
- Uncontaminated air conditioning or compressor condensate;
- Irrigation drainage;
- Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions;
- Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
- Routine external building washdown that does not use detergents;
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials; and
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

1.2.4 Limitations on Coverage.

1.2.4.1 Discharges Mixed with Non-Stormwater. You are not authorized to discharge stormwater that is mixed with sources of non-stormwater other than those listed in Part 1.2.3.

1.2.4.2 Stormwater Discharges Associated with Construction Activity. You are not authorized for stormwater discharges associated with construction activity unless in conjunction with mining activities, provided the applicable sector-specific requirements for construction stormwater discharges as specified in Sector G and Sector J of this permit are met. Construction activity is defined in 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15). These activities are covered by EPA's Construction General Permit (www.epa.gov/npdes/cgp).

1.2.4.3 Discharges Currently or Previously Covered by another Permit. You are not authorized to discharge:

- Stormwater discharges associated with industrial activity that are currently covered under an individual permit or an alternative general permit;
- Discharges previously covered by an individual permit or alternative general permit where that permit established site-specific numeric water quality-based limitations developed for the stormwater component of the discharge (except

generic pH range limitations not included to address a known exceedances of water quality standards);

- Discharges previously covered by an individual permit or alternative general permit where the permittee fails to implement Best Management Practices (BMPs) that provide equal or better pollution prevention or pollutant removal as required by the previous permit; or
- Discharges from facilities where any NPDES permit has been or is in the process of being denied, terminated, or revoked by EPA (this does not apply to the routine reissuance of permits every five years).

1.2.4.4 *Wasteload Allocations.* You are not authorized for discharges when a Total Maximum Daily Load (TMDL) specifically articulates a wasteload allocation requiring more stringent controls than required by this permit, OR when a Total Maximum Daily Load (TMDL) applies a wasteload allocation of zero (0) to your discharge (either specifically or by category). In a situation where an EPA-approved or established TMDL has specified a general wasteload allocation applicable to industrial storm water discharges, but no specific requirements for individual sites have been identified in the TMDL, you should consult with the State or Federal TMDL authority to confirm that adherence to a SWPPP that meets the requirements of the MSGP will be consistent with the approved TMDL.

1.2.4.5 *Discharges Subject to Effluent Limitations Guidelines.* You are not authorized for discharges subject to any effluent limitation guideline (i.e., discharges identified in 40 CFR, Subchapter N) that is not identified in Table 1-1.

1.2.4.6 *Endangered and Threatened Species and Critical Habitat Protection.* Coverage under this permit is available only if your stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities are not likely to jeopardize the continued existence of any species that are federally-listed as endangered or threatened (“listed”) under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is federally-designated as critical under the ESA (“critical habitat”). In order to be eligible for coverage under this permit you must certify that you meet one or more of the six criteria (A-F) detailed in Appendix E, Endangered Species Act Procedures, PRIOR to submitting your Notice of Intent.

1.2.4.7 *Historic Properties Preservation.* Coverage under this permit is available only if your stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities are in compliance with the National Historic Preservation Act (NHPA). In order to be eligible for coverage under this permit, you must certify that you meet one or more of the four criteria (A-D) detailed in Appendix F, National Historic Preservation Act Procedures, PRIOR to submitting your Notice of Intent.

1.2.4.8 *Hazardous Substances.* Discharges of a hazardous substance or oil in excess of reporting quantities caused by a non-stormwater discharge (e.g., a spill of oil into a separate storm sewer) are not authorized by this permit. In the event of a spill, the requirements of Section 311 of the CWA and other applicable provisions of Sections 301

and 402 of the CWA continue to apply. In addition, the reporting requirements of Part 3.6.3, Reporting Unauthorized Releases or Discharges, of this permit apply.

1.2.4.9 *New Discharges to Water Quality Impaired Receiving Waters.* The provisions of this part apply to operators of new discharges, as defined in Appendix A, proposing to discharge to an impaired water for which a TMDL has not yet been developed. To satisfy the requirements of 40 CFR 122.4(i) that the discharge from the construction or operation of a new discharger not cause or contribute to a violation of water quality standards, the operator of the facility that is the new discharger must: 1) eliminate all exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and properly document no exposure in the SWPPP, or 2) obtain written clarification from the appropriate State or Tribal water quality agency that the discharge is not expected to cause or contribute to a violation of a water quality standard, and file such notification with the SWPPP.

1.2.4.10 *Stormwater Discharges Subject to Anti-degradation Water Quality Standards.* New dischargers, as defined in Appendix A, are not authorized for discharges that do not comply with the applicable State or Tribal anti-degradation policy for water quality standards.

1.3 Permit Compliance.

Any noncompliance with the requirements of this Permit constitutes a violation of the Clean Water Act. For provisions specifying a time period to remedy noncompliance (including, but not limited to, Parts 2.2, 2.3 and 3.3), the initial BMP or SWPPP deficiency constitutes a violation of the Permit and the Clean Water Act (unless specifically otherwise stipulated), and subsequent failure to remedy such deficiencies within the specified time periods constitutes an independent, additional violation of the Permit and Clean Water Act. Therefore, any time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance.

To provide clarity for operators, there are additional reminders in certain sections of this permit about what constitutes a permit violation. The absence of such a reminder in a particular section does not mean that failure to meet that requirement is not a permit violation.

Where requirements and schedules for taking corrective actions are included, the time intervals are not grace periods, but are time limits considered reasonable for making repairs and improvements. They are included in the permit to ensure that inadequacies are not allowed to persist indefinitely.

1.4 Water Quality Provisions.

Pursuant to Clean Water Act § 301(b)(1)(C) and 402(p)(3)(A), as well as 40 CFR 122.44(d), this permit includes provisions to ensure that discharges do not cause or contribute to exceedances of water quality standards. This permit sets technology-based limitations in the form of Best Management Practices that apply to all pollutants associated with industrial activity,

and some numeric effluent limitations (effluent limit guidelines, coal pile runoff) more specifically targeted to specific activities.

1.4.1 Numeric Effluent Limitations.

This permit stipulates numeric effluent limitations for coal pile runoff and effluent limitation guidelines (Part 3.2.3). Failure to comply with the effluent limitations applicable to your discharge is a violation of this permit.

1.4.2 Benchmarks.

This permit stipulates pollutant benchmark concentrations applicable to your discharge (Part 3.2.2). The benchmark concentrations do not constitute direct numeric effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily for your use (and EPA's use as described in Part 1.4.3) to determine the overall effectiveness of your SWPPP and to assist you in knowing when additional corrective action may be necessary to protect water quality. If the average of four quarterly discharge samples exceed a benchmark concentration you must review your Stormwater Pollution Prevention Plan (SWPPP) and your BMPs to determine whether any improvement or additional controls are needed to reduce that pollutant in your stormwater discharge(s). Failure to undertake and document the review, take the necessary corrective actions, or follow the EPA notification procedures stipulated in this permit are violations of this permit.

1.4.3 Water Quality Standards.

If at any time you or EPA determine(s) that your discharge causes or contributes to an exceedance of applicable water quality standards, you must take corrective actions and conduct follow-up monitoring. If you discover or are informed (by an entity other than EPA) of the exceedances you must take corrective action and conduct follow-up monitoring as stipulated in Parts 3.3 and 3.4; you must also report the exceedances(s) to EPA as stipulated in Part 3.4. If EPA makes the determination that your discharge causes or contributes to an exceedance of a water quality standard, you must comply with any requirements or schedules, including submitting additional information concerning the potential cause of the exceedance, provided by EPA, and those requirements and schedules will supercede those of Parts 3.3 and 3.4, where such requirements conflict. In addition, one of the following will apply: EPA may continue to authorize your coverage under this permit after you modify your SWPPP and your BMPs to adequately reduce pollutants in your discharge, and verify through monitoring. Alternatively, EPA may notify you that an individual permit application is necessary in accordance with Part 1.8.1. On a case by case basis EPA may look at monitoring data as well as background concentrations in the stream, State mixing zone policies, if available, and other relevant information to determine whether the discharge has the reasonable potential to cause or contribute to a violation of the established water quality standard. Failure to take the appropriate action is a violation of this permit.

1.4.4 Water Quality Impaired Receiving Waters.

Impaired waters include both those with established TMDLs, and those for which TMDL development has been identified as necessary, but for which one has not yet been established. For a more detailed definition see Appendix A.

1.4.4.1 Discharge to an Impaired Water with an Established TMDL. If a wasteload allocation (WLA) has been established that applies to your discharge, you must develop the SWPPP accordingly (Part 2.1.3.2), and implement all necessary controls to meet that allocation. You must verify that your discharge complies with the WLA through the appropriate discharge monitoring (Part 3.2.5.2). Failure to comply with a relevant WLA is a violation of this permit.

If you have properly complied with the requirements of Part 2.1.3.2 and Part 5 of this permit, and find that the applicable TMDL does not specify a wasteload allocation or other requirements either individually or categorically for your discharge (including disallowing such discharge), compliance with this permit will be deemed adequate to meet the requirements of the TMDL.

1.4.4.2 Discharge to an Impaired Water without an Established TMDL. If a TMDL has not been established that applies to your discharge you must comply with the requirements of this permit and any additional conditions stipulated by EPA or your State or Tribe (Part 2.1.3.2 and Part 5). If you have properly complied with all such requirements then compliance with this permit will be deemed adequate to meet the requirements for discharging to an impaired water. You are also subject to the monitoring requirement of Part 3.2.5.1. Failure to comply with applicable conditions is a violation of this permit.

1.5 Authorization under this Permit.

1.5.1 How to Obtain Authorization.

To obtain authorization under this permit, you must:

- Meet the Part 1.2 eligibility requirements; and
- Develop and implement a SWPPP according to the requirements in Part 2 of this permit; and
- Submit a complete NOI in accordance with the requirements of Appendix G of this permit. All new and existing facilities must submit NOIs. NOIs must be submitted in accordance with the deadlines in Table 1-2.

Table 1-2. Deadlines for NOI Submittal for Coverage under this Permit	
Category	Deadline
Existing discharges covered under MSGP 2000	No later than 90 days after the effective date of MSGP 2006.
Existing discharges without permit coverage	No later than 90 days after the effective date of MSGP 2006.
New discharges	A minimum of 30 days prior to commencing operation of the facility.
New owner/operator of existing discharges	A minimum of 30 days prior to assuming operation of the facility.

You are strongly encouraged to apply for permit coverage using EPA's Electronic Notice of Intent (eNOI) system (www.epa.gov/npdes/eNOI). Submitting an electronic NOI is the fastest and easiest way to obtain permit coverage. Using the electronic system will ensure that your form is complete.

1.5.2 Effective Date of Permit Coverage.

You are authorized to discharge under the terms and conditions of this permit 30 days after EPA posts your complete NOI on EPA's website at: www.epa.gov/npdes/stormwater/noisearch, unless notified otherwise by EPA. EPA may extend the waiting period for further review, or deny coverage under this permit and require submission of an application for an individual NPDES permit based on a review of your NOI or other information (see Part 1.8). If your NOI is incomplete EPA will return it to you, and a new 30 day wait period will commence when EPA receives a complete NOI.

1.5.3 Continuation of the Expired General Permit.

If you are covered by MSGP 2000 on the effective date of this permit, your coverage is automatically extended under the 2000 general permit for a period of up to 120 days provided you submit a timely and complete NOI in accordance with the deadlines in Table 1-2.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect. If you were granted permit coverage prior to the expiration date, you will automatically remain covered by this permit until the earliest of:

- Your authorization for coverage under a reissuance or replacement of this permit, following your timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or
- Your submittal of a Notice of Termination; or
- Issuance or denial of an individual permit for the facility discharges; or

- A formal permit decision by EPA not to reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

1.6 Terminating Coverage.

1.6.1 Submitting a Notice of Termination.

If you wish to terminate coverage under this permit, you must submit a Notice of Termination (NOT) in accordance with Appendix H. You must continue to comply with this permit until you submit an NOT. Your authorization to discharge under the permit terminates at midnight of the day that a complete NOT is processed and posted on EPA's website (www.epa.gov/npdes/noisearch).

1.6.2 When to Submit an NOT.

You may use the eNOI system to file your NOT. You must submit an NOT within 30 days after one or more of the following conditions have been met:

- a new owner or operator has assumed responsibility for the facility; or
- you have ceased operations at the facility and there no longer are discharges of stormwater associated with industrial activity from the facility and you have already implemented necessary sediment and erosion controls as required by Part 2.1.5.7; or
- you have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

1.6.3 Discharges After the NOT Is Submitted.

If you submit an NOT without meeting one or more of the conditions identified in Part 1.6.2, then your NOT is not valid and you must continue to comply with the requirements of this permit.

1.7 Conditional Exclusion for No Exposure.

If you are covered by this permit, and become eligible for a no exposure exclusion from permitting under 40 CFR 122.26(g), you may file a No Exposure Certification. You are no longer authorized by nor required to comply with this permit upon submission of a no exposure certification to EPA. If you are no longer required to have permit coverage because of a no exposure exclusion and have submitted a No Exposure Certification form to EPA, you are not required to submit an NOT. A copy of the No Exposure Certification form is available from EPA (www.epa.gov/npdes/stormwater/msgp). You may file your No Exposure Certification using the eNOI system.

1.8 Permit Exclusions.

1.8.1 EPA Requiring Coverage under an Alternate Permit.

EPA may require you to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition EPA to take action under this paragraph. If EPA requires you to apply for an individual NPDES permit, EPA will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and application information. In addition, if you are an existing permittee covered under this permit, the notice will set a deadline to file the application, and will include a statement that on the effective date of the individual NPDES permit, or the alternative general permit as it applies to you, coverage under this general permit will automatically terminate. EPA may grant additional time to submit the application following your request. If you are covered under this permit and fail to submit an individual NPDES permit application as required by EPA, then the applicability of this permit to you is automatically terminated at the end of the day specified by EPA as the deadline for application submittal. EPA may take appropriate enforcement action for the unpermitted discharge.

When an individual NPDES permit is issued to you, or you are authorized to discharge under an alternative NPDES general permit, your coverage under this permit is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

1.8.2 Permittee Requesting Coverage under an Alternate Permit.

You may request to be excluded from the coverage of this general permit by applying for an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of 40 CFR §122.26(c)(1)(ii), with reasons supporting the request, to EPA at the applicable EPA Regional Office listed in Part 3.7 of this permit. The request may be granted by issuance of an individual permit or an alternative general permit if your reasons are adequate to support the request.

When an individual NPDES permit is issued to you, or you are authorized to discharge under an alternative NPDES general permit, your coverage under this permit is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

1.8.3 Termination of Coverage under the MSGP.

EPA may terminate permit coverage for any reason specified in 40 CFR § 122.64. Terminating permit coverage shall not preclude any enforcement by EPA.

1.8.4 Modification or Revocation and Reissuance.

The permit may be modified or revoked for any reason stated in 40 CFR §§ 122.62 and 122.63. Permit modification or revocation will be in accordance with 40 CFR §124.5.

2. Stormwater Pollution Prevention Plan (SWPPP).

You must prepare and implement a SWPPP for your facility before submitting your Notice of Intent (NOI) for permit coverage. If you prepared a SWPPP for coverage under a previous MSGP you must review and update it to meet all provisions of this permit prior to submitting your NOI. Your SWPPP must include Best Management Practices (BMPs), economically reasonable and appropriate in light of current industry practices, that are selected, designed, installed, implemented and maintained in accordance with good engineering practices to eliminate or reduce all pollutants in your discharge, as well as any more stringent measures necessary to meet the water quality standards provisions of Parts 1.4.3 and 1.4.4. EPA does not require you to use a registered professional engineer to prepare your SWPPP, but this may be independently required under State law and/or local ordinance. Your SWPPP must remain compliant with relevant State, Tribal and local regulations.

Your SWPPP must:

- identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from your facility;
- describe and ensure implementation of practices you will use to eliminate or reduce all pollutants in stormwater discharges from the facility;
- ensure compliance with the terms and conditions of this permit; and
- include all necessary measures to ensure that the discharge complies with all water quality provisions of Part 1.4.

2.1 Contents of the SWPPP.

2.1.1 Pollution Prevention Team.

You must identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team. Your pollution prevention team is responsible for assisting the facility manager in developing, implementing, maintaining, revising and ensuring compliance with the facility's SWPPP. Specific responsibilities of each staff individual on the team must be identified and listed in the SWPPP. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit and the SWPPP.

2.1.2 Site Description.

Your SWPPP must include the following:

- *Activities at the Facility.* Provide a description of the nature of the industrial activities at your facility.
- *Impervious Surface Estimate.* Provide an estimate of the percent imperviousness of your site:

$$\left[\frac{\text{Area of Roofs} + \text{Area of Paved and Other Impervious Surfaces}}{\text{Total Area}} \right] \times 100$$

Total Area of Facility

- *Precipitation Information.* Provide average annual precipitation information for your locale (this can be obtained from almanacs or from the closest airport, etc.). Note which months or seasons are usually the wettest and include such details as expected rainfall and storm intensity, e.g., wet season: May - September; typical amount: 0.5 inches - 2 inches over 2 hours.
- *General location map.* Provide a general location map, e.g., U.S. Geological Survey (USGS) quadrangle map, with enough detail to identify the location of your facility and the receiving waters.
- *Site map.* Provide a map showing:
 - the size of the property in acres;
 - the location and extent of significant structures and impervious surfaces;
 - directions of stormwater flow (use arrows);
 - locations of all existing structural and source control BMPs;
 - locations of all surface water bodies within 1 mile of the site, including all receiving waters for your stormwater discharges;
 - locations of all stormwater conveyances including ditches, pipes and swales;
 - locations of potential pollutant sources identified under Part 2.1.4.2;
 - locations where significant spills or leaks identified under Part 2.1.4.3 have occurred;
 - locations of stormwater inlets and outfalls, and an approximate outline of the areas draining to each outfall;
 - municipal storm sewer systems, where your stormwater discharges to them;
 - locations and descriptions of all non-stormwater discharges;
 - locations of the following activities where such activities are exposed to precipitation:
 - fueling stations,
 - vehicle and equipment maintenance and/or cleaning areas,
 - loading/unloading areas,
 - locations used for the treatment, storage or disposal of wastes,
 - liquid storage tanks,
 - processing and storage areas,
 - access roads, rail cars, and tracks,
 - transfer areas for substances in bulk,
 - machinery; and
 - locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants. An evaluation of how the quality of the stormwater running onto your facility impacts your stormwater discharges must be included.

2.1.3 Receiving Waters and Wetlands.

You must provide the name(s) of all surface waters that receive discharges from your site, including intermittent streams, dry sloughs, and arroyos. You must also provide the size and description of wetlands or other “special aquatic sites” (see Appendix A for definition) that may receive discharges from your facility. If your facility discharges through any municipal separate storm sewer system(s) (MS4), you must identify the MS4 operator(s), and the receiving water to which the MS4 discharges.

2.1.3.1 *Water Quality Standards.* Your SWPPP must identify the water quality standards applicable to your receiving waters. Applicable water quality standards are compiled at <http://www.epa.gov/waterscience/standards/states/> and are also available from your state environmental protection or water quality regulatory agency.

2.1.3.2 *Water Quality Impaired Receiving Waters.* Your SWPPP must identify if any receiving water into which you discharge is on your state’s or tribe’s impaired waters (see definition in Appendix A) list, and/or has an approved TMDL. Information on impaired waters and approved TMDLs is compiled at <http://cfpub.epa.gov/surf/locate/index.cfm>. You may need to contact your State or Tribal water quality agency for up-to-date information or for clarification. Those contacts are provided at <http://www.epa.gov/npdes/stormwater/contacts>. Your SWPPP must specify the relevant waterbodies, the pollutants for which they are impaired, and your potential to discharge any of those pollutants.

- *Receiving Waters with an Approved TMDL.* You must determine the specific TMDL-related requirements applicable to your discharge. If not stipulated in Part 5 (State and Tribal Requirements) of this permit, you must ascertain from your State or Tribal environmental agency: the wasteload allocation (WLA) applicable to your discharge, the corresponding effluent limitation with which you must comply, and the monitoring requirements with which you must comply. Your SWPPP must include appropriate BMPs, and monitoring (Part 3.2.5.2) to verify that you are meeting the WLA. Your SWPPP must document any consultation with state or federal authorities on TMDL-related requirements and activities.
- *Impaired Waters without an Established TMDL.* If not stipulated in Part 5 (State and Tribal Requirements) of this permit, you must ascertain from your State or Tribal environmental agency if there are any discharge standards with which you must comply for the pollutant for which your receiving water is impaired. If your State or Tribal environmental agency specifies no additional requirements, you must comply with all general provisions of this permit, including the additional discharge monitoring requirements of Part 3.2.5.1. Your SWPPP must document any consultation with state or federal authorities on water quality impairment-related requirements and activities.

2.1.4 Summary of Potential Pollutant Sources.

You must identify each area at your facility where industrial materials or activities are exposed to stormwater. *Industrial materials or activities* include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; intermediate products, by-products, final products and waste products. *Material handling activities* include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product and waste product. For each area identified, the description must include:

2.1.4.1 *Activities in the area.* A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams).

2.1.4.2 *Pollutants.* For each identified activity, a list of the associated pollutant(s) or pollutant constituents(s) (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents). The pollutant list must include all significant materials handled, treated, stored, or disposed that have been exposed to stormwater in the 3 years prior to the date you prepare or amend your SWPPP. This list must include any hazardous substances or oil at the facility.

2.1.4.3 *Spills and Leaks.* You must identify where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s). You must document in your SWPPP all significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance in the 3 years prior to the date you prepare or amend your SWPPP.

Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA §311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

2.1.4.4 *Elimination of Unauthorized Discharges.* Non-stormwater discharges to waters of the United States that are not authorized by an NPDES permit are unlawful and must be eliminated (see Part 2.1.4.5 below for SWPPP requirements regarding allowable non-stormwater discharges).

- *Signature and Certification.* Your SWPPP must include a certification that all discharges (i.e., outfalls) have been tested or evaluated for the presence of non-stormwater, and that all unauthorized discharges have been eliminated. The certification must be signed in accordance with Subsection 11 of Appendix B of this permit (General Permit Provisions, Signatory Requirements) and must include:

- the date of any testing and/or evaluation,
 - a description of the evaluation criteria or testing method used,
 - a list of the outfalls or onsite drainage points that were directly observed during the test,
 - a description of the results of any test and/or evaluation for the presence of non-stormwater discharges, i.e. identification of unauthorized discharge(s) origin and composition,
 - the action(s) taken to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for a cooling water discharge.
- *Previous Certifications.* You do not need to sign a new certification if you completed one for the 2000 version of the MSGP, provided conditions relating to non-stormwater discharges at your facility have not changed. The previous certification must be included in your SWPPP. If prior certification pre-dates your coverage under the MSGP 2000, you must provide a new certification.
 - *Notification of EPA.* If you are unable to provide the certification required for the non-stormwater discharge test and elimination in your SWPPP this will not be deemed a violation of this permit provided that you notify EPA (Part 3.7) no more than 14 days after you submit your NOI:
 - why certification was not possible,
 - the procedure that you followed in any test attempted,
 - the results of such test or other relevant observations, and
 - any potential sources of non-stormwater discharges that have not been eliminated.

Failure to provide this notification to EPA is a violation of this permit.

2.1.4.5 Allowable Non-Stormwater Discharges. Discharges of certain sources of non-stormwater are allowed under this permit (see Part 1.2.3, Allowable Non-Stormwater Discharges). For each allowable non-stormwater source (except flows from fire-fighting activities) your SWPPP must include:

- the discharge location(s); and
- descriptions of appropriate BMPs for each source.

If mist blown from cooling towers is one of your allowable non-stormwater discharges, you must specifically evaluate the discharge for the presence of chemicals used in the cooling tower. These data must be included in your SWPPP.

Allowable non-stormwater discharges are subject to all of the provisions of this permit, including numeric effluent limitations, benchmarks and monitoring requirements.

2.1.4.6 Salt Storage. Identification of any storage piles containing salt used for deicing or other commercial or industrial purposes.

2.1.4.7 Monitoring Data. You must provide a summary of existing stormwater discharge sampling data previously taken at your facility. The summary must include, at a minimum, any data collected during the previous permit term.

2.1.5 Stormwater Controls. You must implement BMPs for all areas identified in Part 2.1.4 to prevent or control pollutants in your stormwater discharges. You must also take all reasonable steps to control or address the quality of discharges from your site that may not originate at your facility. In your SWPPP describe the type, location and implementation of all BMPs for each area where industrial materials or activities are exposed to stormwater.

Consider the following when selecting BMPs:

- that preventing stormwater from coming into contact with polluting materials is much more effective than trying to remove pollutants from stormwater;
- BMPs generally must be used in combination with each other for most effective water quality protection;
- the type and quantity of pollutants, including their potential to impact receiving water quality;
- that minimizing impervious areas at your facility will reduce runoff and improve groundwater recharge and stream base flows in local streams (taking into account the potential for ground water contamination).
- flow attenuation by use of open vegetated swales and natural depressions,
- diverting flow from areas of materials handling, storage or use,
- conservation or restoration of riparian buffers,
- infiltration of runoff onsite, (including bioretention cells, green roofs, and pervious pavement),
- treatment interceptors (e.g., swirl separators and sand filters).

You **must** implement all of the following types of BMPs to prevent and control pollutants in your stormwater discharges, unless you demonstrate that such controls are not relevant to your discharge (e.g., you have no storage piles containing salt). You must keep abreast of new BMPs or new applications of existing BMPs for the most effective means of achieving water quality protection, and include these in your SWPPP as appropriate.

2.1.5.1 Good Housekeeping. You must keep clean all exposed areas that are potential sources of pollutants. Typical problem areas are around trash containers, storage areas, loading docks, and vehicle fueling and maintenance areas. You must include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers.

2.1.5.2 Eliminating and Minimizing Exposure. To the extent practicable locate industrial materials and activities inside, or protect them with storm-resistant coverings to prevent

exposure to rain, snow, snowmelt and runoff (although significant enlargement of impervious surface area is not recommended). Note that if you are able to eliminate exposure at all industrial areas you may be eligible for the “No Exposure” exclusion and not need to have a permit (see 40 CFR 122.26(g) and the *Guidance Manual for Conditional Exclusion from Stormwater Permitting Based on “No Exposure” of Industrial Activities to Stormwater* found at www.epa.gov/npdes/stormwater).

2.1.5.3 Preventive Maintenance. You must have a preventive maintenance program that includes regular inspecting, testing, maintaining and repairing of all industrial equipment and systems to avoid situations that may result in leaks, spills and other releases. These measures are in addition to specific BMP maintenance as required under Part 2.2 (Maintenance of BMPs).

2.1.5.4 Spill Prevention and Response Procedures. Describe your procedures for preventing and responding to spills and leaks.

- Preventive measures include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling.
- Response procedures must include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks must be consistent with applicable Resource Conservation and Recovery Act (RCRA) regulations at 40 CFR Part 264 and 40 CFR Part 265. Employees who may cause, detect or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your Pollution Prevention Team.
- Include in your SWPPP, and in other locations where it will be readily available, contact information for individuals and agencies that must be notified in the event of a spill. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC, metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 as soon as you have knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency, public health or drinking water supply agencies.

2.1.5.5 Routine Facility Inspections. Qualified facility personnel (for definition see Appendix A) must regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater, and assess how well stormwater BMPs are operating (in addition to the comprehensive site evaluation required under Part 3.1). Qualified facility personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of BMPs selected. At least one member of your Pollution Prevention Team must participate in routine facility inspections. Routine inspections must occur at least monthly unless you document in your SWPPP the justification that another

inspection frequency is adequate to ensure that BMPs are operating properly. Some types of equipment, processes and BMPs will require more frequent checks than others. Your SWPPP must specify the relevant inspection schedules. All inspections and inspection findings must be documented in your SWPPP.

2.1.5.6 *Employee Training.* You must implement a stormwater employee training program. Include a schedule for all types of necessary training. Document all training sessions and the employees who received the training. All employees who work in areas where industrial materials or activities are exposed to stormwater, or are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel), must participate in the training, as must all members of your Pollution Prevention Team. Training must cover the components and goals of your SWPPP, and include such topics as spill response, good housekeeping, material management practices, BMP operation and maintenance, etc.

2.1.5.7 *Erosion and Sedimentation Controls.* You must identify the areas at your facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion, and implement structural, vegetative, and/or stabilization BMPs to prevent or control on-site erosion and sedimentation.

2.1.5.8 *Management of Runoff.* You must describe the stormwater runoff management practices, i.e., permanent structural BMPs for your facility. These are typically used to divert, infiltrate, reuse, contain or otherwise reduce pollutants in your discharges. Such BMPs may be required by a state or local authority. Structural BMPs associated with wetlands may require a separate permit under section 404 of the CWA before installation.

2.1.5.9 *Salt Storage Piles or Piles Containing Salt.* For storage piles of salt or piles containing salt used for deicing or other commercial or industrial purposes, you must enclose or cover these piles to prevent exposure to precipitation. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered only if stormwater from the pile is not discharged directly or indirectly to waters of the United States or discharges from the piles are authorized and controlled under another NPDES permit.

2.1.5.10 *Sector Specific BMPs.* You must develop and implement all controls stipulated in the relevant sector-specific section(s) of Part 4 of this permit.

2.1.5.11 *Controls on Other Specific Activities.*

- You must implement controls to ensure that no solid materials, including floatable debris, are discharged to waters of the United States, except as authorized by a permit issued under section 404 of the CWA.
- The generation of dust, along with off-site vehicle tracking of raw, final or waste materials, or sediments, must be minimized.

- The introduction of raw, final or waste materials to exposed areas must be minimized.
- Flow velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.

2.1.5.12 *Other Necessary Controls.* You must implement any additional BMPs that are economically reasonable and appropriate in light of current industry practice, and that are necessary to eliminate or reduce pollutants in your stormwater discharges.

2.1.6 Additional Documentation.

2.1.6.1 *Documentation Regarding Endangered Species.* Your SWPPP must include documentation supporting your determination with regard to Part 1.2.4.6 (Endangered and Threatened Species and Critical Habitat Protection), including:

- information on whether listed endangered or threatened species, or critical habitat are found in proximity to your facility;
- whether such species or habitat may be affected by your stormwater discharges or stormwater discharge-related activities, i.e., BMP installation;
- results of your Appendix E endangered species screening determinations; and
- a description of the measures you must implement to protect listed endangered or threatened species, or critical habitat, including any conditions imposed under the eligibility requirements of Part 1.2.4.6 and detailed in Appendix E. If you fail to document and implement such measures, your discharges are ineligible for coverage under this permit and you cannot submit a Notice of Intent.

2.1.6.2 *Documentation Regarding Historic Properties.* Your SWPPP must include documentation supporting your determination with regard to Part 1.2.4.7 (Historic Properties Preservation), including:

- information on whether your stormwater discharges, allowable non-stormwater discharges, or stormwater discharge-related activities would have an effect on a property that is listed or eligible for listing on the National Register of Historic Properties (NRHP);
- where such effects may occur and any written documents you have sent to or written agreements you have made with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or other Tribal representative to mitigate those effects;
- results of your Appendix F historic places screening investigations; and
- a description of the measures you must implement to avoid or minimize adverse impacts on places listed, or eligible for listing, on the NRHP, including any conditions imposed under the eligibility requirements of Part 1.2.4.7 and detailed in Appendix F. If you fail to document and implement such measures, your discharges are ineligible for coverage under this permit and you cannot submit a Notice of Intent.

2.1.7 SWPPP Signature.

You must sign and date your SWPPP in accordance with subpart 11 of Appendix B, including the date of signature. A signature and date is required both for initial plan preparation and for any revisions to the plan.

2.2 Maintenance of BMPs.

You must maintain all BMPs identified in your SWPPP and implemented at your facility in effective operating condition at all times. Failure to do so is a violation of this permit. Your SWPPP must describe procedures and a regular schedule for preventive maintenance of all BMPs, including the amount of time required for maintenance and repair, and what back-up practices you have in place should a run-off event occur while a BMP is off-line. Nonstructural BMPs must also be diligently maintained (e.g., spill response supplies available, personnel trained).

When, during inspections required by Parts 2.1.5.5 or 3.1, or any other event or observation, you identify BMPs that are not operating effectively, they must be repaired or maintained before the next anticipated storm event. If maintenance prior to the next storm event is not possible, maintenance must be completed as soon as possible, and you must document in your SWPPP the justification for the extended repair schedule. In the interim, you must have back-up measures in place to ensure that the quality of your stormwater discharge is not diminished. There is no grace period for making BMP repairs.

You must document all maintenance and repairs in your SWPPP. Dates of regular maintenance should be documented. For repairs, the date of deficiency discovery and the date on which the BMP was restored to full-function should also be documented in the SWPPP.

2.3 Maintaining an Updated SWPPP.

You must review, and amend your SWPPP as appropriate whenever there is: construction or a change in design, operation or maintenance at your facility such that these situations have a significant impact on the discharge, or potential for discharge, of pollutants from your facility; whenever your routine inspection or compliance evaluation determines deficiencies in your BMPs; whenever an inspection by a local, State, Tribal or Federal (other than EPA, see Part 2.5) official determines that modifications to your SWPPP are necessary; whenever you have a spill, leak or other release at your facility; or any time there is an unauthorized discharge from your facility.

SWPPP modifications must be made within 14 calendar days after discovery, observation or event requiring a SWPPP modification. Implementation of new or modified BMPs (distinct from regular preventive maintenance of existing BMPs described in 2.2) must be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by EPA. The amount of time taken to modify a BMP or implement additional BMPs must be documented in your SWPPP.

If the SWPPP modification is based on a release or unauthorized discharge, include a description and date of the release; the circumstances leading to the release and actions taken in response to the release; and measures to prevent the recurrence of such releases. Unauthorized releases and discharges are subject to the reporting requirements of Part 3.5.2 of this permit.

2.4 SWPPP Availability.

You must retain a copy of the current SWPPP required by this permit at the facility, and it must be immediately available to EPA; a State, Tribal or local agency approving stormwater management plans; the operator of an MS4 receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) at the time of an on-site inspection or upon request. Also, you must provide a copy of your SWPPP to any member of the public who makes such a request in writing. Confidential Business Information (CBI) may not be withheld from regulatory agencies, but may be withheld from the public. All portions of the SWPPP not justifiably considered CBI, must be provided to the public upon request.

2.5 Notification by EPA of Inadequacy.

EPA may notify you at any time that your SWPPP, your BMPs or other components of your stormwater program do not meet one or more of the requirements of this permit. This notification may be the result of comments on your SWPPP that EPA receives from the public. The notification will identify specific provisions of this permit that are not being met, and may include required modifications to your stormwater program, stipulated deadlines, additional monitoring requirements and special reporting requirements.

3. Compliance Evaluations, Monitoring, Corrective Action, Reporting, and Record Keeping.

3.1 Comprehensive Site Compliance Evaluation.

3.1.1 Frequency of Comprehensive Site Compliance Evaluations.

You must conduct comprehensive site compliance evaluations at least once a year. An inspection frequency of greater than once a year is recommended, and should be documented in the SWPPP.

3.1.2 Personnel Qualified to Perform Comprehensive Site Compliance Evaluations.

Comprehensive site compliance evaluations must be conducted by qualified personnel. Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of BMPs selected. At least one member of your Pollution Prevention Team must participate in comprehensive site compliance evaluations.

3.1.3 Scope of the Compliance Evaluation.

Your inspections must cover all the areas identified in Part 2.1.4 where industrial materials or activities are exposed to stormwater, along with areas where spills and leaks have occurred in the past 3 years. Inspectors must examine the following: (a) industrial materials, residue or trash that may have or could come into contact with stormwater; (b) leaks or spills from industrial equipment, drums, tanks and other containers; (c) offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site; (d) tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas; (e) evidence of, or the potential for, pollutants entering the drainage system; and (f) evidence of pollutants discharging to surface waters at all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring.

Inspectors must consider the results of the past year's visual and analytical monitoring when planning and conducting inspections. Stormwater BMPs identified in your SWPPP must be observed during active operation, i.e., during a stormwater runoff event, to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations must be inspected.

3.1.4 Credit as a Routine Facility Inspection.

When compliance evaluation schedules overlap with routine facility inspections required under Part 2.1.5.5, your annual compliance evaluation may also be used as one of the routine inspections, as long as all components of both types of inspections are included.

3.1.5 Compliance Evaluation Report.

You must generate a report of your compliance evaluation that includes: the date and scope of the inspection, the names of inspectors, and all observations relating to the implementation of the SWPPP, including elements stipulated in Part 3.1.3 (a) through (f). You must incorporate this report into your SWPPP and retain it for at least 3 years from the date permit coverage expires or is terminated. Observations include such things as the locations of discharges of pollutants from the site; locations of previously unidentified sources of pollutants; locations of BMPs needing maintenance or repair; locations of failed BMPs that need replacement; and locations where additional BMPs are needed. The report must also document any incidents of noncompliance observed. If there is no noncompliance, you must include a certification stating the facility is in compliance with the SWPPP and permit. Compliance evaluation reports and compliance certifications must be signed in accordance with subsection 11 of Appendix B.

3.2 Monitoring.

There are several types of monitoring requirements your facility may be subject to under this permit:

- visual inspection (see Part 3.2.1 for details),
- benchmark monitoring (see Part 3.2.2 for details),
- effluent limitations monitoring (see Part 3.2.3 for details), and
- area-specific monitoring for limitations required by a state or tribe, including area-specific water quality standards; antidegradation and water quality certification requirements; and monitoring requirements for impaired waters (see Part 3.2.5 for details).

Part 4, Section A through Section AD of this permit specifies monitoring requirements applicable to each sector of industrial activity. You must comply with the requirements stipulated in the relevant sector-specific section. When stormwater from co-located activities is co-mingled, you must comply with monitoring requirements for all applicable sectors.

Part 5 contains additional requirements that apply selectively to facilities located in particular States or Indian Country lands. You must comply with the requirements of the relevant State or Indian Country land.

Unlike previous MSGPs, all eligible dischargers have some form of routine analytical monitoring requirement under this permit. Unless otherwise specified, limitations and monitoring requirements under Part 3, and any additional requirements in Parts 4 and 5, are additive.

Where more than one limitation for a specific parameter applies to a discharge, compliance with the more restrictive limitation is required. When monitoring requirements overlap, e.g., total suspended solids once per year for an effluent limitation and once per quarter for benchmark monitoring, you may use a single sample to satisfy both monitoring requirements.

3.2.1 Quarterly Visual Monitoring of Discharges.

The requirements and procedures for quarterly visual monitoring are applicable to all facilities covered under this permit, regardless of your sector of industrial activity.

- You must perform and document a quarterly visual examination of a stormwater discharge associated with industrial activity from each outfall, except as provided for in Part 3.2.6.3, Adverse Weather Conditions. The visual examination must be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, you are excused from the visual monitoring requirement for that quarter, provided you document in your monitoring records that no runoff occurred. You must sign and certify the documentation in accordance with Subpart 11 of Appendix B.
- Your visual examinations must be made on samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging from your facility. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if you are able to document that less than a 72-hour interval is representative for local storm events during the sampling period. The examination must document observations of:
 - color
 - odor
 - clarity
 - floating solids,
 - settled solids,
 - suspended solids,
 - foam,
 - oil sheen,
 - and other obvious indicators of stormwater pollution.
- The examination must be conducted in a well-lit area. Where possible, the same individual should carry out the collection and examination of discharges for the entire permit term.
- You must maintain your visual examination reports onsite with the SWPPP. The report must include the examination date and time, inspection personnel, nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of

stormwater pollution), and probable sources of any observed stormwater contamination.

- You may exercise a waiver of the visual monitoring requirement at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. If you exercise this waiver, you must maintain a certification with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater. If you do not plan to commence industrial activities at the site, you may submit a No Exposure Certification (Part 1.7), and terminate coverage under this permit.
- *Representative Outfalls.* If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and stormwater management practices occurring within the drainage areas of the outfalls, you may conduct visual monitoring of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s). For this to be permissible, you must describe in the SWPPP the following: locations of the outfalls, why the outfalls are expected to discharge substantially identical effluents, estimates of the size of the drainage area (in square feet) for each of the outfalls, and an estimate of the runoff coefficient of the drainage areas (low: under 40 percent; medium: 40 to 65 percent; high: above 65 percent). This provision is available only for quarterly visual monitoring (and benchmark monitoring per Part 3.2.2.5), and does not apply to other monitoring requirements in this permit.

3.2.2. Benchmark Monitoring and Reporting.

You must monitor for all benchmark parameters specified for the industrial sector(s) (Part 4) applicable to your discharge. Your industry-specific benchmark concentrations are listed in the tables in the sector-specific sections of Part 4. Monitoring for all benchmark parameters must be conducted according to the procedures in Part 3.2.6.

3.2.2.1 Benchmark Monitoring Schedule. Unless otherwise specified in Part 4 (Section A – Section AD), benchmark monitoring must be conducted in each of the first four quarters of permit coverage, except as provided in Parts 3.2.2.4 and 3.2.2.5. Quarters correspond to the 3-month intervals beginning in January, April, July and October. If your permit coverage becomes effective less than 1 month from the end of a quarter, your first monitoring quarter starts with the next respective monitoring quarter. In arid and semi-arid climates where limited rainfall occurs during many parts of the year, the four monitoring events may be distributed during seasons when precipitation occurs. In areas subject to snow, one monitoring event should be scheduled to capture the first snowmelt discharge. If quarterly monitoring extends beyond the first year of permit coverage, the same quarters apply in subsequent years.

3.2.2.2 Benchmark Data Reporting. You must submit results from all benchmark monitoring to EPA. Discharge monitoring reports (DMRs) must be submitted electronically via the e-

NOI Center or in paper form to the DMR address in Part 3.7 no later than 30 days after you have received your lab results.

3.2.2.3 Data Not Exceeding Benchmarks. Following 4 quarters of benchmark monitoring, if the average of the 4 monitoring values does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term.

3.2.2.4 Data Exceeding Benchmarks. If the average of the 4 monitoring values exceeds the benchmark you must review your SWPPP within 14 days to determine if it satisfies the requirements of Part 2 of this permit. You must document the date and findings of your review in your SWPPP. If you determine that your SWPPP satisfies the requirements of Part 2 you must document the justification for this determination in your SWPPP. Following this determination you may reduce monitoring for that pollutant to once per year for the duration of the permit term. If you determine that your SWPPP does not satisfy the requirements of Part 2 you must initiate the Corrective Action provisions of Part 3.3; and continue quarterly benchmark monitoring for the relevant pollutant(s) for an additional 4 quarters.

3.2.2.5 Special Exceptions to Benchmark Monitoring

- *Inactive and Unstaffed Sites.* You may exercise a waiver of the benchmark monitoring requirement at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. If you exercise this waiver, you must maintain a certification with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater. You must sign and certify the waiver in accordance with Part 11 of Appendix B. If you do not plan to commence industrial activities at the site, you may submit a No Exposure Certification (Part 1.7), and terminate coverage under this permit.
- *Representative Outfalls.* If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and stormwater management practices occurring within the drainage areas of the outfalls, you may test the effluent of just one of the outfalls and report that the quantitative data also apply to the substantially identical outfall(s). For this to be permissible, you must describe in the SWPPP the following: locations of the outfalls, why the outfalls are expected to discharge substantially identical effluents, estimates of the size of the drainage area (in square feet) for each of the outfalls, and an estimate of the runoff coefficient of the drainage areas (low: under 40 percent; medium: 40 to 65 percent; high: above 65 percent). This provision is available only for benchmark monitoring (and quarterly visual monitoring per Part 3.2.1), and does not apply to other monitoring requirements in this permit.

3.2.3 Effluent Limitations Monitoring and Reporting.

3.2.3.1 Coal Pile Runoff Effluent Limitations. If your facility has discharges of stormwater from coal storage piles, you must comply with the limitations and monitoring requirements of Table 3-2 for all discharges containing the coal pile runoff, regardless of your facility's sector of industrial activity. You must monitor annually, and your monitoring year begins the day that your discharge is authorized. You must collect and analyze samples for TSS and pH at least once during each monitoring year in which you maintain coverage under this permit.

You must not dilute coal pile runoff with stormwater or other flows to meet this limitation. If your facility is designed, constructed, and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event, any untreated overflow of coal pile runoff from the treatment unit is not subject to the 50 mg/L limitation for total suspended solids. Monitoring for all benchmark parameters must be conducted according to the procedures in Parts 3.2.6. You must submit results from all monitoring to EPA. Discharge monitoring reports must be submitted electronically or in paper form (see Part 3.7) no later than 30 days after you have received your lab results. If at any time your monitoring data exceed an effluent limitation for TSS or pH you are subject to the Corrective Action requirements of Part 3.3 and the Follow-up Monitoring and Reporting requirements of Part 3.4.

Parameter	Limitation	Monitoring Frequency	Sample Type
Total Suspended Solids (TSS)	50 mg/l, max.	1/year	Grab
pH	6.0 min. - 9.0 max.	1/year	Grab

3.2.3.2 Effluent Limitation Guidelines. Table 1-1 of Part 1.2.2 of the permit identifies stormwater discharges subject to effluent limitation guidelines that are authorized for coverage under the permit. Facilities subject to stormwater effluent limitation guidelines are required to conduct compliance monitoring of their discharges for these parameters. Your effluent limitations are specified in your industry's sector specific section of Part 4. Compliance monitoring for effluent limitation guideline parameters is required once per year for the entire term of the permit, and your monitoring year begins the day that your discharge is authorized. Monitoring for all parameters must be conducted according to the procedures in Parts 3.2.6. You must submit results from all monitoring to EPA. Discharge monitoring reports must be submitted electronically or in paper form (see Part 3.7) no later than 30 days after you have received your lab results. If at any time your monitoring data exceed a relevant effluent limitation you are subject to the Corrective Action requirements of Part 3.3 and the Follow-up Monitoring and Reporting requirements of Part 3.4.

3.2.4 State or Tribe Provisions Monitoring and Reporting.

You must monitor for any pollutant for which a discharge limitation applicable to your discharge has been established in Part 5, or in fulfillment of any monitoring requirements applicable to your discharge stipulated in Part 5. If a monitoring frequency is not stipulated in Part 5, you must monitor once per year for the entire permit term, and your monitoring year begins the day that your discharge is authorized. Monitoring for all parameters must be conducted according to the procedures in Parts 3.2.6. You must submit results from all monitoring to EPA. Discharge monitoring reports must be submitted electronically or in paper form (see Part 3.7) no later than 30 days after you have received your lab results.

If at any time your monitoring data exceed a discharge limitation specified in Part 5 you are subject to the Corrective Action requirements of Part 3.3 and the Follow-up Monitoring and Reporting requirements of Part 3.4.

3.2.5 Discharges to Impaired Receiving Waters Monitoring and Reporting.

Monitoring is required for discharges to impaired waters (See Appendix A for definition) identified under Part 2.1.3.2. Monitoring for all parameters must be conducted according to the procedures in Parts 3.2.6. You must submit results from all monitoring to EPA. Discharge monitoring reports must be submitted electronically or in paper form (see Part 3.7) no later than 30 days after you have received your lab results.

3.2.5.1 *Discharges to impaired waters with no applicable wasteload allocation.* For discharges that are conveyed directly or indirectly to impaired waters, monitoring for the pollutant of concern must be conducted at a minimum of once each permit year throughout the term of the permit unless this permit already assigns your discharge an effluent limitation or a benchmark for the pollutant of concern, or specific monitoring requirements in Part 5, in which case you must follow the effluent limitation, benchmark, or Part 5 monitoring schedule. Your monitoring year begins on the day that your discharge is authorized.

This monitoring requirement is waived after one year if the pollutant of concern is not detected in your stormwater discharge, and you document in your SWPPP that there is no exposure of the pollutant of concern to stormwater at your site.

3.2.5.2 *Discharges to impaired waters with an applicable wasteload allocation.* For discharges that are conveyed directly or indirectly to waters for which EPA has approved or established a TMDL with a wasteload allocation applicable to your discharge (either specifically or categorically), monitoring for the wasteload allocation pollutant of concern must be conducted, consistent with any instructions in TMDL documentation. If the TMDL documentation does not specify specific monitoring requirements, monitoring for the pollutant of concern must be conducted at a minimum of once each permit year throughout the term of the permit, unless this permit already assigns your discharge an effluent limitation or a benchmark for the pollutant of concern, in which case you must follow the effluent limitation or benchmark monitoring schedule. Your monitoring year

begins on the day your discharge is authorized. This monitoring must be conducted in addition to all other monitoring requirements prescribed in this permit. Monitoring of a pollutant of concern for which your discharge has been assigned a wasteload allocation cannot be waived unless the WLA is specified *only* in terms of BMPs, in which case the monitoring requirement is waived after one year if the pollutant of concern is not detected in your stormwater discharge and you document in your SWPPP that you have adopted the required BMPs.

If at any time your monitoring data exceed a relevant waste load allocation you are subject to the Corrective Action requirements of Part 3.3 and the Follow-up Monitoring and Reporting requirements of Part 3.4.

3.2.6 Monitoring Instructions.

3.2.6.1 Collection and Analysis of Samples. You must collect samples for relevant parameters at all outfalls. You must collect and analyze your samples in accordance with the requirements of Subsection 12.D of Appendix B of the permit. In addition, you must sample in accordance with the following provisions:

- *When and How to Sample.* Take a minimum of one grab sample from a discharge resulting from a storm event with at least 0.1 inch of precipitation (defined as a “measurable” event), provided the interval since the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if you are able to document that less than a 72-hour interval is representative for local storm events during the sampling period.

Take the grab sample during the first 30 minutes of the discharge. If it is not possible to take the sample during the first 30 minutes, sample during the first hour of discharge and describe why a grab sample during the first 30 minutes was not possible. Submit this information on or with the Discharge Monitoring Report. If the sampled discharge co-mingles with discharges not authorized under this permit prior to reaching the receiving water body, attempt to sample the stormwater discharge before it mixes with other waste streams.

- *Approved Collection and Analytical Methods.* Sample collection, preservation and analysis must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the relevant section of Part 4 of this permit.

3.2.6.2 Storm Event Data. Along with the results of your monitoring, you must provide the date and duration (in hours) of the storm event(s) sampled, rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff, the duration between the storm event samples and the end of the previous measurable (greater than 0.1 inch rainfall) storm event, and an estimate of the total volume (in liters) of the discharge samples.

3.2.6.3 Adverse Weather Conditions. When adverse weather conditions prevent the collection of samples according to the relevant monitoring schedule, take a substitute sample during the next qualifying storm event. Adverse conditions (i.e., those that are dangerous or create inaccessibility for personnel) may include events such as local flooding, high winds, electrical storms, or situations that otherwise make sampling illogical, such as drought or extended frozen conditions.

3.2.7 Monitoring Required by EPA.

EPA may provide written notice requiring additional discharge monitoring. Any such notice will briefly state the reasons for the monitoring, locations and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

3.3 Corrective Actions.

You must take corrective action whenever:

- your routine facility inspections, comprehensive site compliance evaluations, or any other process, observation or event result in discovery of any deficiency; or
- there is any exceedance of an effluent limitation (including coal pile runoff), water quality standard, or requirement stipulated in Part 5; or
- following a benchmark exceedance, based on the average of 4 quarterly monitoring events, you determine as a result of reviewing your SWPPP that your SWPPP does not meet the requirements of Part 2 of this permit.

You must review your SWPPP and modify it as necessary to address the deficiency(ies). You must complete revisions to the SWPPP within 14 calendar days following the discovery. When BMPs need to be modified or added (distinct from regular preventive maintenance of existing BMPs described in 2.2), implementation must be completed before the next anticipated storm event if possible, but no later than 60 days after discovering the deficiency, or as otherwise provided or approved by EPA. The amount of time taken to modify a BMP or implement additional BMPs must be documented in your SWPPP.

Failure to undertake the necessary corrective actions within the stipulated time frames constitutes a violation of your permit. The underlying cause of the inadequacy or discharge standard exceedance, e.g., failure to properly implement the SWPPP, may also constitute an independent violation of the permit.

Any corrective actions taken as a result of your inspections must be documented and retained for the 3-year period following permit expiration or termination. Reports of corrective actions must be signed in accordance with subsection 11 of Appendix B.

3.4 Follow-up Monitoring and Reporting.

If at any time your monitoring results indicate that your discharge exceeds an effluent limitation or a specific wasteload allocation, or you become aware that your discharge causes or

contributes to an exceedance of a water quality standard, you must take immediate steps to eliminate the exceedances in accordance with Part 3.3, Corrective Actions. Within 30 calendar days of implementing the relevant corrective action(s) (or during the next qualifying runoff event, should none occur within 30 calendar days) you must undertake additional monitoring to verify that your modified BMPs are effectively protecting water quality. You need only conduct follow-up monitoring for pollutant(s) with prior exceedances unless you have reason to believe that your modifications may have reduced pollutant prevention or removal capacity for other pollutants of concern.

If the follow-up monitoring value does not exceed the effluent limitation or other relevant standard, you must submit the follow-up monitoring data to EPA no later than 30 days after you have received your lab results. In this case, no additional follow-up monitoring for this monitoring event is required.

Should the follow-up monitoring indicate that the effluent limitation, wasteload allocation, water quality standard or other relevant standard is still being exceeded, you must submit an Exceedance Report no later than 30 days after you have received your lab results. Your report must include your permit identification number; facility name, address and location; receiving water; monitoring data from this and the preceding monitoring event(s); an explanation of the situation; what you have done and intend to do (should your corrective actions not yet be complete) to further reduce pollutants in the discharge; and an appropriate contact name and phone number. You must continue to conduct follow-up monitoring at an appropriate frequency, but no less often than quarterly, until your discharge no longer exceeds the standard, unless the requirement for additional follow-up monitoring is waived by EPA.

Failure to complete follow-up monitoring and reporting within the stipulated time frames constitutes a violation of your permit.

Additional monitoring following benchmark exceedances is address in Part 3.2.2.4.

3.5 Additional Reporting.

In addition to reporting requirements stipulated in this Part, you are also subject to the standard permit reporting provisions of Appendix B, Section 12. You must submit any reports required by this permit to EPA at the address of the appropriate Regional Office listed in Part 3.7 or using EPA's eNOI reporting system, as applicable.

3.5.1 Unauthorized Releases or Discharges Report.

Any unauthorized release or discharge must be reported to EPA within 30 days. However, if the discharge or release has the potential to or will endanger human health or the environment, it must be reported orally to the appropriate EPA regional office within 24 hours from the time you become aware of the circumstances. You must provide detailed information on such unauthorized releases or discharges to EPA in a written report within 5 days. The report should include all information specified in Appendix B, Section 12.

3.6 Recordkeeping.

You must retain copies of your SWPPP (including any modifications made during the term of this permit), all reports, monitoring data, and certifications required by this permit, along with records of all data used to complete the NOI, for a period of at least 3 years from the date that the facility's coverage under this permit expires or is terminated. The administrative records of the facility must accurately reflect:

- a traceable record of BMP installation, maintenance, and monitoring results;
- revision of structural control and non-structural practices implemented; and
- the data collected to support continued maintenance of those practices or their abandonment in lieu of more effective control mechanisms.

3.7 EPA Addresses.

Discharge monitoring reports, follow-up monitoring reports and Exceedance Reports may be submitted electronically, via EPA's eNOI center. If you choose to send paper copies of these reports, please send them via U.S. mail to:

U.S. Environmental Protection Agency
Office of Water, Water Permits Division
Mail Code 4203M
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Notices of Intent and Notices of Termination should be sent to EPA's NOI Center (see Appendix G).

All other written correspondence concerning discharges in any State, Indian Country land, Territory, or from any Federal facility covered under this permit and directed to the EPA, including individual permit applications, must be sent to the address of the appropriate EPA Regional Office listed below:

3.7.1 Region 1: Connecticut, Massachusetts, Maine, and New Hampshire, Rhode Island, Vermont.

U.S. EPA Region 1
Office of Ecosystem Protection
One Congress Street - CIP
Boston, MA 02114

3.7.2 Region 2: New Jersey, New York, Puerto Rico, and Virgin Islands.

U.S. EPA Region 2
Caribbean Environmental Protection Division
Environmental Management Branch
Centro Europa Building
1492 Ponce de Leon Avenue, Suite 417
San Juan, PR 00907-4127

3.7.3 Region 3: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.

U.S. EPA Region 3
Water Protection Division (3WP13)
Stormwater Coordinator
1650 Arch Street
Philadelphia, PA 19103

3.7.4 Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

(Coverage Not Available under This Permit.)

U.S. EPA Region 4
Clean Water Act Enforcement Section
Water Programs Enforcement Branch
Water Management Division
Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303

3.7.5 Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

U.S. EPA Region 5
Water Division
NPDES Programs Branch
77 W. Jackson Blvd.
Mail Code WN16J
Chicago, IL 60604

3.7.6 Region 6: Arkansas, Louisiana, Oklahoma, Texas, and New Mexico (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands).

Note: no coverage under this permit is available in Arkansas.

U.S. EPA Region 6
Stormwater Staff
Compliance Assurance and Enforcement Division (6EN-WC)
EPA SW MSGP
P.O. Box 50625
Dallas, TX 75205

3.7.7 Region 7: Iowa, Kansas, Missouri, Nebraska.

(Coverage Not Available under This Permit.)

U.S. EPA - Region 7
901 N. 5th Street
Kansas City, KS 66101

3.7.8 Region 8: Colorado, Montana, North Dakota, South Dakota, Wyoming, Utah (except see Region 9 for Goshute Reservation and Navajo Reservation lands), the Ute Mountain Reservation in New Mexico, and the Pine Ridge Reservation in Nebraska.

(Coverage Not Available under This Permit.)

U.S. EPA Region 8
Stormwater Coordinator (8P-W-P)
999 18th Street, Suite 300
Denver, CO 80202-2466

3.7.9 Region 9: Arizona, California, Hawaii, Nevada, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Goshute Reservation in Utah and Nevada, the Navajo Reservation in Utah, New Mexico, and Arizona, the Duck Valley Reservation in Idaho, Fort McDermitt Reservation in Oregon.

U.S. EPA Region 9
Water Management Division, WTR-5
Stormwater Staff
75 Hawthorne Street
San Francisco, CA 94105

3.7.10 Region 10: Alaska, Idaho, Oregon (except see Region 9 for Fort McDermitt Reservation), Washington.

U.S. EPA Region 10
Office of Water OW-130
Stormwater Staff
1200 6th Avenue
Seattle, WA 98101

3.8 State and Tribal Addresses.

See Part 5 (States and Tribes) for the addresses of applicable States or Tribes that require submission of information to their agencies.

Part 5. State and Tribal Specific Requirements

Permit conditions applicable to specific states, Indian country, or territories will be addressed in the final permit through the 401 certification process.