



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PAUL MERCER  
COMMISSIONER

July 7, 2016

Mr. Darin Lee  
Owner, Lee's Concrete Inc.  
936 Central Street  
Millinocket, ME. 04662  
e-mail: [emerylee@ime.net](mailto:emerylee@ime.net)

**RE: Multi-Sector General Permit For Stormwater Associated With An Industrial Activity  
MER05C217 – Lee's Concrete Inc.**

Dear Mr. Lee:

Enclosed, please find a Department Order granting coverage under the Multi-Sector General Permit For Stormwater Associated With An Industrial Activity (MSGP), which was issued by the Department on April 26, 2011, for a five year term.

A copy of the final April 26, 2011, MSGP is attached to this Department Order. Please read the permit and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,

Gregg Wood  
Division of Water Quality Management  
Bureau of Water Quality

Enc.

cc: Jana Wood, DEP/EMRO  
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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION  
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

LEE'S CONCRETE INC.	)	MULTI-SECTOR GENERAL
MILLINOCKET, PENOBSCOT COUNTY, MAINE	)	PERMIT FOR STORMWATER
MER05C217	)	DISCHARGES ASSOCIATED
974 ODLIN STREET	)	WITH AN INDUSTRIAL ACTIVITY
APPROVAL	)	GENERAL PERMIT COVERAGE

The Department of Environmental Protection (Department) has considered the Notice of Intent submitted by LEE'S CONCRETE INC., with supportive data, agency review comments and other related materials on file for coverage under the Multi-Sector General Permit For Stormwater Associated With An Industrial Activity (MSGP) #MER050000, issued by the Department on April 26, 2011, and FINDS THE FOLLOWING FACTS.

The permittee has agreed to comply with all terms and conditions of the MSGP. Operated in accordance with MSGP #MER050000, the discharges identified by the permittee will not have a significant adverse effect on water quality or cause or contribute to the violation of the water quality standards of the receiving water.

THEREFORE, the Department GRANTS LEE'S CONCRETE INC., coverage under MSGP #MER050000 subject to the terms and conditions therein.

DONE AND DATED AT AUGUSTA, MAINE, THIS 6<sup>th</sup> DAY OF July, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

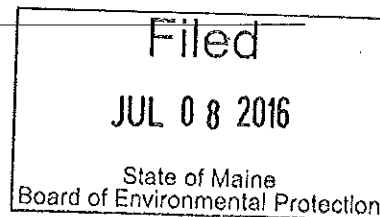
BY: Michael Kuhns  
for Paul Mercer, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

The Original Notice of Intent was received by the Department on July 6, 2016.  
The Original Notice of Intent was accepted by the Department on July 6, 2016.

Date filed with Board of Environmental Protection: \_\_\_\_\_

This Order prepared by GREGG WOOD, BUREAU OF WATER QUALITY  
MER05C217 7/6/16





# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

### SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

### I. ADMINISTRATIVE APPEALS TO THE BOARD

#### **LEGAL REFERENCES**

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

#### **HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD**

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

#### **HOW TO SUBMIT AN APPEAL TO THE BOARD**

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

#### **WHAT YOUR APPEAL PAPERWORK MUST CONTAIN**

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

#### OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

#### WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

## **II. JUDICIAL APPEALS**

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P. 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

### **ADDITIONAL INFORMATION**

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

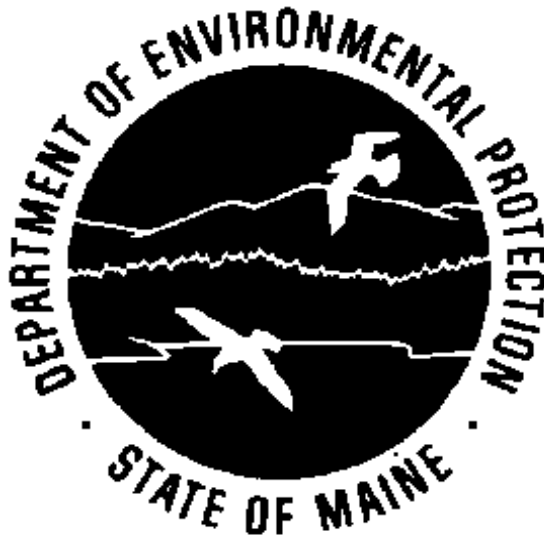
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**Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.**

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**STATE OF MAINE**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Maine Pollutant Discharge Elimination System  
Multi-Sector General Permit  
Stormwater Discharge Associated  
With Industrial Activity**



Bureau of Land and Water Quality  
Waste Discharge License # W-008227-5Y-B-R

April 26, 2011



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**Part I. GENERAL COVERAGE UNDER THIS PERMIT**

- A. Permit Coverage. This Multi-Sector General Permit (MSGP), hereinafter described as the General Permit, authorizes the direct discharge or point source discharge of stormwater associated with industrial activity to waters of the State other than groundwater or to a MS4 that discharges to waters of the State, provided that the discharge meets the requirements of this General Permit and applicable provisions of Maine's waste discharge and water classification statutes and rules.

This General Permit is effective April 26, 2011, and authorization to discharge under this General Permit expires April 25, 2016. The Department intends subsequent re-issuance of this Multi-Sector General Permit. This General Permit applies State-wide. This General Permit replaces Maine's MSGP for Industrial Activity issued October 11, 2005.

- B. Eligibility. Except for stormwater discharges identified under Part (I)(E) Limitations on Coverage, this permit may cover the following new and existing discharges composed entirely of stormwater.
1. Stormwater discharges associated with industrial activity, as defined in this General Permit, from the "Sectors" of industry activity based on Standard Industrial Classification (SIC) codes or Industrial Activity Codes as described in Table 2, and that are specifically identified by outfall or discharge location in the Stormwater Pollution Prevention Plan (SWPPP). References to "Sectors" in this General Permit (e.g., Sector-specific monitoring requirements,) refer to Sectors of industrial activity listed in Table 2 and Appendices A-AD.
  2. Discharges designated by the Department as requiring permit coverage pursuant to 40 CFR 122.26 (a)(1)(v). These discharges are described in Appendix AD of this General Permit.
  3. Stormwater discharges associated with industrial activity from facilities with existing effluent guideline limitations for stormwater under 40 CFR Subchapter N. The following activities are eligible for coverage under this General Permit:
    - a. Runoff from material storage piles at cement manufacturing facilities [40 CFR Part 411 Subpart C (established February 23, 1977)];
    - b. Contaminated runoff from phosphate fertilizer manufacturing facilities [40 CFR Part 418 Subpart A (established April 8, 1974)];
    - c. Coal pile runoff at steam electric generating facilities [40 CFR Part 423 (established November 19, 1982)];
    - d. Discharges from spray down or intentional wetting of logs at wet deck areas [40 CFR Part 429 Subpart I (established January 26, 1981)]; provided additional BMPs, such as a water use

management plan approved by the Department, is implemented for those facilities discharging to Class AA, A, GPA and to waters having a drainage area of less than 10 square miles as defined by Maine's Water Classification Program, 38 M.R.S.A. §§ 464(4), 465, and 465-A;

- e. Mine dewatering discharges at crushed stone mines [40 CFR Part 436, Subpart B];
- f. Mine dewatering discharges at construction sand and gravel mines [40 CFR Part 436, Subpart C];
- g. Mine dewatering discharges at industrial sand mines [40 CFR Part 436, Subpart D];
- h. Runoff from asphalt emulsion facilities [40 CFR Part 443, Subpart A (established July 24, 1975)]; and
- i. Runoff from landfills [40 CFR Part 445, Subpart A and B (established February 2, 2000)].

- C. Multiple Sector-Specific Industrial Activities. If a facility is engaged in more than one Sector-specific industrial activity as described in Table 2 and Appendices A-AD, the facility's owner or operator shall comply with the Sector-specific requirements and conditions applicable to each industrial activity. Sector-specific requirements are applied only to those areas of the facility where each industrial activity occurs. Sector-specific monitoring requirements and effluent limitations are applied outfall by outfall.

Where stormwater from multiple industrial activities mixes and is discharged in a single outfall, the monitoring requirements and effluent limitations are additional. The facility's owner or operator is required to monitor the discharge for all requirements of all applicable Sectors of industrial activity which occur in the outfall's drainage area. Where more than one effluent limitation for a specific parameter applies to a discharge, compliance with the more restrictive limitation is required

If the facility's owner or operator complies with all requirements applicable to each Sector-specific industrial activity, the discharges from these multiple Sector-specific activities are authorized under this General Permit.

- D. Allowable Non-Stormwater Discharges. This permit authorizes the following non-stormwater discharges provided that they do not cause or contribute to a violation of water quality standards as determined by the Department. Appropriate BMPs for these discharges must be addressed in the SWPPP to ensure limited impact on receiving waterbodies.

- 1. Discharges from fire fighting activities;
- 2. External building wash-down that does not use detergents;
- 3. Lawn watering;
- 4. Uncontaminated groundwater;
- 5. Uncontaminated springs;
- 6. Air conditioning condensate;

7. Irrigation drainage;
8. Uncontaminated foundation or footing drains where flows are not contaminated with process materials such as solvents, or in contact with soils where spills or leaks of toxic or hazardous materials have occurred;
9. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of a facility, but not intentional discharges from a cooling tower (e.g., “piped” cooling tower blow-down or drains);
10. Uncontaminated utility vault dewatering; and
11. Hydrostatic test water that does not contain any treatment chemicals and is not contaminated with process chemicals.

If any of the above non-stormwater discharges are present and may reasonably be expected to mix with stormwater discharges from an industrial activity, these conditions must be specifically identified and addressed in the facility's SWPPP.

E. Limitations on Coverage: The following stormwater discharges are not authorized by this permit. If any of the following discharges or types of discharges mixes with an authorized stormwater discharge associated with industrial activity, the entire discharge is not eligible for coverage under this General Permit and not authorized by this General Permit.

1. Stormwater discharges associated with industrial activity that is mixed with other discharges, unless the other discharge is authorized by a different Maine Pollutant Discharge Elimination System (MEPDES) permit; or the other discharge is identified in Part I(B)(3) of this permit;
2. Stormwater discharges associated with industrial activity which require an individual waste discharge permit or require coverage under an alternative general permit. The Department may require any person with a discharge authorized by this General Permit to apply for and obtain an individual permit. Any interested person may petition the Department to take action under this paragraph. Examples of when an individual waste discharge permit may be required are specified in rule;
3. A waste discharge permit may be required for activities such as combined sewer overflows (CSO(s)), spray irrigation, process water treatment systems, metallic mine drainage, and other discharges not covered by this General Permit;
4. Stormwater discharges which the Department has found to be, or may reasonably be expected to be, contributing to a violation of a water quality standard or is a significant contributor of pollutants. This limitation on coverage does not apply if the permittee demonstrates participation and compliance with the implementation of a Department Approved Watershed Management Plan to restore water quality to the impaired waterbody. Proof of participation in the implementation of a Watershed Management Plan is required with the Notice of Intent (NOI) submittal.

NOTE: Part IX(H) of this General Permit, defines a Department Approved Watershed Management Plan as it pertains to the requirements of this General Permit.

5. Stormwater discharges associated with industrial activity from facilities where any MEPDES permit has been denied or is in the process of being denied, terminated, or revoked by the Department (other than in a replacement permit issuance process), except that the Department may allow coverage under this General Permit if ownership or operation of the facility has changed to a different owner or operator and new circumstances at the facility justify allowing coverage;
  6. Stormwater discharges associated with construction activity disturbing one (1) acre or more, and where stormwater runoff discharges to the waters of the State, unless in conjunction with mining activities;
  7. New stormwater discharges that do not meet the applicable stormwater standards for stormwater quality as set forth in 06-096 CMR 500 Stormwater Management. Changes in or expansion of a facility covered by this General Permit which result in one (1) acre or more of disturbed area or five (5) acres or more of developed area will require that the facility meet the applicable stormwater standards of 06-096 CMR 500;
  8. Stormwater discharges associated with industrial activity that may adversely affect a listed or a proposed to be listed, endangered or threatened species or its critical habitat; and
- F. Authorization. Coverage under this General Permit, or an individual waste discharge permit or alternative general permit, is required if a facility has a stormwater discharge associated with an industrial activity. An owner or operator of a stormwater discharge associated with industrial activity seeking coverage under this General Permit shall submit a NOI form to the Department by one of the following accepted methods: e-mail, US Postal Service (USPS), or by hand delivery, in accordance with the requirements of Part IV of this General Permit. Upon review of the NOI, the Department may accept or reject the authorization to discharge pursuant to the terms and conditions of this General Permit. If the NOI is denied, the owner or operator shall resubmit any Department-requested information or submit an application for an individual or an alternative general permit. The Department may deny coverage under this permit at any time and require submittal of an application for an individual or an alternative general permit.
1. Granting Authorization to Existing Facilities. A permittee discharging stormwater associated with industrial activity authorized under Maine's October 11, 2005, MSGP shall submit a completed NOI by no later than May 25, 2011. Unless notified by the Department to the contrary, a person who submits a NOI is authorized to discharge under the terms and conditions of this General Permit. A permittee shall modify the facility's SWPPP to comply with the terms and conditions of this General Permit.

2. Granting Authorization to New Facilities. A stormwater discharge associated with industrial activity not authorized under Maine's October 11, 2005, MSGP shall submit a completed NOI no later than thirty (30) days after written notification by the Department. Unless notified by the Department to the contrary, a person who submits a NOI is authorized to discharge under the terms and conditions of this General Permit.
- G. Public Posting of NOIs. The Department shall post a list of all NOIs at: <http://www.maine.gov/dep/blwq/docstand/stormwater/multisector/lists.htm>.
- H. No Exposure Certification. Existing facilities that certified "no exposure" under Maine's October 11, 2005, MSGP shall submit a new Maine Multi-Sector No Exposure Certification if still applicable on Department form DEPLW0968 for the Department's review and approval by no later than May 17, 2011. A facility qualifies for "no exposure" when all industrial activities and materials are protected by a storm resistant shelter designed to prevent exposure to stormwater, and the discharge satisfies the conditions at 40 CFR §122.26(g) and Appendix AE of this General Permit. Terminating a No Exposure Certification is addressed in Appendix AE.
- I. New Ownership of a Permitted Facility. If ownership of facility authorized under this General Permit changes, the new owner or operator shall submit a new NOI to gain authorization to discharge under this General Permit.
- J. Termination of Coverage. An owner or operator of a facility shall notify the Department, on Department form DEPLW0967, when the discharge(s) of stormwater associated with industrial activity no longer occurs at the facility, or if ownership of the facility or industrial activity changes. Upon verification of the status of the facility by the Department, coverage under this General Permit is then terminated. If a facility has a corporate name change but no change in owner, operator or activity, the facility must notify the Department of the name change but is not required to file a notice of termination (NOT).
- K. Authority for General Permit. A permit is required for the direct or indirect discharge of pollutants to the waters of the State. A general permit may be issued for point source stormwater discharges. A discharger of stormwater associated with industrial activity who fails to obtain coverage under this General Permit, an individual MEPDES permit or an alternative general permit and discharges stormwater to waters of the State or to a Municipal Separate Storm Sewer System (MS4) is in violation of Maine's waste discharge and water quality laws and the Clean Water Act, and is subject to penalties under 38 M.R.S.A. § 349 and Section 309 of the Clean Water Act. A permittee under this General Permit who violates the terms and conditions of this General Permit is subject to enforcement by the Department for violation of this General Permit. Nothing in this General Permit is intended to limit the Department's authority under the waste discharge and water classification statutes or rules.



## Part II. LIMITATIONS ON DISCHARGES TO IMPAIRED WATERS

- A. New Discharges to Impaired Waters. A *new* discharge or discharger is not eligible for coverage under this General Permit to discharge to an “impaired water” as defined in Part IX(M) unless:
  1. All exposure of the pollutant(s) for which the waterbody is impaired is prevented, and procedures to prevent exposure are documented and retained on site with the SWPPP; or
  2. Documentation proving that the pollutant(s) for which the waterbody is impaired is not present in the facility’s discharge(s), or treatment of the pollutant is provided for in compliance with 06-096 CMR 500, and these findings are retained in the facility’s SWPPP.
- B. Existing Discharges to Impaired Waters. Discharges to impaired waters authorized under the 2005 MSGP must file a NOI under this General Permit and comply with Part VI(D) and (E) for monitoring and corrective actions. If a TMDL or the 303d list is modified after the effective date of this General Permit, the Department will notify the permittee of the change(s) and any additional monitoring requirements. The 303d and TMDL lists are available at: <http://www.maine.gov/dep/blwq/docmonitoring/305b/index.htm>
- C. Watershed Management Plan Compliance. Participation in and compliance with the implementation of a Department Approved Watershed Management Plan as defined for this General Permit, that has a means of funding that is in effect meets the requirements of Part II of this General Permit. A copy of the agreement stating participation of the permittee in the Watershed Management Plan is required upon submittal of the NOI or upon the Department’s approval of the Watershed Management Plan. If a Watershed Management Plan is approved after a NOI is filed with the Department, a permittee must submit to the Department a copy of the agreement documenting participation in the implementation of the Watershed Management Plan to meet the impaired waters monitoring requirements under this General Permit.

## Part III. PERMIT CONDITIONS

- A. Stormwater Pollution Prevention Plan (SWPPP). Development of a SWPPP, as described in Part V of this General Permit, is required before submitting a NOI for authorization to discharge stormwater associated with industrial activity under this General Permit. If a facility has been implementing a SWPPP under Maine’s 2005 MSGP, the owner or operator shall review and update the SWPPP to implement all provisions of this General Permit prior to submitting a NOI. A copy of the SWPPP must be kept on site at all times to maintain permit coverage and to remain compliant with the MSGP.
- B. Monitoring Requirements. The owner or operator of the stormwater discharge associated with industrial activity shall comply with the monitoring

requirements and Sector-specific numeric limitations of Parts VI and VII of this General Permit.

- C. Numeric Effluent Limitations Based on Effluent Guidelines. Discharges from regulated activities subject to the effluent guidelines listed in Table 1 below are eligible for coverage under this General Permit provided the facility's activity(ies) match the listed activity or SIC code(s) and meet effluent limitation guidelines established in federal regulations and Part VII of this General Permit. A regulated activity must meet the effluent limits and comply with the Sector requirements as noted in their corresponding Sector-specific Appendix.

Table 1: Effluent Guidelines Applicable To Eligible Discharges For General Permit Coverage

Regulated Activity	New Source performance standards included in effluent guidelines	Sectors affected	SIC or Activity Codes
Runoff from material storage piles at cement manufacturing facilities (40 CFR Part 411 Subpart C [established February 23, 1977])	Yes	E	3241
Contaminated runoff from phosphate fertilizer manufacturing facilities (40 CFR Part 418 Subpart A [established April 8, 1974])	Yes	C	2874
Coal pile runoff at steam electric generating facilities (40 CFR Part 423 [established November 19, 1982])	Yes	O	SE
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas (40 CFR Part 429, Subpart 1 [established January 26, 1981])	Yes	A	2411
Mine dewatering discharges at crushed stone mines (40 CFR part 436, Subpart B)	No	J	1422-1429
Mine dewatering discharges at construction sand and gravel mines (40 CFR part 436, Subpart C)	No	J	1442
Mine dewatering discharges at industrial sand mines (40 CFR part 436, Subpart D)	No	J	1446
Runoff from asphalt emulsion facilities (40 CFR part 443, Subpart A [established July 24, 1975])	Yes	D	2951, 2952
Runoff from landfills (40 CFR Part 445, Subpart A and B [established February 2, 2000])	Yes	K & L	HZ, LF

- D. Reporting. The minimum reporting requirements and deadlines for this General Permit are listed in this section.

1. Annual Report. If the Department's Industrial Stormwater inspector finds deficiencies in the development or implementation of any portion of the SWPPP, (including but not limited to a SWPPP that fails to identify an industrial activity, a discharge, or the permittee fails to conduct required

monitoring or implement a BMP set forth in the SWPPP) the permittee shall submit an updated SWPPP within thirty (30) days of written notice, and submit annual reports for the next three consecutive permit years, including subsequent permit reissuance. Annual reports must be submitted on Department form DEPLW1201 for the Department's review and approval. This annual report must summarize the function of all BMPs, results of visual, benchmark, numeric and impaired waters monitoring, location of significant spills, quarterly site inspections, annual non-stormwater discharge certification results, and all implemented or planned corrective actions. The annual report must be submitted to the Department by May 9th of each permit year. An electronic version of this form is available at:

<http://www.maine.gov/dep/blwq/docstand/stormwater/multisector.htm#form>

2. **Numeric Effluent Limitation Monitoring.** Sectors C, D, E, K, L & O are subject to quarterly monitoring requirements. Numeric Monitoring schedules for Sectors A, B, & J are activity dependent and are outlined in each Sector. All monitoring results must be recorded in the SWPPP. If the average of the two quarterly monitoring samples exceeds the numeric limit for any parameter, the permittee shall submit the results to the Department within 14 days of receiving the results. Additional numeric monitoring and reporting requirements are outlined in Part VI(F).
  3. **Impaired Waters and Benchmark Monitoring.** Impaired Waters and Benchmark Monitoring requirements are outlined in Part VI(D), (E) and (G) respectively. A summary of these results must be maintained in the SWPPP. Benchmark Monitoring is required for Sectors A, B & N. Each Sector may be subject to separate or additional monitoring requirements.
  4. **Visual Monitoring of Stormwater Discharges.** All facilities must perform visual monitoring of stormwater discharges in accordance with Part VI of this General Permit, and maintain visual monitoring data in the SWPPP.
- E. **Retention of Records.** In addition to the requirements of Part VIII(L)(2) of this General Permit, the permittee shall retain copies of the SWPPP, all reports and certifications required by this General Permit, and records of all data used to complete the Notice of Intent to be covered by this General Permit, for a period of at least three (3) years from the date that the facility's coverage under this General Permit expires or is terminated. The Department may extend the time of record retention at any time.
- F. **Accessibility.** The permittee shall make a copy of the SWPPP, including all monitoring, reporting, and Notice of Intent available to the public, if requested to do so in writing.

#### Part IV. NOTICE OF INTENT REQUIREMENTS

- A. Notice of Intent (NOI). By submitting a NOI, the applicant agrees to comply with the terms and conditions of this General Permit. A NOI must be submitted to the Department with the appropriate fee. Failure to submit proper payment will result in rejection of the NOI as incomplete.
  
- B. Processing of NOI. Prior to authorization of a stormwater discharge associated with industrial activity, a NOI must be reviewed and approved by the Department. The NOI is deemed approved thirty (30) calendar days after the Department receives the notification, unless the Department approves or denies the NOI prior to that date. If the applicant does not receive correspondence from the Department within the thirty (30) day period after the NOI submission, the applicant is authorized to carry out the activity. For existing permittees coverage under the 2005 MSGP is administratively continued, until coverage is granted under this General Permit, an alternative general permit, an individual permit or if coverage is otherwise terminated.
  
- C. NOI Submission. A person shall file the NOI on Department form DEPLW0953. A person shall sign the NOI in accordance with Part VIII(E). The NOI must contain all information listed in the General Permit. The NOI must be sent to the address indicated on the NOI form. A copy the initial NOI form shall be provided by the applicant to municipal office, town, or city, or the county commissioner in the case of an unorganized territory in which the discharge will occur at the time it is submitted to the department. Permittees covered under Maine's 2005 MSGP have the option of submitting a NOI electronically to the Department, these NOI renewals may be submitted electronically to [2011renewal.DEP@maine.gov](mailto:2011renewal.DEP@maine.gov).
  
- D. NOI Contents.
  - 1. Site identification number (beginning with MER05) assigned to facility under Maine's 2005 General Permit, if any;
  - 2. The facility's legal business name and charter number if applicable (State of Maine) to determine Title, Right and Interest in the property/business; owner's or operator's/contact's name, address, telephone number;
  - 3. Facility/Site information including facility name, address and location, including the latitude and longitude of the facility if known;
  - 4. The name of the receiving water(s), (if known), or if the discharge is through a municipal separate storm sewer system (MS4), the name of the owner or operator of the MS4 and the ultimate receiving water(s), if known;
  - 5. The SIC or Activity Code(s) that best represents the industrial activity conducted at the facility;
  - 6. An identification of the applicable Sector(s); and

7. Additional information required by the Department as part of the NOI, to determine whether or not to authorize the discharge under this General Permit.
- E. Where to Submit. A completed and signed NOI, in accordance with Part VIII(E), must be submitted with the appropriate fee to:

Maine Department of Environmental Protection  
Municipal and Industrial Stormwater Coordinator  
17 State House Station  
Augusta ME 04333-0017
- F. Deficient NOI. If any portion of the NOI does not meet one or more of the minimum requirements of this part, the applicant will be notified of the deficiency within the 30-day review period. It is the responsibility of the applicant to make all required changes and resubmit the NOI. The review period will begin when the revised NOI is received by the Department.

#### Part V. STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS

- A. Stormwater Pollution Prevention Plan (SWPPP) Preparation. Each facility seeking coverage under this General Permit must prepare a SWPPP as described in Part III(A) prior to submitting a NOI for permit coverage. The SWPPP must be prepared in accordance with good engineering practices and identify potential pollutant sources which may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity from the facility. The SWPPP must describe and ensure the implementation and maintenance of Best Management Practices (BMPs) and Control Measures as identified in this Part. Implementation of the SWPPP must reduce or eliminate polluted stormwater discharges associated with industrial activity, and assure compliance with this General Permit.
- B. Control Measures. The permittee shall select, design, install and implement control measures (including BMPs) to address potential pollutant sources and any discharge(s) associated with industrial activity. Control measures must be evaluated in conjunction with monitoring to meet the terms and conditions of this General Permit. The selection of these control measures must be in accordance with good engineering practices, and the requirements of each Sector. (See Appendix A–AD.) The SWPPP must fully describe these control measures, including their implementation and maintenance schedules.
- C. Non-Numeric Technology Based Effluent Limits. When developing control measures the following must be performed as applicable using the best practicable technology, best available technology, best control technology (BPT/BAT/BCT). The below listed Best Management Practices are considered limits of this General Permit which must be met for compliance. Additional Non-Numeric Technology Based Effluent Limits may also be

required as noted in the Sector specific requirements in Appendices A–AD. The methods utilized to meet these limits must be documented in the SWPPP:

1. The permittee shall minimize exposure of the manufacturing process, and material or product storage areas to stormwater (where practicable) by locating industrial activities and materials inside or by protecting them with storm resistant coverings. By eliminating the exposure of the manufacturing process, and material or product storage areas as required by Appendix AE, the facility may qualify for No Exposure Certification. The Department also encourages methods and designs which minimize or mitigate impervious area and reduce runoff.
2. The permittee shall perform good housekeeping procedures, and keep all exposed areas that are potential sources of pollutants clean and orderly. Implement at regular intervals, measures such as sweeping impervious areas, proper labeling of containers, and the storage of liquids within proper secondary containment.
3. The permittee shall regularly inspect, test, maintain and repair all industrial equipment, systems and BMPs to prevent situations that may result in leaks, spills or other releases of pollutants. If the permittee or Department inspector finds that a structural control measure(s) must be repaired or modified to ensure proper function, the permittee shall make the required repairs or modifications as quickly as possible, but no later than twelve (12) weeks from discovery unless otherwise authorized by the Department. Temporary control measures must be in place during this time to reduce or prevent discharges of pollutants. If a non-structural control measure is found to be deficient, the correction of the deficiency for that control measure must be initiated within five (5) days and completed no later than thirty (30) days from discovery. (See Part V(E).)

D. SWPPP Contents. The SWPPP must contain the following components:

1. **Pollution Prevention Team.** The SWPPP must identify the individual(s) (by name or title) whom comprise the facility's stormwater Pollution Prevention Team. The Pollution Prevention Team is responsible for assisting the facility/plant manager in developing, implementing, maintaining and revising the facility's SWPPP. Responsibilities of each team member must be listed.
2. **Site Description.** The SWPPP must include a narrative site description of the activities conducted at the site.
3. **Site Map.** The site map must include:
  - a. Approximate drainage boundaries including directions of stormwater flow and outfall locations (use arrows to show flow path);
  - b. Boundary of impervious surfaces;

- c. Locations of all existing structural BMPs to reduce pollutants in stormwater runoff;
  - d. Locations of all surface waters including wetlands and streams;
  - e. Locations of potential pollutant sources identified under Part V(D)(4) below;
  - f. Locations where major spills or leaks identified under Part V(D)(5) have occurred within the past three years. For the purpose of the site map, mark only areas of frequent spills (greater than three occurrences per year) or large spills (greater than 10 gallons). ALL locations of fuel spills must be documented within the SWPPP;
  - g. Locations of the following activities exposed to stormwater: fueling stations, vehicle and equipment maintenance, storage and cleaning areas; loading or unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; material processing, transfer or storage areas; access roads, rail cars or tracks;
  - h. Locations of stormwater conveyance systems including swales, ditches, culverts, subsurface stormwater infrastructure, outfalls, including boat ramps, and an approximate outline of the area draining to each outfall;
  - i. Location and description of non-stormwater discharges (e.g., wastewater licensed outfall);
  - j. Location and source of run-on from adjacent property that contains either significant quantities of pollutants or volume to the facility; and
  - k. The name of the nearest receiving water(s), including intermittent streams and wetland(s) that may receive discharges from the facility. An unnamed stream or wetland must be designated as such. The status of the receiving water in terms of water quality classification must also be noted. Contact a regional Stormwater Inspector for assistance if you are not aware of the classification status of the water body to which the facility discharges.
4. Summary of Potential Pollutant Sources. The permittee shall identify each separate area where industrial materials or activities are exposed, or have the potential to be exposed to stormwater. Industrial materials or activities include, but are not limited to, material handling equipment or activities; industrial machinery; cleaning, fueling and maintenance of vehicles; equipment storage; and, storage of raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading or unloading, transportation, or movement of any raw material, intermediate product, final product or

waste product. If applicable, include an evaluation of how the quality and quantity of the stormwater flowing onto the facility from adjacent properties impacts the stormwater discharges from the permitted facility. For each separate area identified, the description must include:

- a. Industrial activities area. A list of the activities (e.g., material storage, loading, access areas, equipment fueling and cleaning, cutting, grinding, or processing). Each drainage area must be described and include a prediction of the direction of flow and an estimate of the types of pollutants which may be present in the stormwater discharge. The flow of stormwater across the site must be clearly depicted on the site map;
  - b. Pollutants. A list of the associated pollutant(s) or pollutant parameter(s) (e.g., crankcase oil, iron, biochemical oxygen demand, pH, sediment, etc.) for each activity. The pollutant list must include all significant materials that have been handled, treated, stored or disposed of in a manner that may allow exposure to stormwater three (3) years prior to review of or development of the SWPPP; and
  - c. Method of on-site storage or disposal. A storage practice or disposal method must be detailed for all raw materials, intermediate materials, final products and waste materials. Waste materials must be handled in accordance with Maine's Solid Waste Management Rules.
5. Potential for Spills and Leaks. The permittee shall clearly identify areas where potential spills and leaks, may occur, along with the accompanying drainage points, and provide a list of spills and leaks that occurred during the three (3) year period prior to submitting a NOI or latest revision of the SWPPP for any area exposed to precipitation or area which drains to a stormwater conveyance.

Spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under Clean Water Act (CWA) §311 (See 40 CFR 110 and 40 CFR 117.21), section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or 38 M.R.S.A. §§ 543, 550 and 1318-B. Unlicensed discharges of oil and hazardous matter are prohibited (See 38 M.R.S.A. §§ 543 & 1317-A). These discharges must be removed to the Commissioner's satisfaction (See 38 M.R.S.A. §§ 1318-B, 548, 568). Hazardous matter discharges must be reported (See 38 M.R.S.A. §§ 1318-B). Oil and hazardous matter have "safe harbor" incentives for reporting (See 38 M.R.S.A. §§ 550 & 1318).

6. Wastewater/Process Water Containment. The location of all wastewater or process water containment tanks must be clearly noted in the SWPPP



and on the site map. Any stationary above ground tank, container, or container storage area used for the storage of wastewater or process water that has the potential to discharge to surface waters or a stormwater conveyance during a malfunction must be held in a secondary containment device capable of containing 100% of the contents of the tank, plus precipitation. The containment devices must meet all Federal and State rules for primary and secondary containment. Secondary containment may be waived if the tank is equipped with a level sensor and alarm to signal an overflow or leak and the facility has a contingency plan in place to remove excess liquid to a second containment structure or off site treatment facility to prevent exposure to stormwater. The containment structures must be visually inspected for signs of deterioration at least once per year. The contingency plan and tank inspection procedure must be documented in the SWPPP. (See CMR 06-096 520 for definitions.)

7. **Sampling Data.** All stormwater sampling data, including visual monitoring results collected during the term of this General Permit must be maintained in the SWPPP.
8. **Stormwater Controls.** Describe the type and location of existing non-structural and structural BMPs selected for each area where industrial materials or activities are exposed to stormwater. All the areas identified in Part V(D)(4) and (5) must have a BMP(s) identified for the area's discharges. For areas where BMPs are not currently in place, describe appropriate BMPs to control pollutants in stormwater discharges. The SWPPP must include an implementation schedule for all proposed BMPs. Refer to individual Sector(s) for additional requirements or guidelines for new BMP installations. Selection of all BMPs must take into account:
  - The quantity and nature of the pollutants, and their potential to impact the water quality of receiving waters;
  - Opportunities to combine the dual purposes of water quality protection and local flood control benefits (including physical impacts of high flows on streams such as bank erosion, impairment of aquatic habitat, etc.); and
  - Opportunities to offset stormwater and temperature impacts from impervious areas on dry weather flows and low flow situations to streams.
9. **BMP Types Considered.** (See Part V(C) Non-Numeric Technology Based Effluent Limits.) The permittee shall describe how each BMP is currently implemented, or will be implemented. The following types of structural, and non-structural BMPs must be considered for implementation at the facility. This requirement may have been fulfilled with the area-specific BMPs identified under Part V(D)(8), in which case, the previous description is sufficient. However, many of the following BMPs may be more generalized or non site-specific and therefore not previously

considered. If the permittee, agent or Department stormwater inspector determines that any of these BMPs are not appropriate or are inadequate to reduce or eliminate pollutants, an explanation of this determination along with corrective actions must be documented in the SWPPP. The BMP examples listed below are not intended to be a comprehensive list. The permittee is encouraged to keep abreast of new BMPs or new applications of existing BMPs to find the most cost effective means of permit compliance for the facility. If BMPs are planned at the facility which are not listed previously in the SWPPP (e.g., replacing a chemical with a less toxic alternative, adopting a new or innovative BMP, etc.), include an implementation timeline within this section of the SWPPP.

a. Non-Structural BMPs.

**Good Housekeeping:** The permittee shall keep all exposed areas free of materials which could contribute pollutants to stormwater discharges by performing good housekeeping measures such as sweeping, and proper material containment. Measures must include compliance with the Non-Numeric Technology Based Effluent limits noted in Part V(C) and the individual Sector requirements in Appendices A-AD.

**Minimizing Exposure:** Where practicable industrial materials and activities should be protected by a storm resistant shelter to prevent exposure to stormwater, or located in an area that does not discharge to a surface water or a MS4.

**Preventive Maintenance:** The permittee shall implement a preventive maintenance program which includes the timely inspection and maintenance of stormwater management devices, (e.g., cleaning oil/water separators, catch basins) as well as inspecting, testing, maintaining and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters.

**Spill Prevention and Response Procedures:** The permittee shall describe spill prevention and clean up procedures for spills or leaks. These procedures, and the necessary spill response equipment, must be made available to employees who may cause or encounter a spill or leak. Where appropriate, the permittee shall explain existing or planned material handling procedures, storage requirements, secondary containment, and equipment (e.g., diversion valves) in the SWPPP which are intended to minimize spills or leaks at the facility. Unlicensed discharges of oil and hazardous matter are prohibited (See 38 M.R.S.A. §§ 543 & 1317-A). These discharges must be removed to the Commissioner's satisfaction (See 38 M.R.S.A. §§ 1318-B, 548, 568). Hazardous matter discharges must be reported (See 38 M.R.S.A. §§ 1318-B).

Oil and hazardous matter have “safe harbor” incentives for reporting (See 38 M.R.S.A. §§ 550 & 1318).

- Procedures to properly label all storage containers.
- Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions and procedures for material storage and handling.
- Procedures for quick response to stop leaks, spills and other releases. Employees who may cause, detect or respond to a spill situation shall be properly trained. The training must be documented in the SWPPP.
- Procedures to notify trained facility personnel, emergency response and regulatory agencies in the event of a spill or release. Documentation of spills and releases must be included in the facility SWPPP.

Employee Training: The permittee shall describe the annual stormwater employee training program for the facility. The description must include the topics to be covered, (such as spill response, good housekeeping and material management practices). The permittee shall provide employee training for all employees who work in areas where industrial materials or activities are exposed to stormwater, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, spill responders and maintenance staff). The employee training must address the components and goals of the SWPPP.

b. Structural BMPs.

Sediment and Erosion Control: The permittee shall identify areas at the facility which, due to topography, land disturbance or other factors, have a potential for soil erosion. The permittee shall describe and implement structural, vegetative, or stabilization BMPs to manage runoff and limit erosion and sediment transport and the resulting discharge of pollutants.

Stormwater Velocity Control: The permittee shall install stormwater velocity dissipation controls where appropriate.

NOTE: This Permit requires compliance with Maine’s Erosion and Sedimentation Control Law. Installation of Structural BMPs may require a separate permit pursuant to the Natural Resources Protection Act, Maine Stormwater Management or the Site Location of Development Act.
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Stormwater structural devices: The permittee shall describe the stormwater management practices (permanent structural BMPs other than those which control the generation or source(s) of pollutants) that currently exist or are planned for the facility.

These types of BMPs typically are used to divert, filter, reuse, or otherwise reduce pollutants in stormwater discharges from the site.

10. Other Controls. No solid materials, including floatable debris, may be discharged to waters of the State, except as authorized by a permit issued under section 404 of the Clean Water Act. Off-site vehicle tracking, or blowing, of raw, final, waste materials or sediments, and the generation of dust, must be minimized and documented in the SWPPP.
- E. Maintenance. All BMPs identified in the SWPPP must be maintained in effective operating condition. If site inspections identify BMPs that are not operating effectively, maintenance must be performed before the next anticipated storm event, or as necessary, to maintain the continued effectiveness of stormwater controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and implemented as soon as practicable, but not later than twelve (12) weeks from the date of discovery unless authorized by the Department. The maintenance schedule and reason for delay must be documented in the SWPPP. The Department will take into account the size and cost of the project, the need to obtain supplies, construction timeframes, weather, the amount of pollution discharged and the condition of receiving waters in determining if a delay is acceptable. In the case of non-structural BMPs, the effectiveness of the BMP must be maintained by appropriate means (e.g., available spill response supplies, training, etc.). Maintenance and BMP follow up actions must comply with Part V(I)(3) of this General Permit.
- F. Allowable Non-Stormwater Discharges. Allowable non-stormwater discharges are listed in Parts I(D) and (E). Except for flows from fire fighting activities, the permittee shall identify all sources of allowable non-stormwater discharge(s) in the SWPPP and include:
  - Identification of each allowable non-stormwater source;
  - The location where it is likely to be discharged; and
  - Descriptions of appropriate BMPs for each source.

If mist blown from cooling towers is listed as an allowable non-stormwater discharge, the permittee shall specifically evaluate the potential for the discharge(s) to be contaminated by chemicals used in the cooling tower and determine that the levels of such chemicals would not cause or contribute to a violation of an applicable water quality standard.
- G. Applicable State or Local Plans. The SWPPP must be consistent and updated with applicable state or local stormwater, waste disposal, sanitary sewer or septic system regulations to the extent these apply to the facility and are more stringent than the requirements of this General Permit.
- H. Monitoring Frequency and Procedure Documentation. The SWPPP must document the procedures for conducting the three types of analytical

monitoring (Benchmark, Numeric, and Impaired Waters) and Visual Monitoring where applicable. These procedures are outlined in Part VI of this General Permit. SWPPP documentation must include the following:

1. Location of sample collection (outfall designation).
  2. Sampling parameters and sampling frequency for each parameter including the benchmark or limit associated with that parameter.
  3. Monitoring schedule including monitoring exceptions, adverse weather conditions and waivers.
- I. Site Compliance Evaluations and Follow-up Corrective Actions. This General Permit requires the completion of quarterly site inspections or Site Compliance Evaluations. The SWPPP must include procedures for conducting and documenting the evaluations as required by this part.
1. **Frequency of Inspections.** The permittee shall conduct Site Compliance Evaluations a minimum of four (4) times a year, one of which must be conducted within 24 hours of a qualifying storm event. These inspections must be evenly spaced with a minimum of sixty (60) days between inspections. Inspections must be done by qualified personnel as defined by the permittee. Qualified personnel may be either a facility employee or agent provided the inspector can accurately assess facility conditions that may impact stormwater discharges and BMP effectiveness. These inspections may be conducted in conjunction with Part (VI)(B), Quarterly Visual Monitoring, or be conducted separately. If the permittee decides to conduct more frequent inspections, the SWPPP must specify the frequency of inspections.
  2. **Scope of the Site Compliance Evaluation.** The evaluation/inspection must include all areas where industrial materials or activities are exposed to stormwater, as identified in Part V(D)(4), and all associated stormwater conveyances and areas where spills and leaks have occurred within the past three (3) years. Inspectors shall evaluate and document:
    - a. Industrial materials, residue, or trash on the ground that could contaminate stormwater;
    - b. Leaks or spills from industrial equipment, drums, barrels, tanks or similar containers;
    - c. Offsite tracking of industrial materials or sediment where vehicles enter or exit the site;
    - d. Tracking, blowing or whirling of raw, final, or waste materials and the evidence of, or the potential for, pollutants to contact stormwater;
    - e. Stormwater BMPs identified in the SWPPP must be inspected and evaluated to ensure that they are operating correctly. Inspect

stormwater conveyances and outfalls for erosion, integrity and potential pollutants. Where discharge locations or outfalls are inaccessible, nearby downstream locations must be inspected if possible; and

- f. The once per year Non-Stormwater Discharge Certification may be incorporated into one of the four Site Compliance Evaluations.
3. Site Compliance Evaluation Follow-up Actions. Based on the results of the Site Compliance Evaluation, the permittee shall:
- a. Complete a Site Compliance Evaluation Report. This report summarizes the scope of the inspection as noted in Part V(I)(2) above. The permittee shall prepare a Site Compliance Evaluation Report upon completing the inspection. This report must include the name(s) or position(s) of personnel performing the inspection, the date(s) of the evaluation, and major observations relating to the implementation of the SWPPP. The inspection report(s) must identify any incidents of non-compliance and proposed or implemented follow-up action(s). Where an inspection report does not identify any incidents of non-compliance, the report must contain a certification that the facility is in compliance with the SWPPP and this General Permit. The Department has prepared a guidance checklist that may be used or modified for reporting.
  - b. Develop a Corrective Action Report (CAR). A Corrective Action Report is a description of actions, BMPs, site modifications or behaviors necessary to meet the terms and conditions of this General Permit. Two types of CARs may be generated.
  - c. Structural BMP Corrective Action Report. This CAR includes modification(s) or addition(s) and implementation of a structural BMP(s). If a noted deficiency is related to a structural BMP excluding routine maintenance, the permittee shall notify the regional stormwater inspector within fourteen (14) business days by phone, email or USPS. Notwithstanding the timeframes described above, the Department reserves the right to take enforcement actions for unpermitted discharges.

Note: If temporary stabilization measures are needed in emergency situations, a permittee may begin installation provided the addition of the BMP or stabilization measure is not in violation of State or Federal laws. The Department should be contacted within 24 hours in these situations.

- d. Non-Structural BMP Corrective Action Report. This CAR notes the addition or modification of a non-structural BMP(s) which must be developed, implemented and kept with the SWPPP.

- e. Content of a Corrective Action Report. All CARs must contain at a minimum the initial inspection date, a summary of the deficiency and corrective action(s) planned or implemented including temporary measures. The date the corrective action(s) was initiated, completed or expected to be completed.

Inspection reports and follow-up CARs must be signed by the permittee in accordance with Part VIII(G).

- f. SWPPP Modification and Timeline for Completion of Corrective Actions. Modify the SWPPP as necessary (e.g., to show additional controls on the site map) as required by Part V(D)(3) and revise the description of controls as required by Part V(D)(8) to include additional or modified BMPs to correct problems identified in the Site Compliance Evaluation and Corrective Action Report. The permittee shall complete revisions to the SWPPP within thirty (30) calendar days following the inspection, and initiate changes to non-structural BMPs within five (5) business days. If existing structural BMPs require modification or if additional structural BMPs are necessary, implementation must be completed before the next anticipated storm event to the extent practicable, but not more than twelve (12) weeks after discovery of the deficiency unless otherwise authorized by the Department. Temporary BMPs must be utilized during the design and construction phase of new structural BMPs. These temporary BMPs must be implemented as soon as practicable after the Site Compliance Evaluation is complete. The permittee shall retain a record of actions taken in accordance with Part V(I) of this General Permit as part of the SWPPP for at least three (3) years from the date that permit coverage expires or is terminated.

J. SWPPP Documentation Requirements. The permittee shall keep the following inspection, monitoring and certification records on site with the facility's SWPPP. The complete and up-to-date records which demonstrate full compliance with the conditions of this General Permit include:

1. A copy of the NOI submitted to the Department along with any correspondence exchanged between the permittee and the Department specific to coverage of this General Permit.
2. A copy of the Department's acknowledgement letter assigning the facility Permit ID number, and discharge authorization.
3. A copy of the General Permit, (electronic is acceptable), which can be made available to SWPPP team members.
4. Dates and descriptions of spills, leaks, or other releases that resulted in discharges of pollutants to waters of the State through stormwater or

otherwise; the circumstances leading to the release and actions taken in response to the release; and, the measures taken to prevent the recurrence of such releases.

5. Records of annual employee training, including topics covered, training date(s), and printed names and signatures of participating employees.
  6. Documentation of maintenance and repairs of stormwater control measures, including dates of regular maintenance, discovery dates of areas in need of repair or replacement; repair date when control measure(s) returned to full function; and, the justification for any extended maintenance or repair schedules.
  7. Documentation of inspections and monitoring data.
  8. Description of any deviations from monitoring schedules.
  9. Corrective Action Reports and summary of completed actions taken at the site, including event(s) and date(s) when problems were discovered and modifications occurred.
  10. Documentation of monitoring exceedances and the facility's response including corrective actions; additional monitoring; documentation indicating the benchmark exceedance was due to natural background pollutant levels; or a finding of no further pollutant reductions were technologically, or economically, practicable, and achievable in light of best industry practice.
  11. Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if the permittee discharges directly to impaired waters, and that such pollutants were not detected in the discharge or were solely attributable to natural background sources.
  12. Documentation of the annual non-stormwater discharge certification.
- K. Requirement to Maintain Updated SWPPP. The permittee shall amend the SWPPP within thirty (30) days of completion of any of the following:
1. A change in design, construction, operation, or maintenance at the facility that has a significant effect on the discharge or potential for discharge of pollutants from the facility including the addition or reduction of industrial activity;
  2. Monitoring, inspections, or investigations by the permittee or by local, State, or Federal officials which determine the SWPPP is ineffective in eliminating or significantly minimizing pollutants from sources identified under Part V(D)(4), or is otherwise not achieving the general objectives of controlling pollutants in discharge(s) from the facility;



3. A release of hazardous substances and oil (see 38 M.R.S.A. § 543, 550 and 1318-B); and
  4. A discharge authorized under this General Permit that is determined by Department notification to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard. The SWPPP must document actions necessary to ensure future discharge(s) do not cause or contribute to the violation of a water quality standard.
- L. Department Review. Department staff may notify the permittee at any time that a SWPPP does not meet one or more of the minimum requirements of this General Permit.
- M. Signature, SWPPP Review and SWPPP Availability. The SWPPP must be signed in accordance with Part VIII(E), and a working copy retained at the facility covered by this General Permit. (See Part III(E) for records retention requirements.) The permittee shall only submit a copy of the SWPPP to the Department upon written notification. Upon the Department's request, the SWPPP must be submitted electronically via e-mail or saved to a compact disc and mailed or hand delivered to the Department.
- N. Additional Requirements for SARA Title III Facilities. Potential pollutant sources for which the permittee has reporting requirements under EPCRA 313 must be identified in the summary of potential pollutant sources as per Part V(D)(4). Note this additional requirement only applies to the permittee if the permittee is subject to reporting requirements under EPCRA 313.
- O. Salt Storage Pile Requirements. Salt storage pile(s) used for deicing or commercial or industrial purposes located at the facility, must be enclosed or covered to prevent exposure to precipitation, with exception of adding or removing materials from the pile, and for sand/salt storage piles at municipal public works facilities. See 06-096 CMR 574, and 38 M.R.S.A. §413(2-D) for additional requirements.

## Part VI. MONITORING REQUIREMENTS

- A. Monitoring Requirements and Limitations. The monitoring requirements and numeric limitations applicable to a facility depend on the types of industrial activities conducted. The permittee shall review Parts III (Permit Conditions), VI (Monitoring Requirements) and VII (Sector Specific Requirements) of this General Permit to determine which monitoring requirements and numeric limitations apply to the industrial activity or activities at the facility.
1. Sector-specific monitoring requirements. Sector-specific monitoring requirements and limitations are applied outfall by outfall at facilities with multiple Sector-specific industrial activities. Where stormwater from multiple Sector-specific industrial mixes, the monitoring requirements and limitations are additional.

2. Approved watershed management plans. Participation in the implementation of a Department Approved Watershed Management Plan for discharges to impaired waters fulfills the requirement of Part VI.
- B. Quarterly Visual Monitoring. All permittees covered under this General Permit, regardless of the facility's Sector of industrial activity are required to conduct quarterly visual monitoring. Visual monitoring requirements are waived if the facility is conducting Benchmark, Impaired Waters sampling and analysis, or Numeric Monitoring for Total Suspended Solids (TSS). Visual Monitoring must be resumed if Benchmark Monitoring, Numeric Monitoring or Impaired Waters sampling is ceased.
1. Visual Monitoring Documentation. The permittee shall perform and document a visual examination of a stormwater discharge associated with industrial activity from each outfall (except representative outfalls) on a quarterly basis. The visual examination must be made during daylight hours and normal operations. If no qualifying storm event occurs during an inspection cycle, or adverse weather prevents collecting a sample, the permittee shall document this in the SWPPP, and is excused from visual monitoring for that quarter. Visual monitoring must be performed during the next qualifying storm event. The permittee shall sign and certify the documentation in accordance with Part VIII (E). The visual monitoring event must be performed and documented according to procedures outlined in document DEPLW0768, Visual Monitoring of Stormwater Discharges Associated with Industrial Activity, available at:  
<http://www.maine.gov/dep/blwq/docstand/stormwater/multisector.htm#form>
  2. Qualifying storm event and visual examination procedures. A qualifying storm event is either precipitation, ice or snow melt that produces a measureable discharge at an outfall that occurs at least 72 hours from a previous qualifying storm event. A grab Sample must be collected within the first 60 minutes, but not more than 2.25 hours from the time stormwater begins to discharge from an outfall. 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 sample examination must be conducted in a well lit area. Laboratory analytical testing is not required for visual samples. The 72-hour storm interval is waived if the permittee can document that less than a 72-hour interval is representative for local storm events during the sampling period. The same individual should perform visual monitoring for the entire permit term.
- C. Coal Pile Runoff Monitoring (Piles greater than 30 cubic yards). Monitoring must be conducted quarterly during a qualifying storm event. Discharges from coal piles are subject to numeric limits for total suspended solids (TSS)

not to exceed 50mg/L and pH 6.0-9.0 s.u. See Part VI(F) for additional requirements if TSS or pH exceeds the numeric the limit.

1. The permittee shall comply with the limitations and monitoring requirements as referenced in Part I(B)(3)(c) for all discharges containing coal pile runoff, regardless of the facility's Sector of industrial activity.
2. The permittee shall not dilute coal pile runoff with stormwater or other flows in order to meet this limitation.
3. The permittee shall collect a grab sample at the point of discharge and analyze the sample(s) for pH and TSS. Sampling results must be retained and reported in accordance with Part III(D).

D. Impaired Waters Monitoring and Corrective Actions.

1. Monitoring for existing discharges to impaired waters without an EPA approved or established Total Maximum Daily Load (TMDL). Upon submittal of a NOI, the permittee is required to indicate if the discharge will be to an impaired waterbody as listed on the 303d list and defined in this General Permit. If the Department determines that the facility is contributing to the impaired status, or additional data is needed to determine if the stormwater discharge is contributing to the waterbody's impairment, the permittee shall follow the monitoring requirements below. The Department will notify the permittee in writing of any additional monitoring requirements under this part. If the permittee does not receive notice from the Department to commence monitoring, no additional monitoring is required under this section.

If notified by the Department, the permittee shall monitor during a qualifying storm event. Monitoring must be conducted quarterly at each outfall (except for representative outfalls) according to the instructions in Part VI(E)(1-5) below. The permittee shall calculate the average of each parameter from the quarterly samples to determine the average monitoring value for each parameter.

- a. Monitoring may be reduced to twice per calendar year if the average of the first year's monitoring values indicate that the pollutant(s) for which the water body is impaired is not detected above natural background pollutant levels. Natural background pollutant levels include those substances that naturally occur in soil and groundwater, but do not include legacy or historical pollutants from earlier site activities or pollutants from neighboring sources which are not naturally occurring. In permit years three and four, the monitoring may be reduced to once per year if the average monitoring value for each parameter did not exceed natural background levels in permit year two (2) from the permittee's stormwater discharge.

- b. If the pollutant of concern is detected, but at levels consistent with natural background pollutant levels, the permittee shall keep the following documentation of this discharge with the facility's SWPPP.
  - i) An explanation of why the presence of the pollutant causing the impairment is detected at the outfall;
  - ii) An explanation why the pollutant is not related to the activities at the facility; and
  - iii) Data or studies which link the presence of the pollutant causing the impairment to what can be considered natural background sources in the watershed.
- c. If the presence of the pollutant causing the impairment is shown to be related to the facility and not due to natural background pollutant levels, the permittee shall determine the source of the pollutant. The permittee shall develop and implement a corrective action plan to reduce or eliminate the presence of the pollutant(s) in the stormwater discharge. This plan must be incorporated into the facility's SWPPP, and submitted to the Department within the first quarter of the second permit year, or the first quarter of the second year after submittal of the NOI. Sampling for the pollutant(s) must continue quarterly until the pollutant is no longer present or a determination on the discharge is made by the Department.

- 2. Monitoring and corrective actions for discharges to impaired waters **with** an EPA approved or established TMDL. No additional monitoring is required unless specified in the TMDL or requested by the Department.

If monitoring is required by the Department, and the results indicate the pollutant(s) that the TMDL addresses is present in the stormwater discharge in a quantity above the allowable allocation, the permittee shall develop and implement BMPs to meet the requirements of the TMDL. A corrective action plan must be developed and incorporated into the facility's SWPPP.

- E. Monitoring Procedures for Discharges to Impaired Waters. The following applies only to facilities that have received notice from the Department that impaired waters monitoring is required. The notice will include the Department's decision, and reason for additional monitoring.

- 1. If a facility discharges to an impaired waterbody, the permittee shall perform quarterly monitoring at each outfall (except representative outfalls) that discharges to the impaired water for all pollutants for which the waterbody is impaired and for which a standard analytical method exists. (See 40 CFR part 136 for a list of approved methods.)

2. If the pollutants for which the waterbody is impaired are suspended solids, turbidity or sediments, the permittee shall monitor for Total Suspended Solids (TSS).
  3. If the pollutant for the impaired waterbody is an indicator or surrogate pollutant, the permittee shall monitor for that indicator or surrogate pollutant.
  4. If the impairment is due to impervious cover within the watershed, the facility shall calculate the amount of impervious area(s) discharging to the impaired waterbody and document this in the SWPPP. Additional monitoring and corrective actions may be required by the Department upon review of the results of the calculation, the facility's SWPPP and existing BMPs.
  5. No monitoring is required when a waterbody's biological communities are impaired and the Department has not specified an indicator or surrogate as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications. If the biological community is impaired and an indicator or surrogate is noted, the permittee shall monitor for the indicator or surrogate.
- F. Numeric Effluent Limitation Monitoring. Sectors A, B<sup>1</sup>, C, D, E, J, K, L & O have discharges subject to numeric effluent limitations that are authorized for coverage under this General Permit. The permittee shall collect two quarterly samples, and calculate the average of each parameter from the quarterly samples to determine an average monitoring value for each parameter. If the **average** of the first two quarterly samples for any parameter does not exceed the effluent limitation, the effluent monitoring requirements are fulfilled for the **permit year**. Results that do not exceed the numeric limitation must be recorded in the Facility's SWPPP. If the **average** of the two quarterly samples exceeds the numeric effluent limitation for any parameter, the permittee shall submit results to the Department within 14 days of receiving the monitoring results. Additional monitoring requirements are outlined in each Sector when numeric limitations have been exceeded. Facilities are required to monitor such discharges to evaluate compliance with numerical effluent limits. (See also Part III C, Table 1 and Sector-specific requirements.)
- Numeric monitoring for Sectors: C, D, E, K, L, & O must be conducted quarterly during a qualifying storm event as described in Part VI(B)(2). Numeric monitoring for Sectors A, B and J are activity dependent non-stormwater discharges and are outlined in each Sector.
- G. Benchmark Monitoring Requirements. Benchmark concentrations are not numeric effluent limitations and exceeding the benchmark is not a permit violation. Benchmark monitoring data is primarily used to determine the

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<sup>1</sup> Sector B is only required to conduct numeric monitoring if conducting wet decking operations.

overall effectiveness of stormwater control measures, and to determine when additional corrective action(s) are required. Sectors A, B & N must perform quarterly benchmark monitoring from each outfall (except representative outfalls) that produces a stormwater discharge associated with an industrial activity.

Benchmark monitoring must be conducted during a qualifying storm event as defined in this General Permit. A grab sample must be collected between 60 minutes but not more than 2.25 hours from the time stormwater begins to discharge from an outfall. A grab sample(s) must be collected during daylight and normal operating hours. Department guidance and assistance is available for proper sampling techniques. Results must be summarized and reported in the Facility's SWPPP. Appropriate corrective actions must be initiated according to Part VI(G)(2) below if there is an exceedance.

Benchmark monitoring is not required if the facility is in compliance with and can demonstrate participation in the implementation of a Department Approved Watershed Management Plan. Benchmark Monitoring is not required from any outfalls subject to Impaired Waters sampling and analysis, or Numeric Monitoring for Total Suspended Solids (TSS). Benchmark Monitoring must be resumed if Numeric Monitoring or Impaired Waters sampling is ceased.

1. Collect a minimum of four (4) quarterly samples. The permittee shall calculate the average of each parameter from the quarterly samples to determine an average monitoring value for each parameter. If the average of the four (4) monitoring values of the quarterly samples for any parameter does **not exceed** the benchmark, the monitoring requirements are fulfilled for that parameter, for the **permit term**. Samples must be analyzed using procedures consistent with methods listed in 40 CFR Part 136. The use of an alternate method or benchmark parameter may be proposed by the permittee to the Department in writing. The Department will approve or deny the use of alternate methods or parameters on a case-by-case basis.
2. After collecting four (4) quarterly samples, if the average of the four (4) monitoring values of the quarterly samples of any parameter **exceeds** the benchmark, the permittee shall review the selection, design, and implementation of control measures and complete a corrective action report. Upon making any necessary modifications, the permittee shall continue quarterly monitoring for any parameter that has exceeded its benchmark four additional quarters.
3. If the average monitoring values of the subsequent quarterly samples of any parameter continues to exceed the benchmark, the permittee shall select, install and implement control measures including BMPs to address the selection and design considerations to meet the benchmark; or

4. Make the determination that no further pollutant reductions are technologically available, economically practicable and achievable in light of best industry practice to meet the technology based effluent limits in which case the permittee shall continue monitoring once per year. The rationale for this determination must be documented in the SWPPP.
- H. Monitoring Schedule. Visual monitoring, Coal pile monitoring, Impaired waters monitoring, Numeric monitoring for Sectors: C, D, E, K, L, & O and Benchmark monitoring requirements begin the first full quarter following the date of discharge authorization and must be conducted on a quarterly basis. The permittee shall monitor at least once in each of the following three (3) month intervals listed below. Numeric Monitoring schedules for Sectors A, B (for wet decking operations) and J are outlined in each Sector.

January 1 – March 31

April 1- June 30

July 1 – September 30

October 1 – December 31

For example, if the applicant obtains coverage on May 1, 2011; the first monitoring period is July 1- September 30, 2011.

- I. Representative Outfalls. “Representative outfalls” means two or more outfalls within a single drainage area that discharge substantially identical effluents, have like industrial activities and significant materials or practices occurring within the outfalls’ designated drainage area. If the facility contains representative outfalls, the permittee may test the effluent of one of the outfalls during a given sampling period provided that subsequent samples are taken from a different outfall within the representative outfalls’ drainage area. The permittee will not be required to monitor more than one representative outfall within a designated drainage area per monitoring event. For this to be permissible, the SWPPP must include the permittee’s narrative and include the following: locations of the outfalls and associated drainage area; why the outfalls are expected to discharge substantially identical effluents; and, estimates of the size of the drainage area (in square feet) for each outfall(s).
- J. Monitoring Exceptions. If limited rainfall or frozen conditions prevent the discharge from an outfall, the permittee is excused from monitoring for that monitoring quarter. The altered schedule must be fully documented in the SWPPP.
- K. Adverse Weather Conditions. Adverse weather conditions are those which are dangerous or create inaccessibility for personnel and may include such things as local flooding, high winds, electrical storms, drought, excessive rain, frozen conditions and icing. If adverse weather conditions prevent the collection of samples these conditions must be documented in the SWPPP.

**Part VII. SECTOR-SPECIFIC REQUIREMENTS FOR INDUSTRIAL ACTIVITY**

- A. Sector Specific Requirements. The permittee shall comply with additional requirements of this part. Sector-specific requirements are in addition to the “basic” requirements specified in Parts I-VI and the General Permit Requirements in Part VIII of this General Permit. Sector specific requirements may be found in Appendices A-AD. No Exposure requirements may be found in Appendix AE.

**Part VIII. GENERAL REQUIREMENTS**

- A. Duty to Comply. The permittee shall comply with all conditions of this General Permit. Any non-compliance may constitute a violation of Maine’s water quality laws, General Laws, and the federal Clean Water Act and opens up the discharger to penalties under 38 M.R.S.A. § 349, and § 309 of the Clean Water Act and is grounds for enforcement action. Enforcement action may include termination of authorization to discharge under the General Permit, and thus requiring that certain actions be taken in order to continue coverage, denial of permit re-authorization, instituting penalties, or other actions deemed applicable by the Department and other federal and local agencies.
1. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 M.R.S.A., § 420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the General Permit has not yet been modified to incorporate the requirement.
  2. Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule, license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 M.R.S.A. § 349.
- B. Continuation of the Expired General Permit. An expired General Permit continues in force and effect until a new General Permit is reissued.
- C. Duty to Reapply. If the permittee wishes to continue an activity regulated by this General Permit after the expiration and reissuance of this General Permit, the permittee shall apply for and obtain coverage under a new permit.
- D. Other applicable conditions. The conditions in 06-096 CMR 523(2) also apply to discharges pursuant to this General Permit and are incorporated herein as if fully set forth. These conditions address areas such as: duty to comply; need to reduce or halt activity not a defense; duty to mitigate; permit actions; property rights; duty to provide information; and, inspection and entry.
- E. Signatory Requirements. All Notices of Intent, SWPPPs, reports, certifications or information either submitted to the Department, or that this



General Permit requires to be maintained by the permittee, shall be signed and certified in accordance with 06-096 CMR 521(5).

- F. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA. 38 M.R.S.A. § 543, 550, and 1318-B.
- G. Release in Excess of Reportable Quantities. If a release in excess of reportable quantities occurs, the permittee shall notify the Department immediately. This permit does not relieve the permittee of the reporting requirements of 40 CFR 117, 40 CFR 302 and 38 M.R.S.A. § 543, 550 and 1318-B. The discharge of hazardous substances in the stormwater discharge(s) from a facility shall be minimized in accordance with the applicable SWPPP for the facility, and in no case, during any 24-hour period, shall the discharge(s) contain a hazardous substance equal to or in excess of reportable quantities.
- H. Severability. The conditions of this General Permit are severable, and if any provision of this General Permit, or the application of any provision of this General Permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected thereby.
- I. Transfer of Permit. This General Permit is not transferable to any person.
- J. State Laws. Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Maine State law.
- K. Proper Operations and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this General Permit and with the requirements of the SWPPP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operations of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the General Permit.
- L. Monitoring and Records.
  - 1. Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the discharge over the sampling and reporting period.

2. The permittee shall retain records of all monitoring information including all calibration, maintenance records and all original strip chart recordings from continuous monitoring instrumentation, copies of all reports required by this General Permit, and records of all data used to complete the NOI for this General Permit, for a period of at least three (3) years from the date that the facility's coverage under this General Permit expires or is terminated. This retention period may be extended by request of the Department at any time.
  3. Records of monitoring information shall include:
    - a. The date, exact place, and time of sampling or measurements;
    - b. The individual(s) who performed the sampling or measurements;
    - c. The date(s) analyses were performed;
    - d. The individual(s) who performed the analyses;
    - e. The analytical techniques or methods used; and,
    - f. The results of such analyses.
  4. Monitoring must be conducted according to test procedures approved under 40 CFR 136 and applicable Maine regulations, unless other test procedures have been specified in this General Permit.
- M. Bypass of Stormwater Control Facilities. Bypass means the intentional diversion of stormwater from any portion of the stormwater collection and treatment system. The permittee may allow any bypass to occur which does not cause effluent benchmark or numeric limitations (as noted by Sector) to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the notice provisions below.
1. Anticipated Bypass. If the permittee knows in advance of the need for a bypass which may exceed benchmark or numeric limitations, he or she shall notify this Department in writing at least ten days prior to the date of the bypass. Such notice shall include the anticipated quantity and the anticipated effect of the bypass.
  2. Unanticipated Bypass. Unanticipated bypass of stormwater control structures is prohibited unless one of the conditions in Part VIII(M)(3) of this section is met. The permittee shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee became aware of the bypass. The written submission shall contain a description of the bypass and its cause; the period of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

3. Prohibition of Bypass. Bypass is prohibited and enforcement action against the permittee may be taken for the bypass unless:
  - a. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage; and
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
  - c. The Department may approve an anticipated by-pass after considering its adverse effects, if the Department determines that proper notification was made as determined in paragraph VIII(M)(1), and it will meet the two conditions of paragraph VIII(M)(3) above.<sup>2</sup>

N. Upset Conditions.

1. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based effluent limitations if the requirements of Part VIII(N)(3) of this General Permit are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
3. Conditions necessary for a demonstration of upset. A permittee whom wishes to establish an affirmative defense of an upset shall demonstrate, through properly signed, current operating logs, or other relevant evidence, that:
  - a. An upset occurred and the permittee can identify the specific cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated; and
  - c. The permittee submitted notice of the upset within 24 hours;<sup>3</sup>

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<sup>2</sup> See 06-096 CMR 523(2) (m)

<sup>3</sup> See 06-096 CMR 523(2) (n)

- d. The permittee complied with any remedial measures required<sup>4</sup>.
- 4. The permittee must provide the burden of proof during enforcement proceedings involving occurrence of an upset.
- O. Inspection and Entry. Employees and agents of the Department may enter any property at reasonable hours in order to determine compliance.
- P. Reopener. This General Permit may be modified or reopened as provided in 38 M.R.S.A. § 414-A (5).
- Q. Requiring an Individual Permit or an Alternative General Permit.
  - 1. The Department may require any owner(s) or operator(s) authorized to discharge stormwater under this General Permit to apply for and obtain either an individual MEPDES permit or an alternative general permit. Any interested person may petition the Department to take action under this paragraph.
  - 2. Any owner(s) or operator(s) authorized to discharge stormwater by this General Permit may request to be excluded from coverage of this General Permit by applying for an individual permit. The request may be granted by issuance of an individual permit.
  - 3. If a facility requests or is required to obtain coverage under an individual permit, then authorization to discharge stormwater under this General Permit shall automatically be terminated on the date of issuance of the individual permit. Until such time as an alternative permit is issued, the existing General Permit remains fully in force.
- R. Availability of Reports. Except for data determined to be confidential under Part VIII(S) below, all reports prepared in accordance with the terms of this General Permit shall be available for public inspection at the DEP at 28 Tyson Drive, Augusta Maine. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in penalties including the possibility of fine and imprisonment.
- S. Confidentiality of Information. Any information submitted to the Department pursuant to these regulations may be claimed as confidential by the submittee. Any such claim must be asserted at the time of the submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Department may make the information available to the public without further notice.

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<sup>4</sup> Ibid

A claim of confidentiality will be denied unless the Department determines that the information may be withheld in accordance with 38 M.R.S.A. 414 (6), Confidentiality of records, and 38 M.R.S.A. 401 et. seq., Freedom of Access.

- T. Right to Appeal. All final license or permit decisions made by the commissioner may be appealed to the Board of Environmental Protection pursuant to Title 38, § 341-D (4) or a judicial appeal may be filed.
- U. Notice Required. Prior to discharging under the terms of a General Permit, a person shall file with the Department an initial Notice of Intent (NOI) for coverage on a form provided by the Department for the specific discharge category. A check for the appropriate fee amount must accompany each NOI in order for the application for coverage under the General Permit to be considered complete.
- V. Effective Date of Coverage. The Department must notify an applicant for coverage under this General Permit within 30 days of receipt of each complete NOI as to whether or not coverage for the specific discharge is accepted. If the Department does not notify the applicant within 30 days, the NOI is deemed to be accepted and coverage is granted. In the event coverage is not granted, the Department shall notify the applicant of the reasons for not granting coverage. Discharges not acceptable for General Permit coverage may apply for issuance of an individual discharge permit.
- W. Continuing Coverage. Coverage under an existing General Permit will be continued upon payment of an applicable annual fee, provided there are no changes in the discharge as described in the NOI. If changes occur or are proposed, the person having filed the NOI shall notify the Department, as specified in the General Permit. Persons wishing to continue coverage are required to so notify the Department.
- X. Transfers of Ownership. This General Permit is not transferable. In the event that the ownership of a facility or discharge is transferred to a new owner(s) or operator(s), coverage under this General Permit may be obtained by the new owner by filing a new Notice of Intent form with the Department. The former owner shall also file a Notice of Termination.
- Y. General Restrictions. A discharge covered by a General Permit may not:
  - 1. Contain any pollutant, including toxic substances, in quantities or concentrations which may cause or contribute to any adverse impact on the receiving water;
  - 2. Be to a receiving water which is not meeting its classification standard for any characteristic which may be affected by the discharge; or,
  - 3. Impart color, taste, turbidity, radioactivity, settleable materials, floating substances, or other properties that cause the receiving water to be unsuitable for the designated uses ascribed to its classification.

- Z. Sampling and Test Procedures. Where a General Permit requires sampling and testing of an effluent of other waste stream, all samples and measurements shall be representative of the volume and nature or the activity being monitored. The sampling, preservation, handling and analytical methods used must conform with Standard Methods for the Examination of Water and Waste Water, American Public Health Association, Washington D.C., latest approved edition or methods referenced in 40 CFR Part 136. However, different but equivalent methods are allowable if they receive prior written approval from the Department.
- AA. Monitoring Requirements. The Department may require additional monitoring of an individual discharge as may be reasonably necessary in order to characterize the nature, volume or other attributes of that discharge or its sources.
- AB. Removed Substances. Solids, sludges, filter backwash or other pollutants removed or resulting from the treatment of wastewaters must be disposed of in a manner approved by the Department.

## Part IX. DEFINITIONS

The following terms have the following meanings as used in this General Permit. These definitions are intended to be consistent with the definitions at 38 MRSA §§ 361-A and 466, 06-096 CMR 520 and 521(9)(b), and 40 CFR §§ 122.2 and 122.26(b).

- A Anticipated Bypass. “Anticipated Bypass” means a bypass of stormwater control structure(s) including operational or structural best management practice(s), which is planned or scheduled due to maintenance, repair or other known reason. Provisions must be developed to protect the receiving water from pollutants during an anticipated bypass of a stormwater control.
- B Best Available Technology (BAT). “Best Available Technology” or “BAT” means the technology-based standard established by the Clean Water Act as the most appropriate means available on a national basis for controlling the direct discharge of toxic and nonconventional pollutants. In general, BAT effluent limitations guidelines represent the best existing performance of treatment technologies that are economically achievable.
- C Best Control Technology (BCT). “Best Control Technology” or “BCT” means a technology-based standard established by EPA for the discharge from existing conventional pollutants including Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), fecal coliform, pH, oil and grease. The BCT is established in light of a two-part "cost reasonableness" test which compares the cost for an industry to reduce its pollutant discharge with the cost to treat for similar levels of reduction of a pollutant loading. The second test examines the cost-effectiveness of additional industrial treatment beyond

BPT. EPA must find limits which are reasonable under both tests before establishing them as BCT.

- D Best Management Practices (BMPs). “Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- E Best Practicable Control Technology (BPT). “Best Practicable Control Technology” or “BPT” means the first level of technology-based standards established by the Clean Water Act to control the discharge of pollutants. BPT effluent limitation guidelines are generally based on the average of best existing performance by plants within an industrial category or subcategory.
- F Control Measure. “Control Measure” means BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the States.
- G Department. “Department” means the State of Maine Department of Environmental Protection.
- H Department Approved Watershed Management Plan. “Department Approved Watershed Management Plan” means, for the purpose of this General Permit, the implementation of a Plan approved by the Department that has a means of funding that is in effect to meet all of the following requirements:
  - 1. The Management Plan must adequately assess the watershed for pollutants and activities contributing to the waterbody’s impairment.
  - 2. The causes found to be contributing to the water quality impairment must be adequately addressed via structural or operational Best Management Practices in the watershed. The Management Plan will be reviewed by Department staff to determine the ability of the Management Plan to improve water quality based on the known pollutants and causes of impairment and for compliance with any approved TMDLs.
  - 3. The Plan must include a schedule of implementation and a monitoring component to assess the progress of the watershed in attaining the goals of the Management Plan.

The Long Creek Watershed Management Plan in the municipalities of South Portland, Portland, Westbrook and Scarborough is a Department Approved Watershed Management Plan.

- I Discharge. “Discharge” means any spilling, leaking, pumping, pouring, emptying, disposing or other addition of any pollutant to waters of the State.

- J Facility. “Facility” means a location where stormwater discharges associated with industrial activity occur including but not limited to, buildings, storage areas, travel ways and processing areas.
- K Facility Associated with Industrial Activity. “Facility Associated with Industrial Activity” means the point source discharge which is directly related to manufacturing, processing, or raw material storage areas described in Appendices A-AD. This includes, but is not limited to, stormwater discharges associated with industrial activity.
- L Infiltration. “Infiltration” means any process specifically used to meet all or part of the stormwater standards of this General Permit by actively directing all or part of the stormwater into the soil. Infiltration is the process by which runoff percolates through the unsaturated overburden and fractured bedrock to the water table. For this General Permit, infiltration does not include:
1. Incidental wetting of soil in ditches, detention basins or the equivalent;
  2. Wetting of underdrained basins, dry swales, or similar filtration systems;  
or
  3. Wetting buffers meeting department requirements for stormwater control.
- M Impaired Waters. “Impaired Waters” means for the purposes of this General Permit, any water body listed on the 303d list of Maine’s Integrated Water Quality Monitoring and Assessment Report.
- N Municipal Separate Storm Sewer System (“MS4”). “Municipal Separate Storm Sewer System” or “MS4” means conveyances for stormwater, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, Maine Department of Transportation, Maine Turnpike Authority, State agency or Federal agency or other public entity that discharges directly to waters of the State other than groundwater.
- O No Exposure. “No Exposure” means that industrial activities are protected by a storm resistant shelter to prevent exposure to stormwater including rain, snow, snowmelt, run-on and runoff.
- P Non-Numeric Technology Based Effluent Limitations. “Non-Numeric Technology Based Effluent Limits” means Best Management Practices approved and required by the Department that are designed and installed according to Best Practical Technology and Best Available Technology. This technology limits or eliminates pollutants generated on-site by industrial activities from coming into contact with waters of the State. Non-Numeric Technology Based Effluent limits are assigned by industrial activity and are described in the appropriate Sector specific Appendix.



- Q Notice of Intent (“NOI”). “Notice of Intent” or “NOI” means a notification of intent to seek coverage under this General Permit made by the applicant to the Department on a form provided by the Department.
- R Notice of Termination (“NOT”). “Notice of Termination” or “NOT” means a notification to end coverage under this General Permit on a form provided by the Department.
- S Outfall. “Outfall” means any direct discharge of stormwater from an area of industrial activity to waters of the State or to a MS4.
- T Owner or Operator. “Owner or Operator” means the owner or operator of any “facility or activity” subject to regulation under the NPDES program. In the case of a publicly owned facility or activity, the owner shall be included as a licensee in any permit issued under the State NPDES program.
- U Permittee. “Permittee” means the person that is covered under this General Permit for discharge of stormwater associated with industrial activity.
- V Person. “Person” means an individual, firm, corporation, municipality, quasi-municipal corporation, (such as a watershed district), state agency, federal agency or other legal entity.
- W Point Source. “Point Source” or “direct discharge” means a discharge from any discrete, confined or discernible conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This does not include discharges to buffers designed and maintained in accordance with Chapter 500 Appendix F.
- X Qualifying Storm Event. “Qualifying Storm Event” means a storm event that is either precipitation, ice or snow melt that produces a measureable discharge at an outfall that occurs at least 72 hours from a previous measureable storm event.
- Y Stormwater. “Stormwater” means precipitation including runoff from rain, snow melt or ice melt that flows across the surface as sheet flow, shallow concentrated flow or in drainage ways. “Stormwater” means the same as Storm Water.
- Z Stormwater Discharge Associated with Industrial Activity. “Stormwater Discharge Associated with Industrial Activity” means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant or facility. The term does not include discharges from facilities or activities excluded from the MEPDES program under 38 MRSA 413. For the categories of industries identified in Table 2 and Appendices A –

AD, the term includes, but is not limited to, point sources stormwater discharges from the following areas: industrial plant yards; immediate access roads and rail lines used or travelled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at Chapter 525); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

- AA Surface Water. "Surface Water" means for purposes of this General Permit, any river, stream, brook, freshwater wetland, coastal wetland, lake, pond or ocean including the marginal and high seas.
- BB Unanticipated Bypass. "Unanticipated Bypass" means for purposes of this General Permit, an unanticipated bypass of stormwater discharge from the site that was originally intended to go through a structural control device to remove pollutants associated with an industrial activity from that stormwater discharge. An unanticipated bypass may include the over topping or complete bypass of a stormwater pond or structural stormwater collection system. All unanticipated bypasses must be reported to the Department according to Part VIII(M)(2) of the General Permit.

<b>Table 2. Sectors of Industrial Activity Covered By this General Permit</b>	
<b>SIC Code or Activity Code</b>	<b>Activity Represented</b>
<b>SECTOR A: TIMBER PRODUCTS</b>	
2411	Log Storage and Handling (Wet deck storage areas only authorized if no chemical additives are used in the spray water or applied to the logs)
2421	General Sawmills and Planning Mills
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified
2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)
2448, 2449	Wood Containers
2451, 2452	Wood Buildings and Mobile Homes
2491	Wood Preserving
2493	Reconstituted Wood Products
2499	Wood Products, Not Elsewhere Classified
<b>SECTOR B: PAPER AND ALLIED PRODUCTS</b>	
2611	Pulp Mills
2621	Paper Mills
2631	Paperboard Mills
2652-2657	Paperboard Containers and Boxes
2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
<b>SECTOR C: CHEMICAL AND ALLIED PRODUCTS</b>	
2812-2819	Industrial Inorganic Chemicals
2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
2833-2836	Medicinal chemicals and botanical products; pharmaceutical preparations, in vitro and in vivo diagnostic substances; biological products, except diagnostic substances
2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
2861-2869	Industrial Organic Chemicals
2873-2879	Agricultural Chemicals
2873	Facilities that Make Fertilizer Solely from Leather Scraps and Leather Dust
2891-2899	Miscellaneous Chemical Products
3952 (limited to list)	Complete list can be found in Sector C specific requirements
<b>SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS</b>	
2951,2952	Asphalt Paving and Roofing Materials
2992,2999	Miscellaneous Products of Petroleum and Coal
<b>SECTOR E: GLASS, CEMENT, CLAY, CONCRETE, STONE,AND GYPSUM PRODUCTS</b>	
3211	Flat Glass

<b>Table 2. Sectors of Industrial Activity Covered By this General Permit</b>	
<b>SIC Code or Activity Code</b>	<b>Activity Represented</b>
3221,3229	Glass and Glassware, Pressed or Blown
3231	Glass Products Made of Purchased Glass
3241	Hydraulic Cement
3251-3259	Structural Clay Products
3261-3269	Pottery and Related Products
3271-3275	Concrete, Gypsum and Plaster Products
3281	Cut Stone and Cut Stone Products
3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
<b>SECTOR F: PRIMARY METALS</b>	
3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
3321-3325	Iron and Steel Foundries
3331-3339	Primary Smelting and Refining of Nonferrous Metals
3341	Secondary Smelting and Refining of Nonferrous Metals
3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
3363-3369	Nonferrous Foundries (Castings)
3398,3399	Miscellaneous Primary Metal Products
<b>SECTOR G: METAL MINING (ORE MINING AND DRESSING)</b>	
1011	Iron Ores
1021	Copper Ores
1031	Lead and Zinc Ores
1041,1044	Gold and Silver Ores
1061	Ferroalloy Ores, Except Vanadium
1081	Metal Mining Services
1094,1099	Miscellaneous Metal Ores
<b>SECTOR H: COAL MINES AND COAL MINING RELATED FACILITIES</b>	
1221-1241	Coal Mines and Coal Mining-Related Facilities
<b>SECTOR I: OIL AND GAS EXTRACTION AND REFINING</b>	
1311	Crude Petroleum and Natural Gas
1321	Natural Gas Liquids
1381-1389	Oil and Gas Field Services
2911	Petroleum Refineries
<b>SECTOR J: MINERAL MINING AND DRESSING</b>	
1411	Dimension Stone
1422-1429	Crushed and Broken Stone, Including Rip Rap
1442,1446	Sand and Gravel
1455,1459	Clay, Ceramic, and Refractory Materials
1474-1479	Chemical and Fertilizer Mineral Mining
1481	Nonmetallic Minerals Services, Except Fuels
1499	Miscellaneous Nonmetallic Minerals, Except Fuels

<b>Table 2. Sectors of Industrial Activity Covered By this General Permit</b>	
<b>SIC Code or Activity Code</b>	<b>Activity Represented</b>
<b>SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES</b>	
HZ	Hazardous Waste Treatment Storage or Disposal
<b>SECTOR L: LANDFILLS AND LAND APPLICATION SITES</b>	
LF	Landfills, Land Application Sites , and Open Dumps
<b>SECTOR M: AUTOMOBILE SALVAGE YARDS</b>	
5015	Automobile Salvage Yards
<b>SECTOR N: SCRAP RECYCLING FACILITIES</b>	
5093	Scrap Recycling Facilities
<b>SECTOR O: STEAM ELECTRIC GENERATING FACILITIES</b>	
SE	Steam Electric Generating Facilities
<b>SECTOR P: LAND TRANSPORTATION AND WAREHOUSING</b>	
4011,4013	Railroad Transportation
4111-4173	Local and Highway Passenger Transportation
4212-4231	Motor Freight Transportation and Warehousing
4311	United States Postal Service
5171	Petroleum Bulk Stations and Terminals
<b>SECTOR Q: WATER TRANSPORTATION</b>	
4412-4499	Water Transportation
<b>SECTOR R: SHIP AND BOAT BUILDING OR REPAIRING YARDS</b>	
3731, 3732	Ship and Boat Building or Repairing Yards
<b>SECTOR S: AIR TRANSPORTATION</b>	
4512-4581	Air Transportation Facilities
<b>SECTOR T: TREATMENT WORKS</b>	
TW	Treatment Works
<b>SECTOR U: FOOD AND KINDRED PRODUCTS</b>	
2011-2015	Meat Products
2021-2026	Dairy Products
2032	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties
2041-2048	Grain Mill Products
2051-2053	Bakery Products
2061-2068	Sugar and Confectionery Products
2074-2079	Fats and Oils
2082-2087	Beverages
2091-2099	Miscellaneous Food Preparations and Kindred Products
2111-2141	Tobacco Products
<b>SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING, LEATHER AND LEATHER PRODUCTS</b>	
2211-2299	Textile Mill Products

<b>Table 2. Sectors of Industrial Activity Covered By this General Permit</b>	
<b>SIC Code or Activity Code</b>	<b>Activity Represented</b>
2311-2399	Apparel and Other Finished Products Made From Fabrics and Similar Materials
3131-3199 (except 3111)	Leather and Leather Products, except Leather Tanning and Finishing (see Sector Z)
<b>SECTOR W: FURNITURE AND FIXTURES</b>	
2434	Wood Kitchen Cabinets
2511-2599	Furniture and Fixtures
<b>SECTOR X: PRINTING AND PUBLISHING</b>	
2711-2796	Printing, Publishing, and Allied Industries
<b>SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES</b>	
3011	Tires and Inner Tubes
3021	Rubber and Plastics Footwear
3052, 3053	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting
3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
3081-3089	Miscellaneous Plastics Products
3931	Musical Instruments
3942-3949	Dolls, Toys, Games and Sporting and Athletic Goods
3951-3955 (except 3952)	Pens, Pencils, and Other Artists' Materials
3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
3991-3999	Miscellaneous Manufacturing Industries
<b>SECTOR Z: LEATHER TANNING AND FINISHING</b>	
3111	Leather Tanning and Finishing
<b>SECTOR AA: FABRICATED METAL PRODUCTS</b>	
3411-3499	Fabricated Metal Products, Except Machinery and Transportation Equipment
3911-3915	Jewelry, Silverware, and Plated Ware
<b>SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY</b>	
3511-3599 (except 3571-3579)	Industrial and Commercial Machinery (except Computer and Office Equipment) (see Sector AC)
3711-3799 (except 3731, 3732)	Transportation Equipment (except Ship and Boat Building and Repairing) (see Sector R)
<b>SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS</b>	
3571-3579	Computer and Office Equipment

**Table 2. Sectors of Industrial Activity Covered By this General Permit**

<b>SIC Code or Activity Code</b>	<b>Activity Represented</b>
3612-3699	Electronic, Electrical Equipment and Components, except Computer Equipment
3812	Measuring, Analyzing and Controlling Instrument; Photographic and Optical Goods

**SECTOR AD: STORMWATER DISCHARGES DESIGNATED BY THE DEPARTMENT**

The Sector AD is used to provide permit coverage for facilities designated by the Department as needing a stormwater permit, and any discharges of stormwater associated with industrial activity that do not meet the description of an industrial activity covered by Sectors A-AC.

*Eligibility for Permit Coverage.* Because this Sector is primarily intended for use by discharges designated by the Department as needing a stormwater permit (which is an atypical circumstance), and the facility may or may not normally be discharging stormwater associated with industrial activity, you must obtain the Department's written permission to use this permit prior to submitting an NOI. If you are authorized to use this permit, you will still be required to ensure that your discharges meet the basic eligibility provisions of this General Permit.

A complete list of SIC codes can be obtained from the internet at [http://www.osha.gov/pls/imis/sic\\_manual.html](http://www.osha.gov/pls/imis/sic_manual.html) or in paper from various locations in the document titled: "Handbook of Standard Industrial Classifications", Office of Management and Budget, 1987.

