

Proposed 2020 MSGP

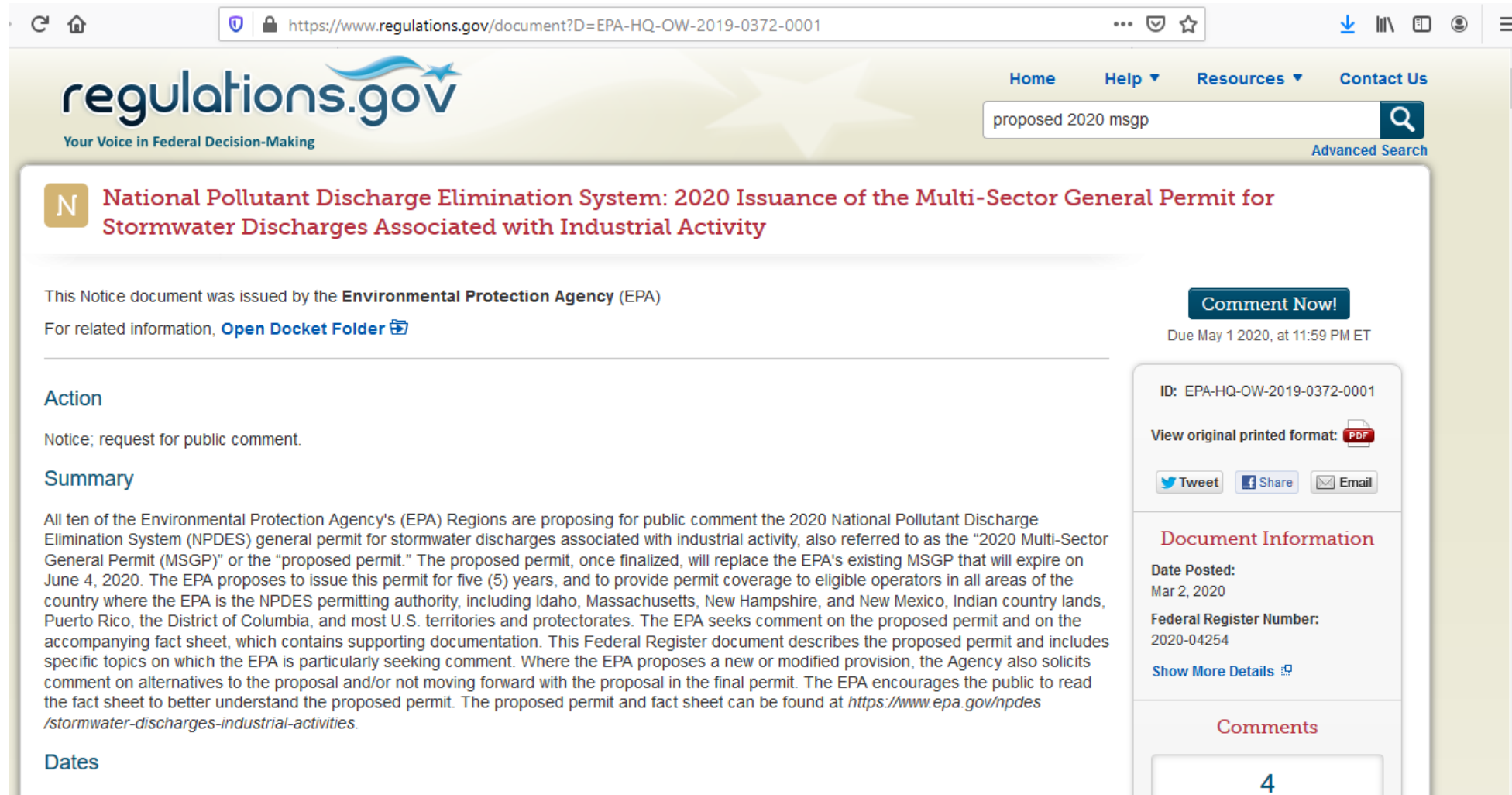
Review and Discussion

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- Where to Find Proposed 2020 MSGP
- Background
- NRC Study Report
- Proposed 2020 MSGP
- Comment Topics
- Questions / Discussions

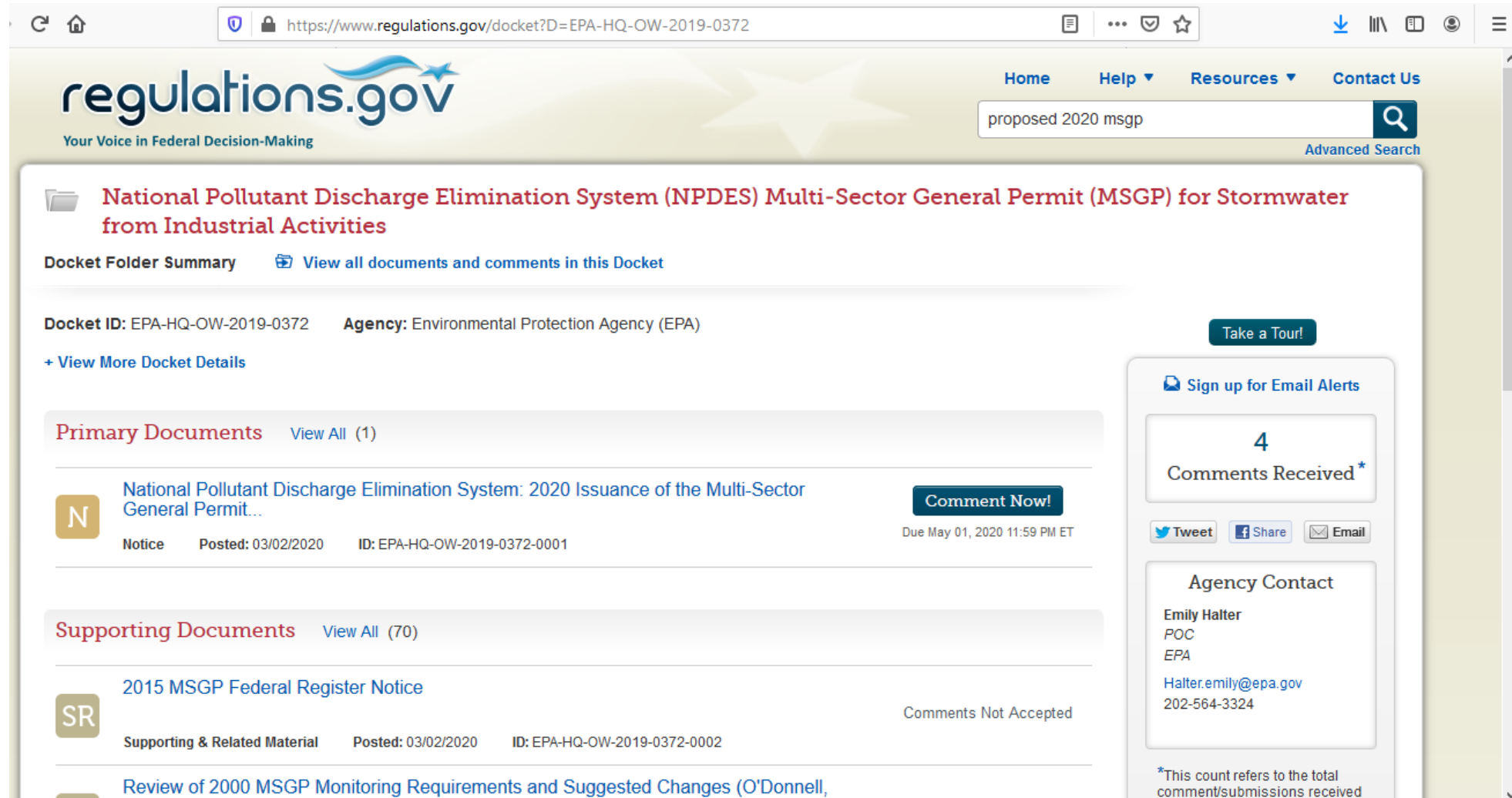
Where to Find Proposed 2020 MSGP

- Availability notice in March 2, 2020 *Federal Register*
 - <https://www.govinfo.gov/content/pkg/FR-2020-03-02/pdf/2020-04254.pdf>
- All proposal documents in Federal Docket EPA-HQ-OW-2019-0372
 - <https://www.regulations.gov/document?D=EPA-HQ-OW-2019-0372-0001>
- Main proposal documents at <https://www.epa.gov/npdes/proposed-2020-msgp-public-comment>
- Several important documents besides Proposed 2020 MSGP
- Comments due by May 1, 2020, 11:59:59 pm EDT via Federal Docket



The screenshot shows a web browser window displaying a page on regulations.gov. The URL in the address bar is https://www.regulations.gov/document?D=EPA-HQ-OW-2019-0372-0001. The page header includes the regulations.gov logo and navigation links for Home, Help, Resources, and Contact Us. A search bar contains the text "proposed 2020 msgp". The main content area features a large heading: "National Pollutant Discharge Elimination System: 2020 Issuance of the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity". Below the heading, it states that the document was issued by the Environmental Protection Agency (EPA) and provides a link to the "Open Docket Folder". A "Comment Now!" button is visible, with a deadline of "Due May 1 2020, at 11:59 PM ET". The document ID is listed as EPA-HQ-OW-2019-0372-0001. There are also links to view the original printed format, tweet, share, and email. A "Document Information" section shows the date posted as Mar 2, 2020, and the Federal Register Number as 2020-04254. A "Comments" section at the bottom indicates that there are 4 comments.

Where to Find Proposed 2020 MSGP



The screenshot shows the regulations.gov website interface. At the top, the URL is https://www.regulations.gov/docket?D=EPA-HQ-OW-2019-0372. The site logo "regulations.gov" is prominent, with the tagline "Your Voice in Federal Decision-Making". Navigation links for Home, Help, Resources, and Contact Us are visible. A search bar contains the text "proposed 2020 msgp".

The main content area displays the title of the docket: "National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Stormwater from Industrial Activities". Below the title, there is a "Docket Folder Summary" section with a link to "View all documents and comments in this Docket".

Key information includes: "Docket ID: EPA-HQ-OW-2019-0372" and "Agency: Environmental Protection Agency (EPA)". A "Take a Tour!" button is also present.

The "Primary Documents" section shows one document: "National Pollutant Discharge Elimination System: 2020 Issuance of the Multi-Sector General Permit...". It is a "Notice" posted on 03/02/2020 with ID EPA-HQ-OW-2019-0372-0001. A "Comment Now!" button is available, with a deadline of "Due May 01, 2020 11:59 PM ET".

The "Supporting Documents" section shows two documents: "2015 MSGP Federal Register Notice" (Supporting & Related Material, ID EPA-HQ-OW-2019-0372-0002) and "Review of 2000 MSGP Monitoring Requirements and Suggested Changes (O'Donnell, 2005)".

On the right side, there is a "Sign up for Email Alerts" section showing "4 Comments Received*" with social media sharing options for Tweet, Share, and Email. Below that is an "Agency Contact" section for Emily Halter, POC at EPA, with email Halter.emily@epa.gov and phone number 202-564-3324.

A footnote at the bottom of the right sidebar states: "*This count refers to the total comment/submissions received".

Where to Find Proposed 2020 MSGP



The screenshot shows a web browser window with the URL <https://www.epa.gov/npdes/proposed-2020-msgp-public-comment>. The page header includes the EPA logo and navigation links for 'Environmental Topics', 'Laws & Regulations', and 'About EPA'. A search bar is also present. The main content area features the title 'National Pollutant Discharge Elimination System (NPDES)' and a 'CONTACT US' link. Below this is the main heading 'Proposed 2020 MSGP for Public Comment'. The text on the page states: 'EPA is seeking public comment on a proposed 2020 National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for stormwater discharges from industrial activity. This proposed permit would replace the 2015 MSGP upon finalization. This proposed permit would cover stormwater discharges from industrial facilities in areas where EPA is the NPDES permitting authority.' It also mentions a 60-day comment period and provides information on where to find the permit, fact sheet, and other documents.

Selected Important Proposed 2020 MSGP Documents

- Proposed 2020 MSGP
 - <https://www.regulations.gov/document?D=EPA-HQ-OW-2019-0372-0065>
 - <https://www.regulations.gov/document?D=EPA-HQ-OW-2019-0372-0071> (Redline version)
- Proposed 2020 MSGP Fact Sheet
 - <https://www.regulations.gov/document?D=EPA-HQ-OW-2019-0372-0064>
 - <https://www.regulations.gov/document?D=EPA-HQ-OW-2019-0372-0070> (Redline version)
- Proposed 2020 MSGP Appendix Q – Stormwater Control Measure (SCM) Checklist (New)
 - <https://www.regulations.gov/document?D=EPA-HQ-OW-2019-0372-0062>
- “Improving the EPA Multi-Sector General Permit for Industrial Stormwater Discharges” (NA 2019)
 - <https://www.regulations.gov/document?D=EPA-HQ-OW-2019-0372-0005> (empty!)
 - <http://dels.nas.edu/Report/Improving-Multi-Sector-General/25355>

- First Federal MSGP in 1995
 - Sector N requirements based on ISRI's Industry Group Permit
- Subsequent Federal MSGPs in 2000, 2008, and 2015
- EPA Challenged on 2015 MSGP via Petition for Review
- 2016 Settlement to Avoid Litigation
- Proposed 2020 MSGP
 - Applicable to DC, ID, MA, NH, NM, PR, and others
 - Likely to be adopted by most other states (with exceptions)

Key 2015 MSGP Petition Claims/Issues

- “There are serious deficiencies in EPA’s industrial stormwater permit that, unless corrected, will allow polluters to continue to discharge unreasonably high levels of toxins, metals, and other pollutants into our waterways—and these deficiencies are illegal. Key failures include:”
 - “The permit lacks numeric effluent limits”, which “are feasible and required by Clean Water Act”.
 - “EPA does not require industrial stormwater polluters to monitor for many pollutants that they commonly discharge.... And the Permit fails to provide any means for using the limited data generated for evaluating impacts to receiving waters.”
 - “The industrial stormwater permit limits both meaningful government oversight and the public’s right to act as guardians of our waterways.”

Source: Waterkeeper Alliance, July 7, 2015

SETTLEMENT AGREEMENT

This Settlement Agreement (or “Agreement”) is entered into by and among Waterkeeper Alliance, Apalachicola Riverkeeper, Galveston Baykeeper, Raritan Baykeeper, Inc. d/b/a NY/NJ Baykeeper, Snake River Waterkeeper, Ecological Rights Foundation, Our Children’s Earth Foundation, Puget Soundkeeper Alliance, Lake Pend Oreille Waterkeeper, and Conservation Law Foundation (collectively, “Petitioners”); the United States Environmental Protection Agency (“EPA” or “the Agency”); and Federal Water Quality Coalition and Federal Storm Water Association (collectively, “Intervenors”).

WHEREAS, on June 16, 2015, EPA published in the Federal Register a notice that it issued 44 general permits entitled “National Pollutant Discharge Elimination System Multi-

Major Aspects of 2016 Settlement Agreement

- Signed Proposed Next (2020) MSGP by September 1, 2019 (\leq September 1, 2020)
- National Research Council (NRC) Study sponsored by U.S. EPA (Issues)
 - Benchmark monitoring
 - Feasibility of numeric effluent limitations
 - Retention standards vs. treatment technologies
 - Infiltration vs. risk of groundwater contamination
 - High-priority industries
 - Impaired receiving waters
- EPA to consider Study recommendations for Proposed 2020 MSGP

- Proposed 2020 MSGP to include tiered “Additional Implementation Measures” (AIM)
- Additional review period for Notices of Intent (NOIs) for certain new applicants
- Revised fact sheets for covered sectors
- Discharges to Federal CERCLA (i.e., Superfund) sites
- Eligibility limitations on future use of coal-tar sealants
- Revised monitoring for impaired receiving waters lacking TMDLs

- National Academies of Science, Engineering, and Medicine
 - Division on Earth and Life Studies, Water Science and Technology Board
 - Committee of Stormwater Experts (some with industrial experience)
- Several Closed and Open Committee Meetings
 - November 2017 – September 2018
 - Stakeholder presentations on Federal MSGP
 - ISRI presented twice.
- NRC Study Report, “Improving the EPA Multi-Sector General Permit for Industrial Stormwater Discharges”, issued February 2019

Major Study Recommendations

- pH, TSS, COD monitoring for all facilities
- Periodic review/update of benchmark monitoring
- MSGP coverage based on activities, not SIC/NAICS codes
- Benchmarks based on latest aquatic toxicity data, acute criteria, risk
 - Suspend iron (Fe) pending review
 - Possible increase for aluminum (Al)
 - Site-specific, risk-based evaluation of copper (Cu)
 - Possible focus on dissolved concentrations
- Assess capacity of stormwater control measures (SCMs) to reduce industrial stormwater pollutants to inform MSGP revisions

Major Study Recommendations

- “New numeric effluent limitations (NELs) [] **not recommended** for any specific sector based on existing data, data gaps, and the likelihood of filling them”
- Update/strengthen monitoring, sampling, analysis protocols and training to improve data quality
- Promote/use composite sampling for stable parameters (e.g., NOT pH)
- Increase frequency and duration of benchmark monitoring to reduce uncertainty and spot potential trends
- Tiered monitoring
 - **Inspect Only (Low-Risk Facilities)**
 - pH/TSS/COD only
 - Benchmark
 - Enhanced

Major Study Recommendations

- Enhanced public reporting of data and use of data visualization
- Rigorous permitting, pretreatment, and monitoring required for infiltration to protect groundwater
- National retention standards infeasible due to site-specific factors and WQS-based effluent limits
- Incentives to encourage stormwater infiltration or capture and use via design storms with allowances for mixing zones and for benchmark and WQS exceedances during “excess” storm events, or separate wet-weather WQ criteria
- Guidance for retention and infiltration of stormwater that protects groundwater

Overview of Proposed 2020 MSGP

- Same General Structure
- Some Streamlining, Rearrangement, and Renumbering of Sections
- 27 Requests for Comment
 - Some for alternatives not proposed (e.g., Low-Risk Facilities)
 - Some not relevant to Sector N
- Explanations in Proposed 2020 MSGP Fact Sheet

Part No.	Proposed 2020 MSGP	2015 MSGP
1	Obtaining Permit Coverage	Permit Coverage
2	Control Measures and Effluent Limits	
3	Inspections	
4	Monitoring	Corrective Actions
5	Corrective Actions and AIM	SWPPP
6	SWPPP	Monitoring
7	Reporting and Recordkeeping	
8	Sector-Specific Requirements	
9	State, Tribal, and Territorial Requirements	

Relevant U.S. EPA Requests for Comments

Request for Comment #	Part	Topic	Request for Comment #	Part	Topic
1	1.1.7	Discharges to Federal CERCLA sites	13	4.2.1.2	Universal benchmark monitoring (pH, COD, TSS) quarterly for entire permit term?
2	1.1.8	Coal-Tar Sealcoats / PAHs	18	4.2.1.2.b	Elimination of iron benchmark
3	1.1.8 (2.1.2.5)	Cationic treatment chemicals	19	4.2.1.2.b	Alternative site-specific copper benchmark
4	1.1.3 (Table 1-2)	Certain extended NOI review	20	4.2.1.2.b	Request for information on PAHs in stormwater discharges
5	1.3.4	Paper NOI Change Form availability	21	5.2.1.1	Facility changes as trigger for AIM Tier 1
6	1.3.6	Posting MSGP Information Publicly	22	5.2.2.1.c.i	"Aberrant event" exception available to other AIM Tier levels
7	1.5	NOE to NEC (No Exposure)	23	5.2.3.3.b	"No actual WQS exceedance" exception available to other AIM Tier levels
8	2.1.1.8	Enhanced measures for extreme floods	24	5.2.4.1	"Natural background" subtraction from results
9	4.2.1	Viable alternatives to benchmark monitoring for site characterization	25	5.2.4.1	Methods for characterizing "natural background" concentrations
10	4.2.1.1	Universal benchmark monitoring	26	5.3	Tracking of triggered AIM Tiers
11	None (4.2.1.1)	Inspection-only for "Low-Risk" Facilities			

Major Changes in Proposed 2020 MSGP

- Eligibility for discharges to a Federal CERCLA Site (1.1.7)
 - Expand from only EPA Region 10 to all EPA Regions
- Eligibility for facilities using coal-tar sealcoat (1.1.8)
 - Eliminate discharge or not use coal-tar sealcoat
 - Otherwise, separate individual permit
- Eligibility for facilities using cationic treatment chemicals (not proposed)
 - Currently applicable to mining sectors...
 - Includes chitosan, which has been used in treatment systems

- Requirement to post sign of permit coverage (1.3.6)
 - Permit Number
 - Contact Name and phone number
 - URL of SWPPP or EPA Regional Office
 - “If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the EPA through the following website:
[https://echo.epa.gov/report-environmental-violations.](https://echo.epa.gov/report-environmental-violations)”

- Implementing structural, pollution prevention, and other measures against impacts from flood events (2.1.1.8)
 - Reinforced materials storage structures
 - Elevating above base flood elevation (BFE) or securing structures
 - Avoiding deliveries ahead of significant storm events
 - Temporarily move materials above BFE
 - Temporarily reduce or eliminate outdoor storage
 - Temporarily relocate equipment and vehicles to higher ground
 - Develop scenario-based emergency procedures and training for major storms

Major Changes in Proposed 2020 MSGP

- Composite sampling instead grab samples for stable parameters (4.1.4)
- Universal benchmark parameters of pH, COD, TSS for all sectors (4.2.1.1.a)
 - Quarterly sampling for entire permit (4.2.1.2.a)
- Sector-specific benchmarks (4.2.1.1a)
 - Quarterly sampling (4.2.1.2.b)
 - Stops if Annual Average \leq Benchmark
 - **Additional Implementation Measures (AIM)** otherwise
 - Iron benchmark eliminated
 - [Possible alternative site-specific copper benchmark]
 - {Not suggested: alternative site-specific aluminum benchmark}

- Monitoring for impaired receiving waters without TMDL (4.2.4.1)
 - Only parameters that are benchmarks or listed in SWPPP
- **Inspection-Only Option for “Low-Risk” Facilities**
 - Recommended, but not proposed (4.2.1.1)
 - No benchmark monitoring, only visual monitoring
 - EPA seeking comments
 - Opportunity to provide method to avoid benchmarking monitoring

Inspect-Only Option from NRC Study

TABLE 3-3
Example Criteria for Determining Low-Risk Facilities (Category 1)

Activity	Conditions That Will Attain "Low Risk"
Outdoor temporary storage of "factory floor wastes" such as lumber, containers, and debris	Intent: Low volume of water contacts surfaces where residuals may accumulate. Possible criteria: Containers covered. No process chemicals or hazardous substances. Residuals that may fall to surfaces removed, and surfaces cleaned, in at most 5 days, with verified operating procedure in place.
Outdoor storage of waste, scrap, and equipment believed potentially usable in future	Intent: Should be routinely maintained, unusable items removed, and kept to minimal space, with no items stored long term. Stored on impermeable hard surface. Possible criteria: Storage area no larger than 100 m ² . No materials that contain or have exposed patches of lubricants, fuels, or process liquids. Routinely inspected to remove wastes, with verified operating procedure.
Outdoor materials handling or transport of packaged materials or drums of liquids or particles	Intent: Handling infrequent, materials well packaged, with detailed spill prevention and response procedures in place. Possible criteria: Handling limited to 1 hour of operations daily (weekly average). Verified operating procedure includes inspection after each handling operation to identify, remove, or clean up spills, leaks, and debris.
Vehicles or equipment used outdoors or in plant yard (small trucks, forklifts, hand trucks, etc.)	Intent: Vehicles well maintained so fuels and lubricants do not leak. Possible criteria: Vehicle maintenance, fueling, and cleaning conducted indoors. Vehicles used less than 1 hour per day, weekly average. Vehicles do not operate outdoors during precipitation, or else vehicles are routinely cleaned indoors to keep free of pollutants that may accumulate on vehicle surfaces.
Material handling/loading areas, loading docks or doors	Intent: Limited in number and in frequency of usage. Possible criteria: Materials handled in packaged, boxed, or drum form—no handling of materials in powder, liquid, or slurry form, and no hazardous or toxic materials. No more than three loading docks, with no more than five loadings/unloadings each per week. Verified operating procedures for inspection and cleaning.
Vehicle maintenance	Intent: Vehicle maintenance limited to nonpolluting activities. Possible criteria: No washing of vehicles with accumulated surface residuals except indoors or in areas with separate drains to process wastewater. Vehicle fueling prohibited in locations exposed to stormwater. Lubricant and liquids work only in small amounts (e.g., one oil change volume) with proper trays and spill avoidance/response procedures and on hard surface. Verified operating procedures include inspection and cleaning of these areas.

Major Changes in Proposed 2020 MSGP

- Additional Implementation Measures (AIM) (5.2)
 - Tier 1 (5.2.1)
 - Review SCMs
 - Implement additional measures
 - Continue quarterly monitoring
 - Tier 2 (5.2.2)
 - Implement Relevant Sector-Specific SCMs Using **SCM Checklist in Appendix Q**
 - Continue quarterly monitoring
 - Tier 3 (5.2.3)
 - Install Permanent Controls
 - And/or Infiltrate (if appropriate and protective of groundwater)
 - Continue quarterly monitoring
 - AIM Exceptions (5.2.4)
 - Natural Background
 - Run-On

Major Changes in Proposed 2020 MSGP

- Appendix Q –SCM Checklist (New)
 - Required Use under AIM Tier 2
 - Sector N Checklist
 - 27 pages
 - Additional Technology-Based Effluent Limits (8.N.3)
 - Non-stormwater discharges (8.N.2)
 - Review and commenting required

Proposed 2020 MSGP

Appendix Q – Stormwater Control Measure

Stormwater Control Measures: Sector N – Scrap Recycling and Waste Recycling Facilities	
SCMs	Reason Why Inappropriate / Not Done
Pollutant Source 1: Inbound Recyclable and Waste Material Control Pollutant source present? <input type="checkbox"/> YES <input type="checkbox"/> NO (if NO, skip to next section)	
	8.N.3.1.1
<input type="checkbox"/> Provide information/education to suppliers of scrap and recyclable waste materials on draining and properly disposing of residual fluids (e.g., from vehicles and equipment engines, radiators and transmissions, oil filled transformers, and individual containers or drums), prior to delivery to the facility.	
<input type="checkbox"/> Write a list of materials that will not be accepted at the facility, as well as materials that will be accepted but require special handling procedures.	
<input type="checkbox"/> Train employees engaged in the inspection and acceptance of inbound recyclable materials within the first week of employment followed by refresher training annually and as needed.	
<input type="checkbox"/> Inspect incoming materials for items on the prohibited materials/special handling list. Have truck drivers picking up loads off site conduct preliminary inspections for items on the list before hauling.	
<input type="checkbox"/> Check incoming scrap materials for potential fluid contents and batteries.	
<input type="checkbox"/> Drain all fluids from vehicles upon arrival at the site. Segregate the fluids and properly store or dispose of them. Drain fluids only in designated area over impervious surfaces or drip pans. Contain the area to prevent stormwater run-on and runoff. Cover area with roofs or tarps.	

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Major Changes in Proposed 2020 MSGP

- AIM Triggers (not necessarily sequential)
 - Tier 1 (5.2.1.1)
 - 1 Annual Average > Benchmark, or
 - 1 Sampling Result > 4 × Benchmark

 - Tier 2 (5.2.2.1)
 - 2 Consecutive Annual Averages > Benchmark, or
 - 2 Sampling Results > 4 × Benchmark in 2-year period, or
 - 1 Sampling Result > 8 × Benchmark (one-time aberration exception)

 - Tier 3 (5.2.3.1)
 - 3 Consecutive Annual Averages > Benchmark, or
 - 3 Sampling Results > 4 × Benchmark in 3-year period, or
 - 2 Sampling Results > 8 × Benchmark in 3-year period, or
 - 4 Consecutive Results > Benchmark and Average > 2 × Benchmark
 - Exception for demonstration of no actual exceedances of WQs

- Federal CERCLA Site Eligibility
- Coal-Tar Sealcoat
- Cationic Treatment Chemicals
- Public Posting of Permit Information
- Measures Against Flood Impacts
- Universal benchmarks
- Elimination of Iron Benchmark
- Alternative Copper Benchmark
- Alternative Aluminum Benchmark
- Inspection-Only Option for Low-Risk Facilities
- Additional Implementation Measures (AIM)
- Appendix Q — SCM Checklist
- Other topics among U.S. EPA's Requests for Comment
- **Other topics??**

- Which of these topics are important?
- What important topics are missing, whether new (proposed) or existing (2015)?
- Do you have any information on these?
- Is there interest in providing feedback on Appendix Q and suggested language for Inspection-Only Option?
- Is there interest in a follow-up conference call?

- Please feel free to send suggestions and comments on any of the topics or documents:
 - Proposed 2020 MSGP
 - Fact Sheet for Proposed 2020 MSGP
 - Appendix Q — Stormwater Control Measures Checklist for Sector N
 - Criteria for Inspection-Only Option for Low-Risk Facilities

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