



# **Storm Water Pollution Prevention Plan for Technical Area 54 Maintenance Facility West**

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## **POINT OF CONTACT INFORMATION**

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## 1.0 Facility Description and Contact Information

### 1.1 Facility Description

#### Facility Information:

Name of Facility: Los Alamos National Laboratory (LANL)  
 Street: 1200 Trinity Drive, Suite 150  
 City: Los Alamos State: NM ZIP Code: 87544  
 County or Similar Subdivision: TA-54 Maintenance Facility West (TA-54 MFW)

National Pollutant Discharge Elimination System (NPDES) ID: NMR050011

Primary Industrial Activity SIC code: 4231  
 Sector (2021 MSGP, Appendix D and Part 8): Sector P  
 Subsector (2021 MSGP, Appendix D and Part 8): Subsector P1  
 Co-located Industrial Activity SIC code: Not Applicable (N/A)  
 Sector (2021 MSGP, Appendix D): N/A  
 Subsector (2021 MSGP, Appendix D): N/A

#### Latitude and Longitude:

Latitude: 35.837249 ° N (decimal degrees)  
 Longitude: -106. 255215 ° W (decimal degrees)

Method for determining latitude/longitude (check one): ☐ USGS topographic map (scale: \_\_\_\_\_ )  
☐ GPS  
☒ Other (specify): Google Earth

Horizontal Reference Datum (check one): ☐ NAD 27 ☐ NAD 83 ☒ WGS 84

Is the facility located in Indian country? ☐ YES ☒ NO

If *yes* to the above question then provide name of Reservation  
 If *no* to the above question then indicate "N/A"

N/A

Are you considered a “Federal Operator” of the facility? ☒ YES ☐ NO

**Federal Operator** – an entity that meets the definition of “operator” in this permit and is either any department, agency or instrumentality of the executive, legislative and judicial branches of the Federal government of the United States, or another entity, such as a private contractor, operating for any such department, agency, or instrumentality.

Estimated area of industrial activity at site exposed to storm water: 0.88 acre

## 1.1 Facility Description (continued)

### Discharge Information:

Does this facility discharge storm water into a municipal separate storm sewer system (MS4)? ☐ YES ☒ NO

If yes, provide name of MS4 operator: \_\_\_\_\_ N/A

Name(s) of surface water(s) that receive storm water from your facility:

Pajarito Canyon (Lower LANL boundary to Twomile Canyon)

Does this facility discharge industrial storm water directly into any segment of "impaired water"? (Ref. 2021 MSGP, Appendix A definitions) ☒ YES ☐ NO

If yes, identify name of the impaired water(s) and segment(s), if applicable: Pajarito Canyon (lower LANL boundary to Twomile Canyon)

Identify pollutant(s) causing impairment(s): polychlorinated biphenyls (PCBs), total recoverable aluminum, dissolved copper, adjusted gross alpha, and total recoverable cyanide

Which pollutant(s) identified may be present in industrial storm water discharges from this facility?

Based on historic sampling results and studies of naturally occurring background levels, adjusted gross alpha, total recoverable aluminum, and dissolved copper may be present in storm water samples collected from this facility.

Has a total maximum daily load (TMDL) been completed for any of the identified pollutants? ☐ YES ☒ NO

If yes, list TMDL pollutants: \_\_\_\_\_ N/A

Does this facility discharge industrial storm water into receiving water designated as a Tier 2, Tier 2.5 or Tier 3 water? (Ref. 2021 MSGP, Appendix A definitions) ☐ YES ☒ NO

Are any of your storm water discharges subject to effluent limitation guidelines (ELGs)? (Ref. 2021 MSGP Table 1-1) ☐ YES ☒ NO

If yes, which guidelines apply? \_\_\_\_\_ N/A

## 1.2 Contact Information/Responsible Parties

### Facility (Site) Operator(s):

Name: Newport News Nuclear BWXT-Los Alamos, LLC (N3B)  
Address: 1200 Trinity Drive, Suite 150  
Los Alamos, NM 87544  
Phone: (505) 661-5918

### Facility Owner(s):

Name: N3B Contact-Handled Transuranic (CH-TRU) Program  
TA-54 Operations Center  
Address: 1200 Trinity Drive, Suite 150  
Los Alamos, NM 87544  
Phone: (505) 257-8400

Primary POC: Gail Helm, Facility Operations Director  
Organization: N3B CH-TRU Waste Operations  
Phone: (505) 309-1319  
Email: [gail.helm@em-la.doe.gov](mailto:gail.helm@em-la.doe.gov)

Secondary POC: John Guy or alternate, Shift Operations Manager  
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### Site SWPPP:

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Organization: N3B Regulatory Compliance  
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Email: [emily.day@em-la.doe.gov](mailto:emily.day@em-la.doe.gov)

### Facility SWPPP:

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### 1.3 Storm Water Pollution Prevention Plan/Team Members

N3B controlled Los Alamos National Laboratory (LANL) facilities located at Technical Area 54 (TA-54) Maintenance Facility West (MFW) operate under the National Pollutant Discharge Elimination System (NPDES) 2021 Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activity, which governs storm water discharge from industrial activities.

Under the MSGP, the U.S. Environmental Protection Agency (EPA) requires the implementation of a site-specific Storm Water Pollution Prevention Plan (SWPPP). This SWPPP has been developed in accordance with the provisions of the Clean Water Act (33 U.S.C. 1251 et seq.) and the regulations established by the EPA for the NPDES MSGP for Storm Water Discharges Associated with Industrial Activity (Federal Register 73, 56572), herein referred to as the 2021 MSGP

(<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>).

The U.S. Department of Energy (DOE) awarded the Los Alamos Legacy Cleanup Contract (LLCC) to N3B effective April 30, 2018. As part of the LLCC, N3B assumed control of TA-54 MFW. A notice of intent to operate this facility under the 2015 MSGP was submitted to EPA Region 6 by N3B in April 2018; NPDES coverage for this facility was authorized by EPA May 1, 2018. The 2015 MSGP expired June 3, 2020, and was administratively continued pending the issuance of a new general permit. The 2021 MSGP, issued January 15, 2021, became effective March 1, 2021. N3B received authorization to discharge under the 2021 MSGP from TA-54 MFW June 9, 2021.

The purpose of this SWPPP is to ensure that all potential sources of storm water pollution at TA-54 MFW are documented. The SWPPP also describes specific storm water control measures, known as best management practices (BMPs), that are used to reduce or eliminate pollutants in storm water discharges and identifies the processes and procedures in place to comply with the terms and conditions of the 2021 MSGP. Through potential pollutant reduction, environmental problems that result in lost resources and costly restoration activities may be averted. BMPs include maintenance activities, formalized work practice reviews, training, activity scheduling, stabilization, structural controls, and documentation. Collectively, the incorporation of BMPs into facility operations effectively reduces the potential for the introduction of contaminants into the waters of the United States and supports facility eligibility under the 2021 MSGP.

This SWPPP is intended to be a living document with updates incorporated as necessary to reflect facility or operational changes with the potential to impact storm water discharge. The 2021 MSGP requires prompt revisions of this SWPPP to reflect such changes.

This SWPPP applies to storm water discharges from industrial activities associated with vehicle and heavy equipment maintenance operations conducted by N3B personnel at TA-54 MFW. This facility is under the control of the Contact-Handled Transuranic (CH-TRU) Program. Operations conducted at this facility fall within the MSGP requirements for Sector P, Land Transportation and Warehousing.

#### **Team Members**

N3B has established a storm water Pollution Prevention Team (PPT), whose members are responsible for: (1) the development, implementation, maintenance, and revision of this SWPPP, and (2) maintaining control measures and taking corrective actions as required by the 2021 MSGP. In addition, PPT members receive SWPPP training as part of membership requirements (see Table 1.3-1, Storm Water PPT Roles and Responsibilities, and Section 4.5, Employee Training, for a complete summary).

Storm water PPT members are N3B representatives from cross-functional integrated project teams, including the Environmental Remediation Surface Water Program (ER SWP), the CH-TRU Program, and the Regulatory Compliance organization. Storm water PPT participants are selected based on their knowledge of heavy equipment maintenance activities, TA-54 operations, and the potential impact of these activities on storm water runoff.

Storm water PPT duties include collecting storm water samples, conducting visual assessments of storm water runoff for indications of contamination, conducting routine facility inspections, identifying and documenting corrective actions, reporting in accordance with 2021 MSGP requirements, and implementing and modifying this SWPPP.

**Table 1.3-1  
Storm Water PPT Roles and Responsibilities**

<b>Roles</b>	<b>Responsibilities</b>
<b>Regulatory Compliance Director</b>	<ul style="list-style-type: none"> <li>• Oversees implementation of the SWPPP and associated BMPs</li> <li>• Oversees the assigned duties of PPT members</li> <li>• Ensures corrective actions are remedied/corrected and properly documented</li> <li>• Ensures routine facility inspections are conducted in accordance with Section 4.6, Routine Facility Inspections and Quarterly Visual Assessments, of this SWPPP</li> <li>• Ensures training required by the 2021 MSGP is available and the appropriate N3B personnel receive the training specified in Section 4.3, Employee Training, of this SWPPP</li> </ul>
<b>ER SWP Lead</b>	<ul style="list-style-type: none"> <li>• Provides SWPPP technical guidance</li> <li>• Provides BMP guidance (during selection and installation)</li> <li>• Aids in performing and documenting inspections and assessments</li> <li>• Performs site compliance evaluations, including routine facility inspections described in Section 5.1, Routine Facility Inspections, of this SWPPP</li> </ul>
<b>CH-TRU Shift Operations Manager</b>	<ul style="list-style-type: none"> <li>• Responsible for the implementation of good housekeeping practices</li> <li>• Oversees BMP maintenance</li> <li>• Ensures corrective actions are scheduled/implemented in a timely manner</li> <li>• Ensures operators receive annual SWPPP/2021 MSGP-required training</li> <li>• Notifies the Regulatory Compliance Lead when there is a development or change in facility operations that may require a revision to the SWPPP or change to control measures</li> </ul>
<b>CH-TRU Operations Staff</b>	<ul style="list-style-type: none"> <li>• Assists with/initiates BMP maintenance and other cleanup as necessary (i.e., spill of released pollutants)</li> <li>• Directs the appropriate waste management of all resultant cleanup materials</li> <li>• Performs quarterly visual assessments described in Section 5.2, Quarterly Visual Assessment of Storm Water Discharges, of this SWPPP</li> <li>• Assists ER SWP in the performance of Routine Facility Inspections</li> </ul>
<b>Regulatory Compliance Lead</b>	<ul style="list-style-type: none"> <li>• Develops SWPPP training</li> <li>• Provides SWPPP technical guidance</li> <li>• Conducts recordkeeping and regulatory reporting</li> <li>• Provides oversight of the SWPPP (e.g., revisions, etc.)</li> <li>• Ensures inspection documents and other records related to the SWPPP and storm water pollution control measures are managed in accordance with the existing NPDES permit</li> </ul>

Roles	Responsibilities
<b>Maintenance Connection Storm Water Database Administrator</b>	<ul style="list-style-type: none"> <li>• Maintains and updates the Maintenance Connection (MainConn) database based on input from MSGP Storm Water Team personnel</li> <li>• Responsible for the generation of routine facility inspection work statements</li> <li>• Generates and updates MSGP corrective action status reports</li> </ul>

## 1.4 Site Description

TA-54 MFW is located on Mesita del Buey approximately 2 mi east of the Pajarito and Rex Road intersection between Pajarito Canyon to the south and Cañada del Buey to the north. TA-54 MFW is located just south of Mesita del Buey Road between buildings 54-0533 to the west and 54-0247 to the east.

Industrial activities conducted at the site include vehicle and heavy equipment maintenance and repair and related ancillary operations. Activities that are or may be conducted outdoors include vehicle and equipment maintenance and repair, vehicle and equipment storage and parking, loading/unloading, material storage, vegetation and pest management, and waste storage. Materials stored on site include vehicles and equipment awaiting maintenance, lubricating fluids, antifreeze, cleaners, equipment parts, miscellaneous equipment designated for salvage or disposal, universal waste, used oil, recyclables, and trash. Operations at these facilities fall within the NPDES MSGP requirements for Sector P, Land Transportation and Warehousing. N3B CH-TRU personnel conduct vehicle and heavy equipment maintenance and repair activities at the TA-54 MFW.

The average annual rainfall for Los Alamos is 18.51 in. Intense thunderstorms are common in the Los Alamos area during August and September. Pajarito Canyon (lower LANL boundary to Twomile Canyon) is listed as impaired for polychlorinated biphenyls (PCBs), total recoverable aluminum, dissolved copper, adjusted gross alpha, and total recoverable cyanide. The receiving waters for the TA-54 MFW facility flow to the Rio Grande, located approximately 3 miles east of the site.

## 1.5 General Location Map

A general location map identifying TA-54 MFW and all receiving waters for storm water discharges is included as Attachment A, General Location Map.

## 1.6 Site Map

The TA-54 MFW industrial site is 0.88 acres. The location and extent of significant structures, impervious areas, direction of storm water flow, locations of existing structural and vegetative storm water control measures, and the outfall location are identified in Attachment B, Site Map.

There are no locations or sources of storm water run-on to the site from adjacent property that contain significant quantities of pollutants. There are no solid waste management units (SWMUs) or areas of concern (AOCs) located within or immediately adjacent to the TA-54 MFW industrial area.

## 2.0 Potential Pollutant Sources

### 2.1 Potential Pollutants Associated with Industrial Activity

Table 2.1-1 identifies specific industrial activities and associated pollutants at TA-54 MFW that are potentially exposed to storm water. The list includes all significant materials that have been handled, managed, or stored at the site within the past 3 years.

**Table 2.1-1**  
**Potential Pollutants Associated with Industrial Activity**

Industrial Activity	Associated Pollutants
Equipment and vehicle maintenance	Chlorinated solvents, oil, hydraulic and transmission fluid, grease, heavy metals acid/alkaline wastes, ethylene glycol, fuel
Outdoor vehicle and equipment storage and parking	Oil, hydraulic fluid, heavy metals, fuel
Liquid and chemical storage	Oil, grease, hydraulic and transmission fluid, heavy metals, fuel, paint, materials being stored, salt
Loading and unloading	Oil, grease, hydraulic and transmission fluid, heavy metals, fuel, materials being stored
Waste storage	Oil, hydraulic and transmission fluid, heavy metals, fuel, scrap metal, trash, aerosol cans
Recycle bins	Oil and grease residues on metal for recycling
Pest and vegetation control (mechanical and chemical)	Pesticides, herbicides, fuels
Building and facility maintenance	Oils, paints, cleaners, volatile organic compounds, semivolatile organic compounds

MSGP-authorized non-storm water discharges associated with fire hydrant maintenance; fire suppression system maintenance; uncontaminated heating, ventilation, and air conditioning (HVAC) condensate; and safety shower/eye wash maintenance occur at all industrial areas of TA-54, potentially including MFW. In addition, potable water is applied to unpaved areas as necessary for dust suppression.

### 2.2 Spills and Leaks

A number of areas throughout TA-54 MFW have been identified as locations where the occurrence of a spill or leak could contribute pollutants to storm water discharges. These locations and associated potential discharge points are described in Table 2.1-2.

**Table 2.1-2**  
**MFW Areas Where Potential Spills/Leaks Could Occur**

Location	Discharge Points
Receiving/loading area on north side of the facility	Sheet flow northeastward towards the vegetated swale along the northern property boundary on north side of the facility, which runs into a culvert leading to Pajarito Canyon.
Used oil storage area on the southeast corner of the facility	Sheet flow south and eastward on-site into an earthen berm on the south and east sides of the facility. This berm retains storm water on-site.
Vehicle/equipment maintenance and repair area on the concrete pad in the northwest corner of the facility	Sheet flow north and eastward into the swale on the north side of the facility and eastward into a culvert leading to Pajarito Canyon.

### ***Description of Past Spills/Leaks***

While N3B is aware of minor leaks of fuels and hydraulic fluids from vehicles and equipment used in normal operations at TA-54 MFW, no spills or releases are known to have discharged into a watercourse or canyon or migrated from the site during N3B's control of operations at TA-54 (April 2018 to the present). Minor spills or leaks, if they occur, will be documented in accordance with N3B-AOP-TRU-3003, "Material Release or Spill," and N3B-SOP-RP-0005, "Radiological Emergency Response," as appropriate.

### **2.3 Unauthorized Non-Storm Water Discharges Documentation**

N3B is not aware of unauthorized, non-storm water discharges associated with TA-54 MFW. Unauthorized spills or non-storm water discharges, if they occur, will be documented in accordance with corrective action documentation described in Section 7.0 of this SWPPP.

### **2.4 Salt Storage**

Salt is stored in small covered containers at various locations around the facility to deice walkways and small areas. It is not stored in piles for large-scale road deicing.

### **2.5 Sampling Data Summary**

Storm water sampling associated with the industrial activity at MFW has been conducted in compliance with MSGP coverage by N3B since 2018. All of the storm water sampling results from MFW, including samples collected before 2018 by the prior LANL operator (Los Alamos National Security, LLC [LANS]) and since 2018 by N3B, are maintained in the publicly accessible Intellus database (<https://www.intellusnm.com/>). Reporting of monitoring results is provided electronically to EPA via the Central Data Exchange NetDMR website (<https://cdx.epa.gov/>).

TA-54 MFW is monitored by one sampler, Monitored Outfall 049, located near the northeastern corner of the site. The current sampler location is consistent with the location previously monitored by LANS. Analytical results of storm water samples collected from Monitored Outfall 049 since N3B's control of operations at this facility began have indicated detected values of aluminum, copper, chemical oxygen demand and adjusted gross alpha. Benchmark sampling is not required for this outfall. Monitoring requirements applicable to this site are summarized in Section 5.3.1 of this SWPPP.



### **3.0 Storm Water Control Measures**

#### **3.1 Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT)**

N3B's CH-TRU organization is responsible for the operational and support activities conducted at TA-54 MFW, including implementation of storm water control measures designed to ensure operator safety, environmental protection, and proper use and maintenance of loading/unloading and waste management equipment. N3B maintenance personnel perform routine preventive and corrective maintenance work to ensure industrial equipment is in good working order. The operational procedures incorporate provisions for corrective, predictive, and preventive maintenance. They also address appropriate adjustments and/or replacements of devices, equipment, and systems. This approach allows for identification and correction of conditions that have the potential to cause breakdowns or failures that could result in the release of pollutants to the environment.

In selecting and citing constructed storm water controls and developing work procedures and practices for implementation at TA-54, N3B has considered measures to minimize impacts from events such as major storms and fires. Examples of such measures include intensive inspections for seasonal impacts (N3B-DOP-TRU-1420, "Seasonal Facility Preservation Plan Rounds") and work modifications for weather or other conditions. The following sections describe the storm water control measures in use at TA-54 MFW. Collectively, these measures are implemented to meet the permit's "non-numeric technology-based effluent limits" described in Part 2.1.2 of the 2021 MSGP.

##### **3.1.1 Minimize Exposure**

N3B recognizes that preventing storm water contact with pollutants is generally more effective and less costly than removal of pollutants from storm water; and the use of a combination of control measures is generally more effective at minimizing pollutants than a single control measure. These principles are applied throughout operations at TA-54 MFW.

Structural controls and practices used to minimize the exposure of material storage areas and industrial and maintenance activities to rain, snow, snowmelt, and runoff at the TA-54 MFW include the following:

- Maintenance activities are conducted indoors or under cover, when possible, or within a bermed area that would prevent migration of any release.
- Spill cleanup/response materials are readily available.
- Drip pans and/or secondary containment systems are placed under leaking or leak-prone equipment.
- Wet cleanup practices that would result in the discharge of pollutants to storm water drainage systems are prohibited.
- Prompt cleanup of releases with absorbent pads, biodegradable/bioremediation dry absorbents (Oil Sponge or equivalent) or dispersant/bioremediation liquid product (e.g., MicroBlaze for stains) is performed.
- Procedures for material storage and handling (e.g., spill control) are current and in place.
- Containers that could be susceptible to spillage or leakage are properly labeled to encourage proper handling and facilitate rapid spill response.
- Equipment and vehicles that are decommissioned or that will remain unused for an extended period are properly stored and fluids are drained to prevent leaks.

- Equipment/vehicle repair and work areas are swept or vacuumed regularly.
- All dumpsters are covered or closed with lids when not in use.
- Lubricating fluids, cleaners, and other potential pollutants are properly stored.
- All liquid products are stored within a designated area under cover and within secondary containment. Used oil filters are stored in designated covered bins under cover and within secondary containment.
- Procedures that specify appropriate methods for handling wastes to prevent exposure to storm water are implemented.
- Routine facility inspections (RFIs) and quarterly visual assessments (QVAs) ensure that this SWPPP is properly followed and that no potential contaminants are present in exposed areas as addressed in Section 5.1, Routine Facility Inspections, and Section 5.2, Quarterly Visual Assessment of Storm Water Discharges.
- Leaking vehicles and equipment staged on-site for repair are parked on impervious surfaces and under cover.
- Surface grading, berms, and curbs are used throughout the facility to prevent discharges of contaminated flows and to divert run-on from identified areas of potential contamination sources.
- Pesticide/herbicide use is coordinated with mechanical measures, such as cutting vegetation and using traps for pests, as an overall attempt to minimize the use of these chemical products. All pesticide/herbicide applications are conducted in accordance with manufacturer recommendations, and applications are minimized to prevent runoff of excess product.

### **3.1.2 Good Housekeeping**

All areas of MFW are maintained in a clean and orderly state in accordance with good housekeeping practices intended to keep exposed areas of TA-54 MFW free of potential contributions to storm water pollutants. These practices include the following:

- Outside areas are routinely cleaned up.
- Active shop areas are swept daily.
- Operational areas are maintained in a clean and orderly state.
- Trash dumpsters are emptied on a regular basis and lids are kept closed when not in use.
- Only containers in good condition will be used on site.
- Facility inspections are routinely conducted to ensure potential contaminants are not present in exposed areas.
- Heavy equipment is routinely inspected for leaks and potential problems.
- Measures are implemented to minimize storm water run-on/runoff to maintenance areas.
- Spills are immediately cleaned up with absorbent pads, biodegradable dry absorbents (i.e., Oil Sponge or equal), or dispersant/bioremediation liquid product (e.g., MicroBlaze for stains) on concrete or asphalt. Stained base course is removed, containerized, and managed appropriately.
- Maintenance activities are conducted indoors or under cover, when possible.

- Sumps and catch basins are routinely inspected and cleaned of accumulated debris/sediment when they become two-thirds (2/3) full (the debris surface is maintained at least 6 in. below the lowest outlet pipe) or in accordance with manufacturer specifications, whichever is lower.
- All liquid products are stored within labeled containers in a designated area under cover and in secondary containment.
- Wet cleanup practices that would result in the discharge of pollutants to storm water drainage systems are prohibited.
- Wastes are managed and disposed of in accordance with the appropriate procedures.
- Chemical use, such as pesticides/herbicides and cleaning products, is minimized to the extent possible. When chemical products are used, they are applied in accordance with manufacturer guidelines and in a manner that minimizes broad distribution or liquid discharge.

### **3.1.3 Maintenance**

At TA-54 MFW, operators perform preventive maintenance on all heavy equipment on a routine schedule in accordance with appropriate procedures. They also perform a pre-operation inspection on equipment before use. These inspections are intended to identify any maintenance issues or leaks that need to be remedied before becoming larger issues.

N3B CH-TRU personnel perform routine inspections to identify facility maintenance issues. CH-TRU personnel additionally maintain appropriate spill response materials within the Resource Conservation and Recovery Act-permitted areas and vehicle/equipment maintenance areas.

The storm water PPT conducts quarterly routine facility inspections and quarterly visual assessments to assess the site conditions and the functionality of site storm water controls. Each type of inspection is discussed in Section 5.0 of this SWPPP.

Repair, maintenance, or replacement of BMPs will be conducted immediately (i.e., the day of discovery or, if identified late in the day, the next day following discovery) if possible. If not completed immediately, reasonable steps will be taken to prevent the discharge of pollutants until the needed maintenance is completed. Documentation of repairs and maintenance to control measures will be maintained within this SWPPP.

### **3.1.4 Spill Prevention and Response**

Operational controls are implemented to minimize the possibility of spills or releases caused by site operations and to minimize the potential for any off-site impacts if a spill occurs. In general, the approach to spill cleanup of a known substance is to first contain the spill by securing the spill source and deploying spill containment materials. If secondary containment is needed (e.g., secondary containment pallets for liquids), it will contain the spill. All spill response will be in accordance with N3B-AOP-TRU-3003, "Material Release or Spill," and N3B-SOP-RP-0005, "Radiological Emergency Response," as appropriate. The following measures will be implemented as appropriate in the event of a spill or release:

- Spills/leaks will be cleaned up promptly using dry absorbents.
- Drip pans/absorbents will be strategically staged below any leaking equipment.
- Spill/overflow protection will be used.
- Stored containers will be labeled appropriately to identify contents.

- Secondary containment, barriers, and other measures will be used to prevent the discharge of pollutants from material storage and traffic areas.
- Spill response training will be provided to all appropriate personnel.
- Spill response kits appropriate to the materials stored will be maintained in the vicinity where spills are likely to occur.

The TA-54 Operations Center can be reached at (505) 257-8400. If a fire or explosion occurs, or if the potential for such exists, the situation must be reported by calling 911 or by activating a fire pull box. Personnel should call 911 in the event of an employee injury. In the event of a spill, the CH-TRU Operations Center will notify Regulatory Compliance. Reporting, if necessary, will be completed by Regulatory Compliance in accordance with N3B and DOE policies and federal and state regulatory reporting requirements. In addition to fulfilling reporting requirements, spill reports will assist user groups and N3B management in assessing the cause of a spill and in executing corrective action.

There are potentially two types of spill reporting required at N3B: internal spill recordkeeping and external agency notification. Copies of internal spill reports will be kept by Regulatory Compliance. External agency notification, as determined by Regulatory Compliance personnel, may consist of verbal or written notification of the National Response Center, EPA Region 6, the New Mexico Environment Department (NMED), and/or nearby Pueblos, as appropriate.

### **3.1.5 Erosion, Sediment, and Storm Water Runoff Controls**

Physical controls are in place throughout the site to minimize erosion, isolate storm water from potential pollutants, and manage sediment and storm water runoff from the site. Storm water controls are used on-site to divert, infiltrate, contain, or otherwise reduce storm water to minimize pollutants in discharges from the facility. Constructed storm water control measures in use at MFW include vegetative swales, culverts, eco blocks, and earthen berms. These features are illustrated on the site map provided as Attachment B.

### **3.1.6 Employee Training**

All of the employees who are involved with the implementation of this SWPPP and the provisions of the 2021 MSGP are trained to understand the requirements of the permit and the contents of this SWPPP. As may be relevant to specific job function, annual training includes:

- An overview of this SWPPP;
- Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
- The location of physical controls required by this permit and the required maintenance of those controls;
- Appropriate pollution prevention requirements;
- Inspection, documentation, and corrective action requirements of the 2021 MSGP; and
- Facility-specific emergency procedures.

### **3.1.7 Non-Storm Water Discharges**

Evaluation of TA-54 MFW for non-storm water discharges that are not explicitly authorized by Part 1.2.2 of the 2021 MSGP is part of each routine facility inspection conducted in accordance with Section 5.0 of this SWPPP. In addition, as part of N3B's internal project review process, proposed operational and facility changes are evaluated for regulatory impacts, including any potential changes to the 2021 MSGP or this SWPPP.

### **3.1.8 Dust Generation and Vehicle Tracking of Industrial Materials**

Controls implemented at TA-54 MFW to minimize the generation of dust and off-site tracking of raw, final, or waste materials debris include

- parking vehicles and equipment on impervious surfaces,
- minimizing off-road travel,
- covering the areas surrounding the TA-54 MFW with base course, and
- applying sparse amounts of potable water.

## **3.2 Sector-Specific Non-Numeric Effluent Limits**

MSGP Sector P technology-based effluent limits applicable to MFW include the use of good housekeeping measures and employee training relevant to this industrial sector. As described above, these requirements have been incorporated into this SWPPP.

## **3.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines**

The operations conducted at TA-54 MFW do not include regulated activities subject to effluent limitations guidelines identified in the 2021 MSGP Part 2.1.3.

## **3.4 Water Quality-Based Effluent Limitations and Water Quality Standards**

Monitoring required by the 2021 MSGP for this facility includes sampling of storm water runoff for receiving water-specific impairment parameters. These parameters are identified by the New Mexico Environment Department (NMED) in the 2022-2024 State of New Mexico 303(d) List of Impaired Surface Waters, which has been approved by the New Mexico Water Quality Control Commission and is pending approval by EPA. Details regarding this monitoring are provided in Section 5.3 of this SWPPP. All available storm water data collected from this site is maintained in the publicly accessible Intellus database (<https://www.intellusnm.com/>). Reporting of monitoring results is provided electronically to EPA via the Central Data Exchange NetDMR website (<https://cdx.epa.gov/>).

## **4.0 Schedules and Procedures**

### **4.1 Housekeeping**

Pickup and disposal of regulated wastes is scheduled and tracked by CH-TRU using an internal waste compliance and tracking system (WCATS). Trash generated and stored on-site in a dumpster is regularly removed for off-site disposal.

Waste inspections are scheduled and conducted based on the type of waste accumulation area where the waste is managed. These inspections include visual checks for leaks and the condition of containers, tanks, and packaging.

Good housekeeping practices described in Section 3.1.2 of this SWPPP are incorporated into all MFW operations. All areas are maintained in a clean and orderly state and inspected regularly to document site conditions. Standard operating and maintenance procedures are designed to minimize the potential for spills, releases, exposure of materials, or any other events that could adversely affect the quality of storm water that may be transported out of the area by runoff. Any needed maintenance of control measures is conducted as soon as possible to minimize the potential for pollutant discharges. If not completed immediately (i.e., the day of discovery or, if identified late in the day, the day following discovery), reasonable steps will be taken to prevent the discharge of pollutants until the needed maintenance is completed. The condition of erosion and sediment controls, including areas of established vegetation in perimeter areas of the facility and non-structural controls (such as spill kits), will be routinely inspected and maintained.

## **4.2 Equipment Maintenance**

All industrial equipment will be regularly inspected (e.g., during preventive maintenance and before use), tested, maintained, and repaired to minimize leaks, spills, and other releases of pollutants.

N3B CH-TRU maintains a list of all N3B-owned or -controlled equipment. This list identifies when equipment is due for preventive maintenance or inspection. Heavy equipment and vehicle maintenance and inspections are tracked by CH-TRU.

## **4.3 Employee Training**

All employees who work in areas where industrial materials or activities are exposed to storm water or who are responsible for implementing activities necessary to meet the conditions of the 2021 MSGP will receive training annually. This includes all operational site workers, managers, and supervisors at TA-54 and all storm water PPT members. Annual employee training ensures that personnel are aware of the regulatory requirements of the 2021 MSGP, monitoring results, control measures, and details of the SWPPP.

MSGP training records are documented in accordance with N3B's training organization. Training records are also maintained as part of this SWPPP.

## **5.0 Inspection and Monitoring Requirements**

In accordance with the 2021 MSGP, inspections, assessments, and monitoring for indications of contaminants and potential issues or conditions of concern are routinely conducted at TA-54 MFW. These requirements are discussed in the following sections.

### **5.1 Routine Facility Inspections**

RFIs will be conducted on a quarterly basis by the PPT lead or designee. The individual conducting each inspection will be knowledgeable in the principles and practices of industrial storm water controls and pollution prevention. This individual will also possess the education and ability to assess both the conditions at the industrial facility that could impact storm water quality and the effectiveness of the storm water controls in use to meet the requirements of the permit. Each RFI inspection will include visual assessments of storm water control measures used to comply with the 2021 MSGP and all facility areas where industrial materials or activities are exposed to storm water.

The PPT lead or designee performing the inspection will use the RFI work statement provided as Attachment D of this SWPPP to document each inspection. Prior to each RFI, the inspector will consider the results of visual and analytical monitoring for the prior year. The completed work statements will be signed by an authorized representative, and a copy of each work statement will be maintained in Attachment D of this plan.

Each RFI will be conducted during normal business hours. If possible, one RFI per year will be conducted during a period when a storm water discharge is occurring.

RFIs will record and evaluate the following, at a minimum:

- inspection date and time;
- name(s) and signature(s) of inspector(s);
- weather information and a description of any discharge(s) occurring at the time of the inspection;
- any control measures needing maintenance or repairs;
- any failed control measures that need replacement;
- any discharges occurring at the time of the inspection;
- any unidentified discharges and/or pollutants from the site;
- any evidence of, or potential for, pollutants entering the drainage system;
- evidence of leaks or spills from industrial equipment, drums, tanks, or other containers;
- observations regarding the condition of the outfalls;
- any additional control measures needed to comply with the MSGP;
- any incidents of noncompliance observed; and
- for any needed maintenance or repairs identified, reasonable steps taken or determined necessary to reduce the potential of a discharge from the site.

Specific parts of the facility to be inspected include the following:

- areas that are covered by the 2021 MSGP,
- areas where industrial materials or activities are exposed to storm water,
- areas identified as potential pollutant sources,
- locations where spills or leaks have been documented within the past three years,
- discharge points (including areas downstream of any discharge point that is inaccessible), and
- control measures used to comply with the 2021 MSGP.

RFIs occur on the following schedule for each calendar year (CY):

CY RFI Schedule			
Q1	January 1	–	March 31
Q2	April 1	–	June 30
Q3	July 1	–	September 30
Q4	October 1	–	December 31

Any required corrective actions identified during the inspection will be addressed in accordance with Part 5 of the 2021 MSGP, Section 7 of this SWPPP, and all applicable N3B procedures.

## 5.2 Quarterly Visual Assessment of Storm Water Discharges

QVAs will be conducted at the single outfall for TA-54 MFW, Monitored Outfall 049, in accordance with Part 3.2 of the 2021 MSGP and N3B-QP-RGC-0004, “MSGP Storm Water Visual Assessments.” The purpose of these assessments is to identify visible evidence of pollution in storm water discharge from the facility. Visible evidence of pollutants triggers the corrective action discussed in Section 7 of this SWPPP.

Samples will be collected for each QVA in a manner that generates a sufficient volume of representative storm water from the monitored outfall.

Each QVA will

- involve the collection of a representative sample of a measurable discharge using a clean, clear glass or plastic sample container;
- be conducted on a sample collected during the first 30 min of discharge from a storm event. If the sample is not collected within the first 30 minutes, it must be collected as soon as practicable and the reason for any delay (e.g., adverse conditions, snowmelt, etc.) must be documented;
- be conducted at least 72 hr since the last storm event, or will document why it was collected sooner;
- include documentation of rationale, if a visual assessment is unable to be collected in a quarter (e.g., because of adverse conditions or a no-precipitation event); and
- include an additional assessment during the next qualifying storm event if it cannot be performed during a particular quarter.

As allowed by Part 3.2.4.2 of the 2021 MSGP for climates with irregular storm water discharges (e.g., due to limited rainfall and/or freezing conditions), N3B proposes to conduct QVAs according to the following modified quarterly schedule:

Quarter	Modified Visual Assessment Schedule		
1	April 1	–	May 31
2	June 1	–	July 31
3	August 1	–	September 30
4	October 1	–	November 30



Each QVA will evaluate representative storm water discharge for potential pollutants by evaluating the following water quality characteristics:

- color,
- odor,
- clarity,
- floating solids,
- settled solids,
- suspended solids,
- foam,
- oil sheen, and/or
- other obvious indicators of storm water pollution.

Each visual assessment will be documented using N3B Form 6341, MSGP Storm Water Visual Assessment Form. Copies of each assessment shall be maintained within this SWPPP document.

### **5.3 Monitoring**

Monitoring activities applicable to TA-54 MFW include impaired waters monitoring, indicator monitoring, and state-specific monitoring.

Analytical monitoring is performed on representative storm water discharge collected from the site via an automated sampler located at Monitored Outfall 049. Monitoring events occur from storm events that result in an actual discharge from the site and that follow the preceding measurable storm event by at least 72 hr. For runoff from snowmelt, the monitoring is performed when a measurable discharge from the site occurs.

Samples are analyzed in accordance with the analytical methods set forth in 40 Code of Federal Regulations Part 136, using test procedures with quantification limits that are sufficiently sensitive for the monitored parameter based on water quality criteria or screening level, as applicable. Runoff samples are collected within the first 30 min of a measurable storm event. If it is not possible to collect a representative sample within the first 30 min of a measurable storm event, the sample is collected as soon as practicable after the first 30 min and documentation is kept with the SWPPP explaining why it was not possible to take samples within the first 30 min. An MSGP sampling and analysis plan (SAP) is developed every year that identifies the current monitoring year, analytical requirements, analytical methods, preservation requirements, volume requirements, types of shipping containers, type of sampler to be used, and holding times for each analysis.

### 5.3.1 Monitoring Schedule

Monitoring for compliance with the 2021 MSGP will be conducted on a modified schedule as allowed by Part 4.1.6 of the 2021 MSGP for facilities in climates with irregular storm water discharges. The modified monitoring schedule that will be implemented for this facility is summarized as follows:

Biannual Period	Quarter	Modified Monitoring Schedule		
1	1	April 1	–	May 31
	2	June 1	–	July 31
2	3	August 1	–	September 30
	4	October 1	–	November 30

Certain circumstances, such as a lack of qualifying storm events or imposition of a stop-work order by DOE, could prevent sample collection during one or more quarters. Such a situation will be documented as necessary. Monitoring for biannual and annual requirements will continue in subsequent monitoring periods until samples are collected. Quarterly samples that are not collected will be documented appropriately.

Impaired-waters monitoring is performed on an annual basis. One sample is collected in the period between April 1 and November 30 of each CY, unless there is no qualifying storm event that results in a discharge from the facility, or another unanticipated circumstance prohibits the collection of a sample (such as issuance of a stop-work order by DOE). Indicator monitoring for polycyclic aromatic hydrocarbons (PAHs) is conducted biannually in the first and fourth years of permit coverage. If necessary, make up samples will be collected in subsequent biannual periods.

Current sampling requirements for MFW are summarized in Table 5.3-1.

**Table 5.3-1**  
**TA-54 MFW MSGP 2022 Monitoring Year Sampling Summary – Outfall 049**

Monitoring Requirement	Monitoring Frequency	Industrial Sector	Analyte <sup>a</sup>	Filtered/ Unfiltered <sup>b</sup>	Regulatory Standard/ Screening Level	Units	Regulatory Standard Reference
Impaired Waters	Annual	— <sup>c</sup>	Aluminum (total recoverable)	F10μ	660	μg/L	NM 2018 Aquatic Acute – hardness dependent
Impaired Waters	Annual	—	Copper (dissolved)	F	4.35	μg/L	NM 2018 Aquatic Acute – hardness dependent
Impaired Waters	Annual	—	Gross Alpha (adjusted)	UF	15	pCi/L	NM 2018 Livestock Watering

**Table 5.3-1 (continued)**

Monitoring Requirement	Monitoring Frequency	Industrial Sector	Analyte <sup>a</sup>	Filtered/ Unfiltered <sup>b</sup>	Regulatory Standard/ Screening Level	Units	Regulatory Standard Reference
Indicator	Quarterly	P	pH	UF	—	—	2021 MSGP Part 4.2.1.1 a
Indicator	Quarterly	P	TSS	UF	—	—	2021 MSGP Part 4.2.1.1 a
Indicator	Quarterly	P	COD	UF	—	—	2021 MSGP Part 4.2.1.1 a
Indicator	Bi-annual	P	PAHs <sup>d</sup>	UF	—	—	2021 MSGP Part 4.2.1.1 b Sector P

Notes: The regulatory standards for aluminum and copper are calculated using a hardness value of 30.2 mg/L for Pajarito Canyon.

<sup>a</sup> TSS = total suspended solids; COD = chemical oxygen demand; PAH = polycyclic aromatic hydrocarbons.

<sup>b</sup> F = Filtered; F10μ = filtered using a 10-μm filter; UF = unfiltered.

<sup>c</sup> — = Not applicable.

<sup>d</sup> Monitoring is required for 16 individual PAH compounds identified in 40 CFR Part 243, Appendix A.

## 5.3.2 Monitoring Results

### 5.3.2.1 Impaired-Waters Monitoring

As required by Part 4.2.5 of the 2021 MSGP, monitoring will be conducted for any parameter identified as causing an impairment in the receiving water for that discharge. Impairments are based on the current State of New Mexico 303(d) list and updated each monitoring year in the MSGP SAP. Monitoring for impaired water parameters will be conducted annually in the first and fourth years of permit coverage, unless an impairment parameter is detected, in which case monitoring will be conducted each year. Any impairment parameter not detected will be excluded from annual monitoring until permit year 4. During 2021, year 1 of monitoring at this facility under the 2021 MSGP, storm water was analyzed for impairment parameters. No detections of PCBs (total aroclors) or cyanide were reported, so in accordance with Part 4.2.5.1 of the Permit, monitoring for PCBs and cyanide at this facility will be discontinued until 2024. If it is determined that the presence of an impairment pollutant is caused solely by natural background sources, monitoring for that parameter will be discontinued, if documentation specified by Part 4.2.5.1 of the 2021 MSGP is developed and maintained within the on-site SWPPP document.

### 5.3.2.2 Indicator Monitoring

Indicator monitoring for pH, total suspended solids, and chemical oxygen demand will be conducted quarterly for the 2021 MSGP permit term in accordance with Part 4.2.1.1.a of the 2021 MSGP. PAH compounds will be conducted bi-annually (twice each monitoring year) in the first and fourth years of permit coverage in accordance with Part 4.2.1.1.b of the 2021 MSGP. During 2021, one PAH sample was collected from Monitored Outfall 049; therefore monitoring for PAH compounds will continue during 2022 until a second PAH sample is collected. The results of all indicator monitoring are “report only” and do not have thresholds or baseline values for comparison.

Prior to the beginning of each monitoring year (April 1), an MSGP sampling and analysis plan will be developed to define all applicable monitoring requirements for this facility. This information will be updated annually in this SWPPP.

### 5.3.3 Recordkeeping

For each monitoring event, except snowmelt monitoring, the following information will be recorded and maintained through documentation provided on work orders, chain-of-custody forms, discharge monitoring records, and off-site analytical laboratory reports:

- Date, exact place, and time of sampling or measurements
- Date and duration (in hours) of the rainfall event
- Rainfall total (in inches) for that rainfall event
- Time (in days) since the previous measurable storm event
- Individual(s) who performed the sampling or measurements
- Date(s) analyses were performed
- Individual(s) who performed the analyses
- Analytical techniques or methods used
- Results of such analyses

For snowmelt monitoring, all information except rainfall event durations, totals, and time since previous event will be included.

All analytical data from monitoring storm water will be maintained in Intellus.

## 6.0 Documentation to Support Eligibility Considerations under Other Federal Laws

### 6.1 Documentation Regarding Endangered Species

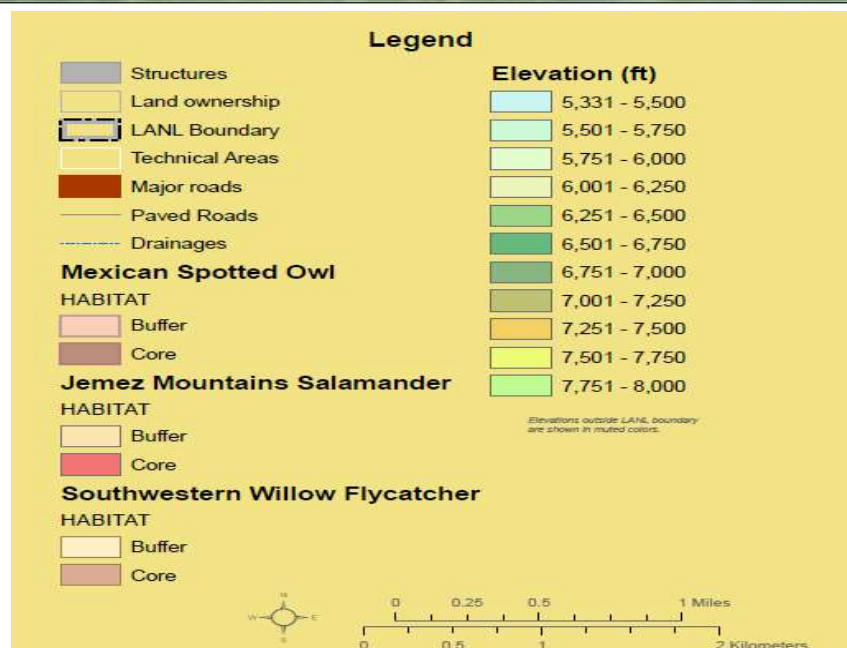
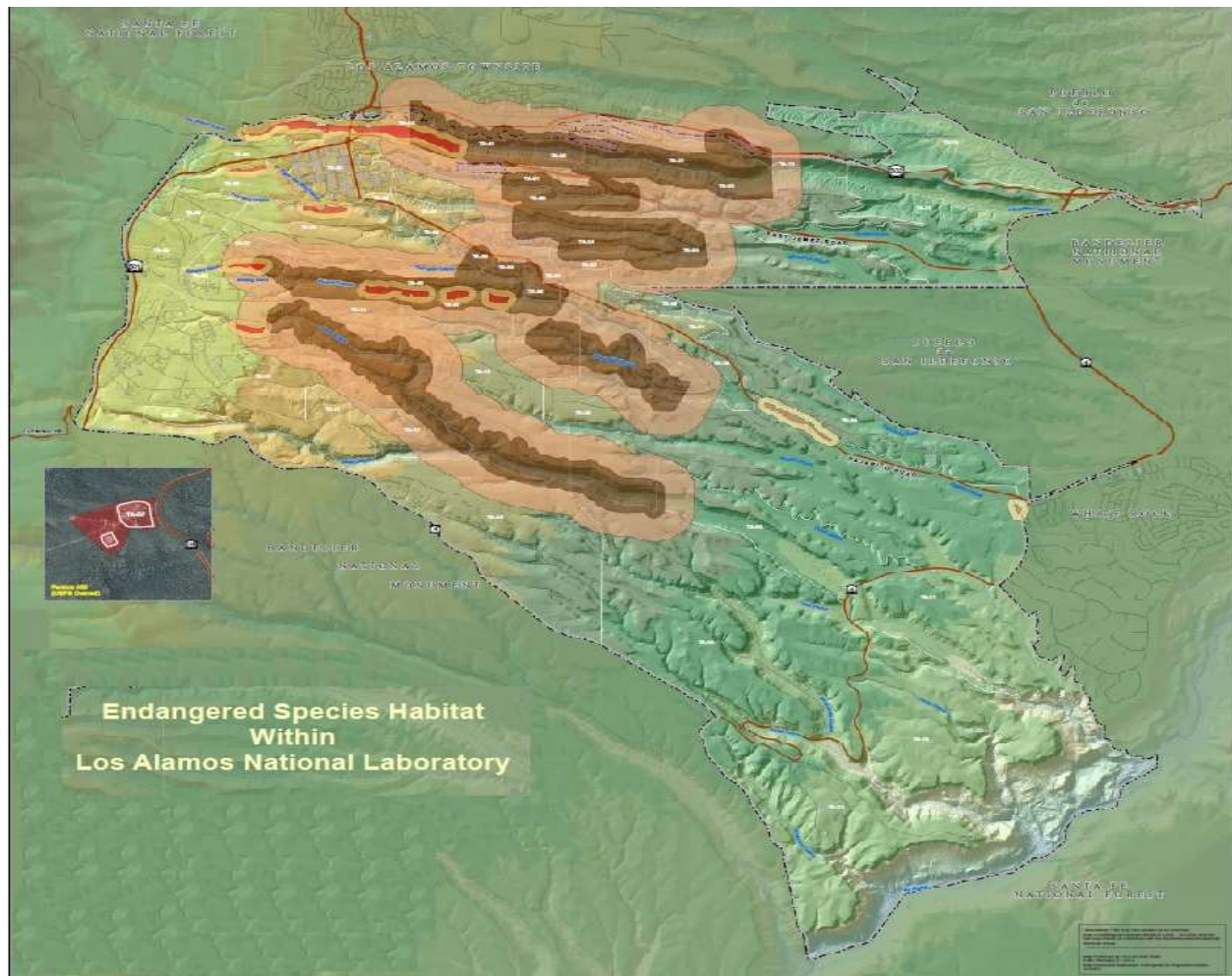
The LANL “Threatened and Endangered Species Habitat Management Plan for Los Alamos National Laboratory” (HMP) (<https://permalink.lanl.gov/object/tr?what=info:lanl-repo/lareport/LA-UR-15-28610>) was prepared to provide for the protection of federally listed threatened and endangered species and their habitats at LANL. The HMP was designed to be a comprehensive landscape-scale management plan that balances the current operations and future development needs of LANL with the habitat requirements of threatened and endangered species. It also facilitates DOE compliance with the Endangered Species Act and related federal regulations. The HMP received concurrence from the U.S. Fish and Wildlife Service (USFWS) and was first implemented in 1999. All changes to the HMP, such as adding new species or changing requirements, are assessed in a new consultation with the USFWS before being implemented. The HMP provides guidance by species for different types of activities allowed without further review by the USFWS.

Currently, the only federally listed species that inhabit or occur at LANL are the Southwestern Willow Flycatcher (*Empidonax trailii extimus*), Jemez Mountains Salamander (*Plethodon neomexicanus*), and Mexican Spotted Owl (*Strix occidentalis lucida*). Suitable habitats for these species, along with a protective buffer area surrounding the habitats, have been designated as areas of environmental interest (AEIs). An AEI consists of a core area that contains an important breeding or wintering habitat for a specific species and a buffer area around the core area. The buffer protects the core area from disturbances that would degrade the value of the core area for the species.

The HMP includes eco-risk analyses that account for any industrial facility's storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities. In addition, the LANL site-wide environmental impact statement (SWEIS) biological assessment covered the continuation of LANL operations and included outfalls (<https://www.lanl.gov/environment/protection/compliance/sweis.php>).

As determined by earlier evaluations, storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities from LANL MSGP locations are not likely to adversely affect any species that is federally listed as endangered or threatened under Criterion D Section iii of the Endangered Species Act. These activities will not result in adverse modification or destruction of a habitat federally designated as "critical habitat" under the Endangered Species Act. New activities are evaluated to determine if they will have an impact on any species. If an activity can be completed within the guidelines of the HMP, it can go forward as scheduled; however, if the activity cannot comply with the guidelines, the HMP requires that a project-specific biological assessment be prepared for the action and put through the consultation process with the USFWS. A copy of the USFWS HMP concurrence letter for LANL is attached in Appendix G.

New Mexico waters of the state and watersheds harbor endangered and threatened species and their critical habitat. The LANL SWEIS excerpt Map 6-1 shows the locations of endangered species and their associated waters of the state and watersheds. Although there are no areas of designated critical habitat or threatened species on the MFW map (Attachment B, Site Map), the storm water runoff may affect endangered species downstream from TA-54, as illustrated by Figure 6.1-1.



**Figure 6.1-1 Endangered species habitat within LANL**

## **6.2 Documentation regarding Historic Properties**

In December 2008 and August 2015, the LANS Cultural Resources Team (using GPS spatial data as well as conducting visual inspections) reviewed the LANL industrial sites and their associated outfalls and monitoring stations subject to the 2021 MSGP for effects on historic properties.

TA-54 MFW operations were found to pose no effect to historic properties and to be in compliance with Section 106 of the National Historic Preservation Act. No significant changes are known to have occurred to the TA-54 MFW site since this review by LANS.

## **7.0 Corrective Actions and Deadlines**

### **7.1 SWPPP Review and Revision to Ensure Effluent Limits are Met**

Discovery of any of the conditions described below will trigger a corrective action requiring review and revision of this document as determined necessary:

- An unauthorized release or discharge (e.g., a non-incidental spill, leak, or discharge of non-storm water not authorized by this or any other NPDES permit to waters of the United States) that occurs at the facility.
- A discharge violates a numeric effluent and/or a sector-specific requirement identified in Part 8 of the 2021 MSGP.
- Storm water control measures are not stringent enough to control storm water discharge from the facility such that the receiving water will not meet applicable water quality standards.
- A required control measure was never installed, was installed incorrectly or was not installed in accordance with the requirements of Parts 2 and/or 8 of the 2021 MSGP.
- A required control measure is not operated or maintained properly.
- A visual assessment (i.e., QVA) shows evidence of storm water pollution (e.g. color, odor, floating solids, settled solids, suspended solids or foam is observed in an assessed sample).

### **7.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary**

Construction at the facility, or a change in design, operation or maintenance that significantly changes the nature, type or quantity of pollutants discharged via storm water will require a review of the SWPPP and involved control measures to evaluate the adequacy of those measures to reduce pollutants.

### **7.3 Corrective Action Deadlines**

All conditions subject to corrective actions will be documented in the N3B MSGP storm water database (MainConn) within 24 hours of discovery/occurrence. Where feasible, corrective actions will be implemented immediately (i.e., the day of discovery, or if identified late in the day, the day following discovery). If completion of corrective action is not feasible immediately, reasonable steps will be taken to prevent the discharge of pollutants until the needed correction is complete. In any case, the situation will be documented along with details to describe how the potential impacts from the condition will be minimized (such as with the installation of temporary controls, etc.). This documentation will include a signed and certified statement that complies with Appendix B, Subsection 11 of the 2021 MSGP. Within 14 days of initiation of the corrective action, documentation of how the condition was resolved will be prepared. If infeasible to complete the necessary corrective action within 14 days (or otherwise specified in the 2021 MSGP) the rationale and schedule for completion of the corrective action will be included in

this documentation. If an extension from EPA is necessary to complete a corrective action, documentation including justification for that extension will be prepared and maintained in MainConn.

All modifications to the facility and or referenced procedures etc., including the installation or use of temporary measures, will be incorporated into this SWPPP.

## 8.0 SWPPP Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated information submitted.

Based on my inquiry of the person(s) who manage the system, or person(s) directly responsible for information gathering, the information received is to the best of my knowledge true, accurate, and complete.

I understand and acknowledge the implications and penalties for submitting false information, including the possibility of a fine and/or imprisonment.

### SIGNATURE OF CERTIFICATION:

**Printed Name:** Emily Day

**Title:** N3B Regulatory Compliance Director

**Signature:** Emily M. Day Digitally signed by Emily M. Day  
Date: 2022.04.19 11:08:13  
-06'00'

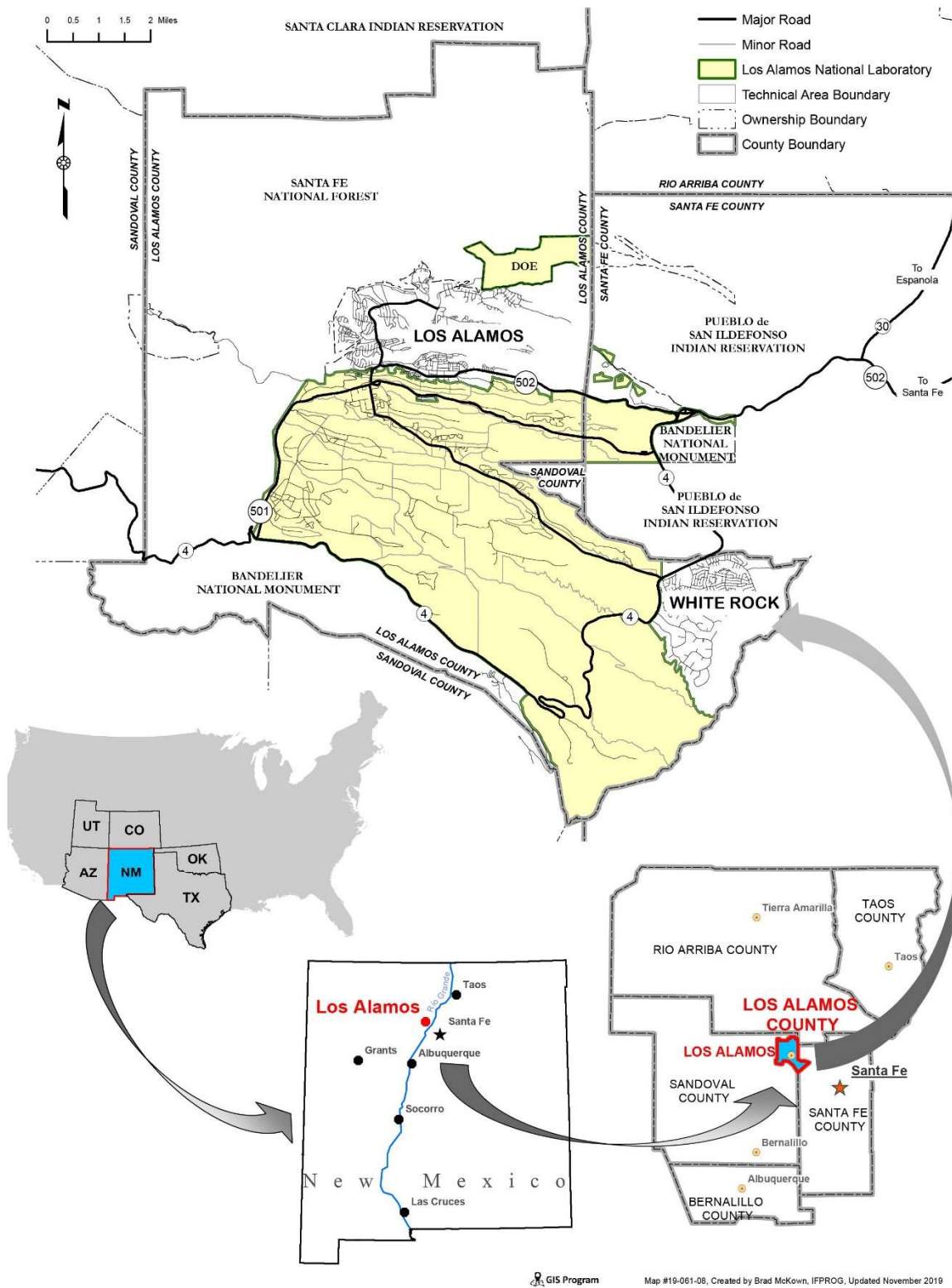
**Date:** \_\_\_\_\_

## 9.0 SWPPP Modifications

Modifications to this SWPPP will be made as necessary to reflect corrective actions or facility changes. Modifications to this document can be initiated by any storm water PPT member with review provided by Regulatory Compliance and approval provided in accordance with the signatory requirements specified in the 2021 MSGP. A record of all document modifications will be tracked using the form provided in Attachment F.

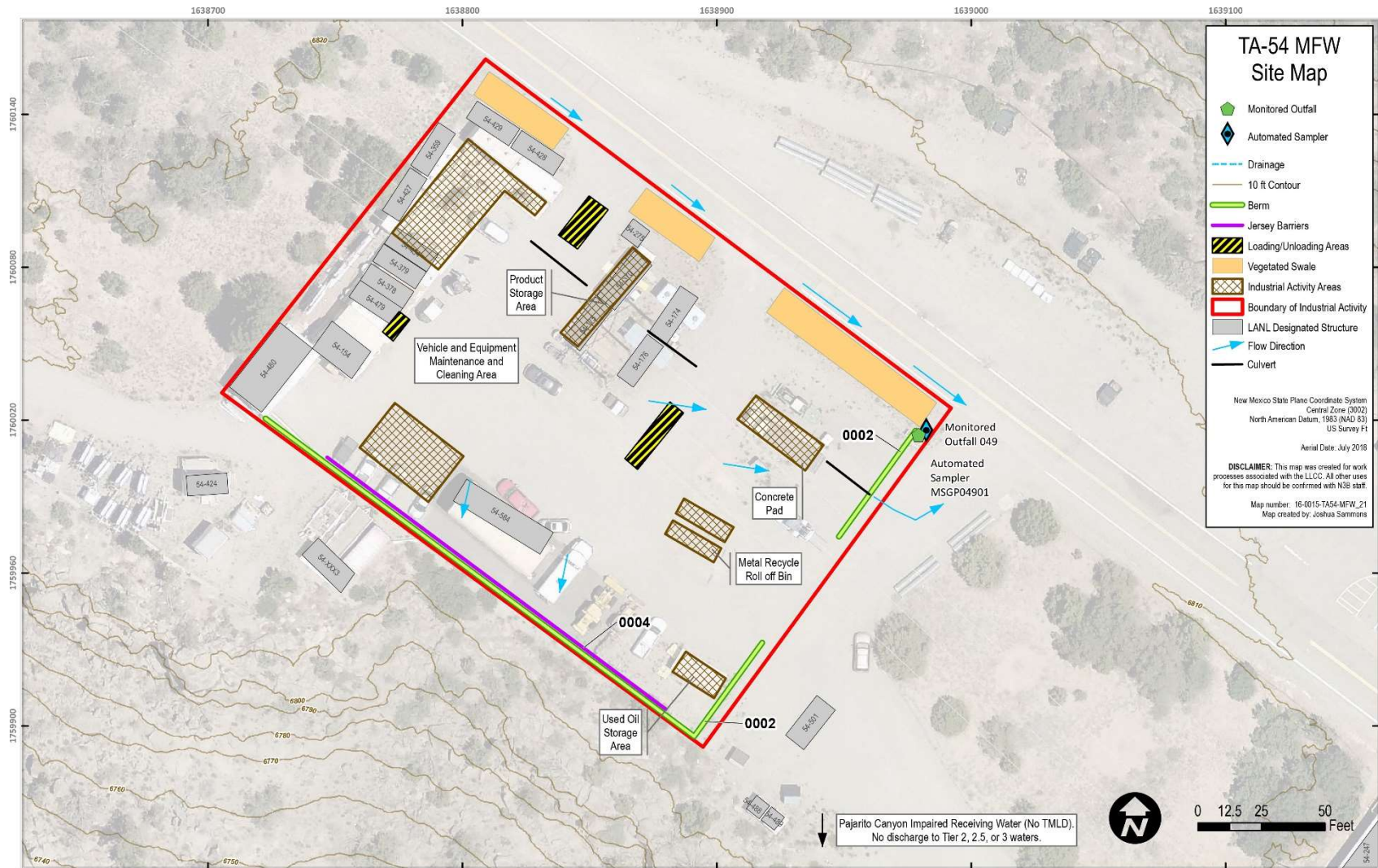


## Attachment A General Location Map





Attachment B Site Map



## Attachment C      Relevant Procedures

Number	Title
N3B-QP-RGC-0004	MSGP Storm Water Visual Inspections
N3B-AOP-TRU-3003	Material Release or Spill
N3B-SOP-RP-0005	Radiological Emergency Response
N3B-SOP-ER-5016	Multi-Sector General Permit Storm Water Corrective Actions
N3B-SOP-ER-4001	Processing Surface Water Samples
N3B-SOP-ER-4004	Installing, Setting Up and Operating Automated Storm Water Samplers
N3B-SOP-ER-5004	Inspecting Automated Storm Water Samplers and Retrieving Samples
N3B-AP-ER-1002	Environmental Remediation Field Work Requirements

**Attachment D      Routine Facility Inspections Form and Report**


**Maintenance Details**
**Requested:** 12/2/2019 12:04:15 AM

**Phone:**
**Email:**
**Procedure:** MSGP Stormwater Industrial  
 Routine Facility Inspection  
 (N3B-SOP-ER-5016-1)

**Last PM:** 12/11/2019

**Project:** 2019 Routine Facility  
 Inspections (P-MSGP-5921)

**Reason:** MSGP Stormwater Industrial Routine Facility Inspection

**Target:** 3/31/2020 (14) hrs

**Priority/Type:** / Preventive

 MSGP TA 54

 RG249.5

 TA-54 MFW

**Tasks**

#	Description	Meas.	No	Yes
<b>WEATHER INFORMATION</b>				
20	Describe the weather at time of inspection in the task comment. Document the temperature (F°) in the "Reading" field of this line.		<input type="checkbox"/>	<input type="checkbox"/>
<b>Within the Facility Boundary</b>				
40	Is the facility free of new discharges of pollutants that have occurred since the last inspection? If "No", describe:		<input type="checkbox"/>	<input type="checkbox"/>
50	If "No" has a CAR been previously initiated for this new discharge? (Range: 0 - 0)		<input type="checkbox"/>	<input type="checkbox"/>
60	Is the facility free of discharge of pollutants at the time of inspection? If "No" describe:		<input type="checkbox"/>	<input type="checkbox"/>
70	Is the facility free of evidence of, or the potential for, pollutants entering the drainage system. If "No" describe:		<input type="checkbox"/>	<input type="checkbox"/>
<b>Outfall Inspection needed maintenance and repairs, failed control measures that need replacement, or a description of corrective actions in relevant task comment)</b>				
90	<b>Monitored Outfall [049]</b> Free of evidence of erosion? (Range: 0 - 0)		<input type="checkbox"/>	<input type="checkbox"/>
100	<b>Monitored Outfall [049]</b> Flow Dissipation Devices Operating Effectively? (Range: 0 - 0)		<input type="checkbox"/>	<input type="checkbox"/>
110	<b>Monitored Outfall [049]</b> Free of evidence of pollutants in Discharges and/or Receiving Water? (Range: 0 - 0)		<input type="checkbox"/>	<input type="checkbox"/>
<b>Control Measures (identify needed maintenance and repairs, failed control measures that need replacement, or a description of corrective actions in relevant task comments).</b>				
130	<b>Earthen Berm [5400403010002]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input type="checkbox"/>
140	<b>Earthen Berm [5400403010003]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input type="checkbox"/>
150	<b>Jersey Barriers [5400403170004]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input type="checkbox"/>
160	<b>Vegetated Swale [5400404070001]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input type="checkbox"/>
<b>Area/Activity exposed to stormwater (identify needed maintenance or a description of corrective actions in relevant task comment).</b>				
180	Material loading/unloading and storage areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input type="checkbox"/>
190	Produce/chemical storage areas (raw material): controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input type="checkbox"/>
200	Liquid tank storage/secondary containment: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input type="checkbox"/>
210	Industrial processing and finished product storage areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input type="checkbox"/>

220	Equipment operation and maintenance areas: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input type="checkbox"/>
<del>230</del>	<del>Fueling areas: controls adequate (appropriate, effective, and operating)? If "No" describe.</del>	<del><input type="checkbox"/></del>	<del><input type="checkbox"/></del>
240	Outdoor vehicle and equipment washing areas: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input type="checkbox"/>
250	Machinery: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input type="checkbox"/>
260	Waste handling and disposal areas: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input type="checkbox"/>
270	Erodible areas/construction: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input type="checkbox"/>
280	Locations and sources of run-on to the site: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input type="checkbox"/>
290	Non-stormwater/illicit connections: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input type="checkbox"/>
300	Dust generation and vehicle tracking: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input type="checkbox"/>
310	Housekeeping (Industrial materials/residues/trash in contact with stormwater): controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input type="checkbox"/>
320	Leaks and spills: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input type="checkbox"/>
330	<b>Sector P [54004-P]</b> Vehicle storage/maintenance areas: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Non-Compliance</b>			
350	Free of incidents of observed non-compliance not associated with any of the above? If "No" describe. (Range: 0 - 0)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Additional Controls</b>			
370	Are permit requirements satisfied with existing control measure(s)? If "No: describe additional control measure(s) needed. (Range: 0 - 0)	<input type="checkbox"/>	<input type="checkbox"/>

## Labor Report

**Completed:** \_\_\_\_\_

**Report:** \_\_\_\_\_



**Certification Statement of Authorization**

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."*

Name of Delegated Official of Permittees: \_\_\_\_\_ Z#: \_\_\_\_\_

Date: Delegated Official Signature:



**Maintenance Details**

**Requested:** 9/2/2021 1:07:00 AM  
**Procedure:** MSGP Stormwater Industrial Routine Facility Inspection (N3B-SOP-ER-5016-1)  
**Last PM:** 9/29/2021  
**Project:** 2021 MSGP Routine Facility Inspections (P-MSGP-6062)  
**Reason:** MSGP Stormwater Industrial Routine Facility Inspection

**Target:** 12/31/2021  
**Priority/Type:** / Preventive

 MSGP TA 54  
 RG249.5  
 TA-54 MFW

**Contact:**  
**Phone:**

**Tasks**

#	Description	Meas.	No	Yes
<b>Inspection Preparation</b>				
20	Perform preparatory review of previous calendar years Routine Facility Inspections and/or analytical data as available, and previous 3 calendar years' spill reports associated with facility.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Describe the weather at time of inspection in the task comment. Document the temperature (F°) in the "Reading" field of this line.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Within the Facility Boundary</b>				
50	Is the facility free of new discharges of pollutants that have occurred since the last inspection? If "No", describe:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
60	If "No" has a CA been previously initiated for this new discharge? (Range: 0 - 0)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
70	Is the facility free of discharge of pollutants at the time of inspection? If "No" describe:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
80	Is the facility free of evidence of, or the potential for, pollutants entering the drainage system. If "No" describe:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Outfall Inspection needed maintenance and repairs, failed control measures that need replacement, or a description of corrective actions in relevant task comment)</b>				
100	<b>Monitored Outfall [049]</b> Free of evidence of erosion? (Range: 0 - 0)		<input type="checkbox"/>	<input checked="" type="checkbox"/>
110	<b>Monitored Outfall [049]</b> Flow Dissipation Devices Operating Effectively? (Range: 0 - 0)		<input type="checkbox"/>	<input checked="" type="checkbox"/>
120	<b>Monitored Outfall [049]</b> Free of evidence of pollutants in Discharges and/or Receiving Water? (Range: 0 - 0)		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Control Measures (identify needed maintenance and repairs, failed control measures that need replacement, recommended preventive maintenance, or a description of corrective actions in relevant task comments).</b>				
140	<b>Earthen Berm [5400403010002]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement. <b>Comments: Rilling occurring in control behind used oil storage area. Recommend building up.</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
150	<b>Earthen Berm [5400403010003]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
160	<b>Jersey Barriers [5400403170004]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
170	<b>Vegetated Swale [5400404070001]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Addressing Maintenance Items</b>				
190	If any maintenance need was identified in this section, will the existing condition likely result in a discharge?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
200	Document reasonable steps taken to reduce the potential of a discharge (checked weather report, placed temporary bmps etc.)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Area/Activity exposed to stormwater (identify needed maintenance or a description of corrective actions in relevant task comment).</b>				
220	Material loading/unloading and storage areas: controls adequate (appropriate, effective, and		<input type="checkbox"/>	<input checked="" type="checkbox"/>

	operating)? If "No" describe.			
230	Produce/chemical storage areas (raw material): controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
240	Liquid tank storage/secondary containment: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
250	Industrial processing and finished product storage areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
260	Equipment operation and maintenance areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
270	Fueling areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
280	Outdoor vehicle and equipment washing areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
290	Machinery: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
300	Waste handling and disposal areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
310	Erodible areas/construction: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
320	Locations and sources of run-on to the site: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
330	Non-stormwater/illicit connections: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
340	Dust generation and vehicle tracking: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
350	Housekeeping (Industrial materials/residues/trash in contact with stormwater): controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
360	Leaks and spills: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
370	<b>Sector P [54004-P]</b> Vehicle storage/maintenance areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Non-Compliance</b>				
390	Free of incidents of observed non-compliance not associated with any of the above? If "No" describe. (Range: 0 - 0)		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Additional Controls</b>				
410	Are permit requirements satisfied with existing control measure(s)? If "No: describe additional control measure(s) needed. (Range: 0 - 0)		<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Labor

Labor	Work Date	Reg Hrs	OT Hrs	Other Hrs
Bileen, Mercediz	12/20/2021	1	0	0
Cisneros, Isaiah	12/20/2021	1	0	0
Ullom, M.	12/20/2021	1	0	0
Englert, Matthew	12/20/2021	1	0	0

## Labor Report

12/20/2021  
**Completed:** 12:45:00 PM  
**Report:** \_\_\_\_\_

## Images

Handwritten signature in blue ink.

**Certification Statement of Authorization**

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."*

Name of Delegated Official of Permittees: \_\_\_\_\_ Z#: \_\_\_\_\_

Date: Date on file Delegated Official Signature: Signature on File

**Maintenance Details**

**Requested:** 12/1/2020 1:07:00 AM  
**Procedure:** MSGP Stormwater Industrial Routine Facility Inspection (N3B-SOP-ER-5016-1)  
**Last PM:** 12/10/2020  
**Project:** 2021 MSGP ROUTINE FACILITY INSPECTIONS (P-MSGP-6062)  
**Reason:** MSGP Stormwater Industrial Routine Facility Inspection

**Target:** 3/31/2021  
**Priority/Type:** / Preventive

 MSGP TA 54  
 RG249.5  
 TA-54 MFW

**Contact:**  
**Phone:**

**Tasks**

#	Description	Meas.	No	Yes
<b>WEATHER INFORMATION</b>				
20	Describe the weather at time of inspection in the task comment. Document the temperature (F°) in the "Reading" field of this line.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Within the Facility Boundary</b>				
40	Is the facility free of new discharges of pollutants that have occurred since the last inspection? If "No", describe:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
50	If "No" has a CAR been previously initiated for this new discharge? (Range: 0 - 0)	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>
60	Is the facility free of discharge of pollutants at the time of inspection? If "No" describe:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
70	Is the facility free of evidence of, or the potential for, pollutants entering the drainage system. If "No" describe:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Outfall Inspection needed maintenance and repairs, failed control measures that need replacement, or a description of corrective actions in relevant task comment)</b>				
90	<b>Monitored Outfall [049]</b> Free of evidence of erosion? (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
100	<b>Monitored Outfall [049]</b> Flow Dissipation Devices Operating Effectively? (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
110	<b>Monitored Outfall [049]</b> Free of evidence of pollutants in Discharges and/or Receiving Water? (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Control Measures (identify needed maintenance and repairs, failed control measures that need replacement, recommended preventive maintenance, or a description of corrective actions in relevant task comments).</b>				
130	<b>Earthen Berm [5400403010002]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
140	<b>Earthen Berm [5400403010003]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
150	<b>Jersey Barriers [5400403170004]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
160	<b>Vegetated Swale [5400404070001]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Area/Activity exposed to stormwater (identify needed maintenance or a description of corrective actions in relevant task comment).</b>				
180	Material loading/unloading and storage areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
190	Produce/chemical storage areas (raw material): controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
200	Liquid tank storage/secondary containment: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
210	Industrial processing and finished product storage areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
220	Equipment operation and maintenance areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>

230	Fueling areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
240	Outdoor vehicle and equipment washing areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
250	Machinery: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
260	Waste handling and disposal areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
270	Erodible areas/construction: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
280	Locations and sources of run-on to the site: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
290	Non-stormwater/illicit connections: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
300	Dust generation and vehicle tracking: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
310	Housekeeping (Industrial materials/residues/trash in contact with stormwater): controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
320	Leaks and spills: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
330	<b>Sector P [54004-P]</b> Vehicle storage/maintenance areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Non-Compliance

350	Free of incidents of observed non-compliance not associated with any of the above? If "No" describe. (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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#### Additional Controls

370	Are permit requirements satisfied with existing control measure(s)? If "No: describe additional control measure(s) needed. (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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#### Labor

Labor	Work Date	Reg Hrs	OT Hrs	Other Hrs
Ullom, M.	3/25/2021	1	0	0
Villareal, Charles	3/25/2021	1	0	0

#### Labor Report

3/25/2021  
**Completed:** 1:20:00 PM

**Report:** 2021-04-08 02:25 pm (MDT) - N3B/IPFTLS: Routine Facility Inspection

#### Images

*M. Adam Ullom*

**Certification Statement of Authorization**

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."*

Name of Delegated Official of Permittees: \_\_\_\_\_ Z#: \_\_\_\_\_

Date: Date on file Delegated Official Signature: Signature on File

**Maintenance Details**

**Requested:** 3/2/2021 1:07:00 AM  
**Procedure:** MSGP Stormwater Industrial Routine Facility Inspection (N3B-SOP-ER-5016-1)  
**Last PM:** 3/25/2021  
**Project:** 2021 MSGP Routine Facility Inspections (P-MSGP-6062)  
**Reason:** MSGP Stormwater Industrial Routine Facility Inspection

**Target:** 6/30/2021  
**Priority/Type:** / Preventive

 MSGP TA 54  
 RG249.5  
 TA-54 MFW

**Contact:**  
**Phone:**

**Tasks**

#	Description	Meas.	No	Yes
<b>WEATHER INFORMATION</b>				
	Describe the weather at time of inspection in the task comment. Document the temperature (F°) in the "Reading" field of this line.			
20	<b>Comments: High 60s. Fair</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Within the Facility Boundary</b>				
40	Is the facility free of new discharges of pollutants that have occurred since the last inspection? If "No", describe:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
50	If "No" has a CAR been previously initiated for this new discharge? (Range: 0 - 0)	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>
60	Is the facility free of discharge of pollutants at the time of inspection? If "No" describe:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the facility free of evidence of, or the potential for, pollutants entering the drainage system. If "No" describe:			
70	<b>Comments: At time of inspection, facility personnel were applying herbicide to drainage 0006 upgradient from MSG05001 (sampler). SDS attached. %0D%0A</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Outfall Inspection needed maintenance and repairs, failed control measures that need replacement, or a description of corrective actions in relevant task comment)</b>				
90	<b>Monitored Outfall [049]</b> Free of evidence of erosion? (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
100	<b>Monitored Outfall [049]</b> Flow Dissipation Devices Operating Effectively? (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
110	<b>Monitored Outfall [049]</b> Free of evidence of pollutants in Discharges and/or Receiving Water? (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Control Measures (identify needed maintenance and repairs, failed control measures that need replacement, recommended preventive maintenance, or a description of corrective actions in relevant task comments).</b>				
130	<b>Earthen Berm [5400403010002]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
140	<b>Earthen Berm [5400403010003]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
150	<b>Jersey Barriers [5400403170004]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
160	<b>Vegetated Swale [5400404070001]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Area/Activity exposed to stormwater (identify needed maintenance or a description of corrective actions in relevant task comment).</b>				
180	Material loading/unloading and storage areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
190	Produce/chemical storage areas (raw material): controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
200	Liquid tank storage/secondary containment: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
210	Industrial processing and finished product storage areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>



220	Equipment operation and maintenance areas: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
230	Fueling areas: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
240	Outdoor vehicle and equipment washing areas: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
250	Machinery: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
260	Waste handling and disposal areas: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
270	Erodible areas/construction: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
280	Locations and sources of run-on to the site: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
290	Non-stormwater/illicit connections: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
300	Dust generation and vehicle tracking: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
310	Housekeeping (Industrial materials/residues/trash in contact with stormwater): controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
320	Leaks and spills: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
330	<b>Sector P [54004-P]</b> Vehicle storage/maintenance areas: controls adequate (appropriate, effective, and operating)? If "No" describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Non-Compliance

350	Free of incidents of observed non-compliance not associated with any of the above? If "No" describe. (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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#### Additional Controls

370	Are permit requirements satisfied with existing control measure(s)? If "No: describe additional control measure(s) needed. (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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### Labor

Labor	Work Date	Reg Hrs	OT Hrs	Other Hrs
Cisneros, Isaiah	5/26/2021	1	0	0
Ullom, M.	5/26/2021	1	0	0

### Labor Report

5/26/2021  
**Completed:** 12:00:23 PM

**Report:** 2021-05-26 03:32 pm (MDT) - N3B/ISAIHC: Routine Facility Inspection  
 2021-05-26 03:32 pm (MDT) - N3B/ISAIHC: No Action Recommended

### Images

Helena Chemical Company  
PH: 901-761-0050  
CHEMTREC: 800-424-9300

17-NOV-2010 11:41:41  
Page 4 Of 4

Material Safety Data Sheet

Effective Date: 17-NOV-2010

Product: HELENA SPRAY INDICATOR XL

X. SHIPPING INFORMATION

Shipping name: Not regulated by DOT, IATA or IMDG.

Hazard Class: None

Identification No: None

Labels Required: None required

Placarding: None

Freight Class: Dyestuffs, NOI (NMFC Item 60280, Class 100)

Chemical Name

Equivalent R.Q.

Not applicable

Not applicable

XI. GENERAL PRODUCT INFORMATION

National Fire Protection Association Rating:

(Rating level: 4-Extreme, 3-High, 2-Moderate, 1-Slight, 0-Minimum)

Health: 1

Fire: 0

Reactivity: 0

S.A.R.A. Title III Hazard Classification: (Yes/No)

Immediate (Acute) Health: N

Delayed (Chronic) Health: N

Sudden Release of pressure: N

Fire: N

Reactive: N

Mail inquiries to: 225 Schilling Blvd., Suite 300 Collierville, TN 38017  
Helena Chemical Company believes that the data contained herein is  
factual. This data is not to be taken as a warranty or representation of  
legal responsibility. It is offered solely for your consideration,  
investigation and verification.

Special precaution: Keep out of reach of children. Do not store with food, feed or other material to be used or consumed by humans or animals. Do not contaminate water supplies, lakes, streams, ponds or drains with this product. Store between 5 degrees C and 40 degrees C. Do not freeze. Store in a dry place in sealed containers until ready for use.

#### IX. SPECIAL PRECAUTIONS

Respiration: None needed under normal use conditions.  
Ventilation: Use local exhaust to control vapors/mists when necessary.  
Gloves: Waterproof gloves.  
Eyes: Safety glasses.  
Other: Clean clothing should be worn daily to avoid possible long-term buildup of the product.

#### VIII. SPECIAL PROTECTION INFORMATION

Spill or Leak Proc: Contain spilled product to prevent discharge to surface streams or storm sewers. Collect spilled product with an inert absorbent, such as sand or vermiculite. Place in properly labeled and closed container. This material must be disposed of according to Federal, State or Local procedures under the Resource Conservation and Recovery Act.

#### VII. SPILL OR LEAK PROCEDURES

Conditions to Avoid: None currently known.  
Incompatibility material: Avoid long term direct contact with reactive metals, e.g., aluminum, zinc, copper, nickel. Avoid strong oxidizing agents and disinfectants.  
Hazardous Combustion: May evolve noxious fumes including oxides of carbon and nitrogen, acetic acid or other toxic compounds.

Product: HELENA SPRAY INDICATOR XL

Effective Date: 17-NOV-2010

Material Safety Data Sheet

CHEMTREC: 800-424-9300

PH: 901-761-0050

Helena Chemical Company

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PH: 901-761-0050  
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Material Safety Data Sheet

Effective Date: 17-NOV-2010

Product: HELENA SPRAY INDICATOR XL

V. HEALTH HAZARD

Carcinogen Information: Not listed by IARC, NTP or OSHA.

ACUTE EFFECTS OF OVER EXPOSURE

Swallowing: Not believed to be primary route of exposure. Short-term harmful effects are not expected. However, ingestion of large quantities may be harmful.

Skin Absorption: Short-term harmful effects are not expected.

Inhalation: Repeated exposure by inhalation can cause allergic sensitization.

Skin contact: Prolonged or repeated contact may result in mechanical irritation.

Eye Contact: Short-term harmful effects are not expected. However, prolonged or repeated contact may result in irritation.

Chronic Effects: None currently known.

Other Hazard: None currently known.

EMERGENCY AND FIRST AID PROCEDURES

Swallowing: Seek medical attention.

Skin: Wash affected area with soap and water. If irritation develops, seek medical attention.

Inhalation: Move to fresh air. If irritation develops or persists, seek medical attention.

Eyes: Immediately flush eyes with water, continuing for at least 15 minutes. Seek medical attention.

Notes to Physician: In the event of an adverse response, treatment should be directed toward control of the symptoms and the clinical condition of the patient.

VI. REACTIVITY

Stability: Stable

Conditions to Avoid: Stable normal storage and handling conditions. Avoid extremes in temperature.

Polymerization: Will Not Occur

Helena Chemical Company  
 PH: 901-761-0050  
 CHEMTREC: 800-424-9300  
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# Material Safety Data Sheet

Effective Date: 17-NOV-2010

Product: **HELENA SPRAY INDICATOR XL**

## I. IDENTIFICATION

Chemical Name: **Dye**  
 Chemical Family: Spray Indicator  
 Formula: Not applicable, formulated mixture.  
 Synonyms: None  
 CAS Number: Not applicable, formulated mixture.  
 EPA Number: None required

## II. PHYSICAL DATA

Boiling Point: Not determined  
 Freezing Point: Not determined  
 Spec Gravity: 1.08-1.126 gms/cc  
 Vapor Pressure: Not determined  
 Vapor Density: Not determined  
 Solubility: 100%  
 Volatiles: Not determined  
 Evaporation: Not determined  
 Melting Point: Not applicable  
 Appearance: Blue liquid

## III. INGREDIENTS

Material	CAS Number	Percent TLV	Hazard
Proprietary blend of dyes.	100.00	N/E	Skin, eye & respiratory irritant.

## IV. FIRE AND EXPLOSION HAZARD

Flash Point: Non-combustible  
 Autoignition Temp: Not applicable  
 Flammable Limit: Not determined  
 Extinguishing Media: Use foam, alcohol foam, carbon dioxide, dry chemical or water fog extinguishing agents.  
 Special Fire Fight Proc: Wear self-contained breathing apparatus and full protective clothing.  
 Fire and Expl Hazard: No fire or explosion hazard known.

Helena Chemical Company  
PH: 901-761-0050  
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Material Safety Data Sheet

Effective Date: 12-DEC-2008

Product: Velossa

Chemical Name	Equivalent R.Q.
Not applicable	Not applicable

XI. GENERAL PRODUCT INFORMATION

National Fire Protection Association Rating:  
(Rating level: 4-Extreme, 3-High, 2-Moderate, 1-Slight, 0-Minimum)

Health: 2                      Fire: 1                      Reactivity: 1

S.A.R.A. Title III Hazard Classification: (Yes/No)

Immediate (Acute) Health: Y	Delayed (Chronic) Health: N
Sudden Release of pressure: N	Fire: N
Reactive: N	

Mail inquiries to: 225 Schilling Blvd., Suite 300 Collierville, TN 38017  
Helena Chemical Company believes that the data contained herein is factual.  
This data is not to be taken as a warranty or representation of legal  
responsibility. It is offered solely for your consideration, investigation  
and verification.



Effective Date: 12-DEC-2008  
Product: **Velorex**

Conditions to Avoid: None currently known.  
Incompatibility material: May be incompatible with strong acids or bases.  
Hazardous Combustion: May produce toxic and irritating fumes under fire conditions.

#### VII. SPILL OR LEAK PROCEDURES

Spill or Leak Proc: Contain spilled product. Prevent spilled material from entering sewers, waterways or drains. Recover free liquids with an inert absorbent. Shovel or sweep up and place in suitable containers for proper disposal.  
Waste Disposal Method: This material must be disposed of according to Federal, State or local procedures under the Resource Conservation and Recovery Act.

#### VIII. SPECIAL PROTECTION INFORMATION

Respiration: None required under normal use conditions.  
Ventilation: Good general ventilation should be sufficient.  
Gloves: Impervious gloves.  
Eyes: Splashproof goggles.  
Other: Emergency shower, eyewash station, long-sleeved shirt, long pants, shoes plus socks.

#### IX. SPECIAL PRECAUTIONS

Special precaution: Keep out of reach of children. Do not store with food, feed or other material to be used or consumed by humans or animals. Do not contaminate water supplies, lakes, streams, ponds or drains with this material.  
Other precaution: None currently known.

#### X. SHIPPING INFORMATION

Shipping name: Not regulated by DOT, IATA or IMDG.  
Hazard Class: None  
Identification No: None  
Labels Required: None required  
Placarding: None  
Freight Class: Compound, Weed Killing, Liquid (Herbicide), N.O.I. (NMFC Item 50320, Class 60)

Helena Chemical Company  
PH: 901-761-0050  
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### Material Safety Data Sheet

Effective Date: 12-DEC-2008

Product: Velossa

-----  
Carcinogen Information: Not listed by IARC, NTP or OSHA.  
-----

### ACUTE EFFECTS OF OVER EXPOSURE

-----  
Swallowing: No toxicity data available for this formulation. May be harmful if ingested. May be irritating to the mouth, esophagus and stomach if ingested.  
Skin Absorption: Not believed to be readily absorbed through intact skin.  
Inhalation: Inhalation of spray mists or vapors may be irritating to the respiratory system.  
Skin contact: Skin contact may cause moderate irritation. Repeated exposure may cause skin dryness or cracking.  
Eye Contact: This formulation may be severely irritating with eye contact.  
Chronic Effects: None currently known.  
Other Hazard: None currently known.  
-----

### EMERGENCY AND FIRST AID PROCEDURES

-----  
Swallowing: Call a poison control center or doctor immediately for treatment advice. Sip a glass of water if able to swallow. Do not induce vomiting unless instructed to do so by a physician or poison control center.  
Skin: Remove contaminated clothing. Rinse affected area with plenty of water, continuing for 15-20 minutes. Seek medical attention.  
Inhalation: Move to fresh air. If irritation persists, seek medical attention.  
Eyes: Immediately flush eyes with water, continuing for at least 15 minutes. Remove contact lenses, if present, after first 5 minutes, then continue rinsing. Seek medical attention.  
Notes to Physician: In the event of an adverse response, treatment should be directed toward control of the symptoms and the clinical condition of the patient.  
-----

### VI. REACTIVITY

-----  
Stability: Stable  
Conditions to Avoid: None currently known.  
Polymerization: Will Not Occur  
-----



Flash Point: >200 Degrees F.  
 Autoignition Temp: Not determined  
 Flammable Limit: Not determined  
 Extinguishing Media: Use water spray, foam, dry chemical or carbon dioxide extinguishing agents.  
 Special Fire Fight Proc: Wear self-contained breathing apparatus and full protective clothing. Keep containers or tanks exposed to fire cool with water spray.  
 Fire and Expl Hazard: None currently known.

## IV. FIRE AND EXPLOSION HAZARD

Material	CAS Number	Percent TLV	Hazard
Hexazinone	51235-04-2	25	N/E
Inert ingredients	75	N/E	Skin & eye irritant.

## III. INGREDIENTS

Boiling Point: >200 Degrees F.  
 Freezing Point: Not determined  
 Spec Gravity: 1.168 gms/cc  
 Vapor Pressure: Not determined  
 Vapor Density: Not determined  
 Solubility: Dispersible  
 Volatiles: Not determined  
 Evaporation: <0.005  
 Melting Point: Not applicable  
 Appearance: Light yellow liquid

## II. PHYSICAL DATA

Chemical Name: Hexazinone  
 Chemical Family: Selective Herbicide  
 Formula: Not applicable, formulated mixture.  
 Synonyms: None  
 CAS Number: 51235-04-2 (hexazinone)  
 EPA Number: 5905-579

## I. IDENTIFICATION

Product: 910353  
 Effective Date: 12-DEC-2008

Material Safety Data Sheet

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Material Safety Data Sheet

Effective Date: 08-FEB-2000

Product: GROUNDED

X. SHIPPING INFORMATION

Shipping name: NOT REGULATED BY DOT, IATA, OR IMO.

Hazard Class: NONE

Identification No: NONE

Labels Required: NONE

Placarding: NONE

Freight Class: ADJUVANT, SPREADER OR STICKER, LIQUID, NOIBN

Chemical Name

Equivalent R.Q.

NOT APPLICABLE

NOT APPLICABLE

XI. GENERAL PRODUCT INFORMATION

National Fire Protection Association Rating:

(Rating level: 4-Extreme, 3-High, 2-Moderate, 1-Slight, 0-Minimum)

Health: 1

Fire: 1

Reactivity: 0

S.A.R.A. Title III Hazard Classification: (Yes/No)

Immediate (Acute) Health: Y

Delayed (Chronic) Health: N

Sudden Release of pressure: N

Fire: N

Reactive: N

Mail inquiries to: 225 Schilling Blvd., Suite 300 Collierville, TN 38017  
Helena Chemical Company believes that the data contained herein is factual.  
This data is not to be taken as a warranty or representation of legal  
responsibility. It is offered solely for your consideration, investigation  
and verification.

Helena Chemical Company  
PH: 901-761-0050  
CHEMTREC: 800-424-9300  
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Material Safety Data Sheet

Effective Date: 08-FEB-2000  
Product: **GROUND**

Hazardous Combustion: MAY PRODUCE OXIDES OF CARBON AND ASPHYXIANTS  
UNDER FIRE CONDITIONS.

VII. SPILL OR LEAK PROCEDURES

Spill or Leak Proc: CLEAN UP SPILLS WITH AN OIL ABSORBENT MATERIAL,  
SUCH AS CLAY, SAND, OR SAWDUST. SPILL AREA WILL  
BE QUITE SLIPPERY. PLACE CONTAMINATED MATERIAL  
IN RECOVERY/SALVAGE DRUMS FOR PROPER DISPOSAL.  
THIS MATERIAL MUST BE DISPOSED OF ACCORDING TO  
FEDERAL, STATE, OR LOCAL PROCEDURES UNDER THE  
RESOURCE CONSERVATION AND RECOVERY ACT.

VIII. SPECIAL PROTECTION INFORMATION

Respiration: USE ONLY NIOSH CERTIFIED RESPIRATORY  
PROTECTION. RESPIRATORY PROTECTION NOT NEEDED  
UNLESS PRODUCT IS HEATED OR MISTED.  
Ventilation: VENTILATE AS NEEDED TO COMPLY WITH EXPOSURE  
LIMIT.  
Gloves: IMPERVIOUS  
Eyes: CHEMICAL WORKERS GOGGLES.  
Other: EYE WASH STATION, IMPERVIOUS APRON AND  
FOOTWEAR.

IX. SPECIAL PRECAUTIONS

Special precaution: KEEP OUT OF REACH OF CHILDREN. DO NOT STORE  
WITH FOOD, FEED, OR OTHER MATERIAL TO BE USED  
OR CONSUMED BY HUMANS OR ANIMALS. DO NOT  
CONTAMINATE WATER SUPPLIES, LAKES, STREAMS, OR  
PONDS. DO NOT STORE NEAR HEAT OR OPEN FLAMES.  
DO NOT STORE WITH OXIDIZING AGENTS OR AMMONIUM  
NITRATE FERTILIZER. KEEP CONTAINER CLOSED - DO  
NOT ALLOW WATER TO BE INTRODUCED TO THE  
CONTENTS OF THE CONTAINER.

Other precaution: A) RCRA HAZARDOUS WASTE NUMBER: NOT LISTED  
B) SARA TITLE III, SECTION 313: NOT LISTED  
C) SARA THRESHOLD PLANNING QUANTITY: NOT  
LISTED  
D) CERCLA REPORTABLE QUANTITY: NOT LISTED  
E) CALIFORNIA PROPOSITION 65: NOT LISTED  
F) TITLE III, CLEAN AIR ACT: NOT LISTED

Helena Chemical Company  
PH: 901-761-0050  
CHEMTREC: 800-424-9300

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Material Safety Data Sheet

Effective Date: 08-FEB-2000

Product: GROUNDED

V. HEALTH HAZARD

Carcinogen Information: NONE CURRENTLY KNOWN.

ACUTE EFFECTS OF OVER EXPOSURE

Swallowing: LOW TOXICITY, ORAL LD50 (RAT) >5,010 GM/KG.  
PULMONARY ASPIRATION HAZARD IF SWALLOWED AND/OR  
VOMITING OCCURS, CAN ENTER LUNGS AND CAUSE  
DAMAGE.  
Skin Absorption: LOW TOXICITY, DERMAL LD50 (RABBIT) >2,020  
GM/KG.  
Inhalation: NO HAZARD EXPECTED.  
Skin contact: MODERATE IRRITATION, REMOVES NATURAL OILS AND  
FATS FROM SKIN WITH PROLONGED OR REPEATED  
CONTACT.  
Eye Contact: CONTACT WITH EYES MAY CAUSE MILD IRRITATION.  
Chronic Effects: EXCESSIVE EXPOSURES MAY CAUSE IRRITATION TO  
EYES, NOSE AND THROAT.  
Other Hazard: NONE CURRENTLY KNOWN.

EMERGENCY AND FIRST AID PROCEDURES

Swallowing: DO NOT INDUCE VOMITING! DO NOT GIVE LIQUIDS!  
OBTAIN EMERGENCY MEDICAL ATTENTION. SMALL  
AMOUNTS WHICH ACIDENTALLY ENTER MOUTH SHOULD BE  
RINSED OUT UNTIL TASTE IS GONE.  
Skin: WASH CONTAMINATED AREA WITH SOAP AND WATER. IF  
IRRITATION DEVELOPS, CONSULT A PHYSICIAN.  
Inhalation: MOVE VICTIM TO FRESH AIR. CONSULT A PHYSICIAN  
IF IRRITATION DEVELOPS.  
Eyes: FLUSH EYES WITH WATER FOR 15 MINUTES, HOLDING  
EYELIDS OPEN. IF IRRITATION DEVELOPS, CONSULT A  
PHYSICIAN.  
Notes to Physician: IN THE EVENT OF AN ADVERSE RESPONSE, TREATMENT  
SHOULD BE DIRECTED TOWARD CONTROL OF THE  
SYMPTOMS. PULMONARY ASPIRATION HAZARD IF  
SWALLOWED AND/OR VOMITING OCCURS - CAN ENTER  
LUNGS AND CAUSE DAMAGE.

VI. REACTIVITY

Stability: Stable  
Conditions to Avoid: NONE CURRENTLY KNOWN  
Polymerization: Will Not Occur  
Conditions to Avoid: NONE CURRENTLY KNOWN.  
Incompatibility material: ALKALIES AND STRONG OXIDIZERS.

Material Safety Data Sheet

Effective Date: 08-FEB-2000

Product: GROUND

I. IDENTIFICATION

Chemical Name: NONIONIC OIL CONCENTRATE  
Chemical Family: OIL SURFACTANTS  
Formula: NOT APPLICABLE, FORMULATED MIXTURE.  
Synonyms: NONE  
CAS Number: 64741-88-4; 64741-89-5  
EPA Number: NONE REQUIRED

II. PHYSICAL DATA

Boiling Point: 625 TO 830 DEG F.  
Freezing Point: <32 DEGREES F.  
Spec Gravity: .882 GMS/CC  
Vapor Pressure: .0001 MM HG  
Vapor Density: 10+  
Solubility: DISPERSIBLE  
Volatiles: <1%  
Evaporation: 1000X  
Melting Point: >10 DEGREES F.  
Appearance: CLEAR BLUE LIQUID, MINERAL OIL ODOR.

III. INGREDIENTS

Material	CAS Number	Percent TLV	Hazard
PROPRIETARY BLEND OF SURFACTANTS AND ALIPHATIC HYDROCARBONS		100.00	5 MG/M3 MILD SKIN & EYE IRRITANT

IV. FIRE AND EXPLOSION HAZARD

Flash Point: >200 DEGREES F.  
Autoignition Temp: 670 DEG F. (ESTIMATE)  
Flammable Limit: NOT DETERMINED  
Extinguishing Media: WATER FOG, FOAM, DRY CHEMICAL, AND CARBON  
DIOXIDE.  
Special Fire Fight Proc: WEAR A (POSITIVE PRESSURE) SELF-CONTAINED  
BREATHING APPARATUS WHEN FIGHTING FIRES IN AN  
ENCLOSED AREA.  
Fire and Expl Hazard: CAN BE MADE TO BURN (FLASH POINT GREATER THAN  
200 DEGREES F).

**Certification Statement of Authorization**

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."*

Name of Delegated Official of Permittees: \_\_\_\_\_ Z#: \_\_\_\_\_

Date: Date on file Delegated Official Signature: Signature on File



**Maintenance Details**

**Requested:** 6/2/2021 1:15:00 AM  
**Procedure:** MSGP Stormwater Industrial Routine Facility Inspection (N3B-SOP-ER-5016-1)  
**Last PM:** 5/26/2021  
**Project:** 2021 MSGP Routine Facility Inspections (P-MSGP-6062)  
**Reason:** MSGP Stormwater Industrial Routine Facility Inspection

**Target:** 9/30/2021  
**Priority/Type:** / Preventive

 **MSGP TA 54**  
 **RG249.5**  
 **TA-54 MFW**

**Contact:**  
**Phone:**

**Tasks**

#	Description	Meas.	No	Yes
<b>Inspection Preparation</b>				
20	Perform preparatory review of previous calendar years Routine Facility Inspections and/or analytical data as available, and previous 3 calendar years' spill reports associated with facility.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Describe the weather at time of inspection in the task comment. Document the temperature (F°) in the "Reading" field of this line.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Within the Facility Boundary</b>				
50	Is the facility free of new discharges of pollutants that have occurred since the last inspection? If "No", describe:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
60	If "No" has a CA been previously initiated for this new discharge? (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
70	Is the facility free of discharge of pollutants at the time of inspection? If "No" describe:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
80	Is the facility free of evidence of, or the potential for, pollutants entering the drainage system. If "No" describe:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Outfall Inspection needed maintenance and repairs, failed control measures that need replacement, or a description of corrective actions in relevant task comment)</b>				
100	<b>Monitored Outfall [049]</b> Free of evidence of erosion? (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
110	<b>Monitored Outfall [049]</b> Flow Dissipation Devices Operating Effectively? (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
120	<b>Monitored Outfall [049]</b> Free of evidence of pollutants in Discharges and/or Receiving Water? (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Control Measures (identify needed maintenance and repairs, failed control measures that need replacement, recommended preventive maintenance, or a description of corrective actions in relevant task comments).</b>				
140	<b>Earthen Berm [5400403010002]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
150	<b>Earthen Berm [5400403010003]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
160	<b>Jersey Barriers [5400403170004]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
170	<b>Vegetated Swale [5400404070001]</b> Is control measure operating effectively? If "No" describe condition and need for maintenance, repair, or replacement.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Addressing Maintenance Items</b>				
190	If any maintenance need was identified in this section, will the existing condition likely result in a discharge?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
200	Document reasonable steps taken to reduce the potential of a discharge (checked weather report, placed temporary bmps etc.)		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Area/Activity exposed to stormwater (identify needed maintenance or a description of corrective actions in relevant task comment).</b>				
220	Material loading/unloading and storage areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
230	Produce/chemical storage areas (raw material): controls adequate (appropriate, effective, and		<input type="checkbox"/>	<input checked="" type="checkbox"/>

	operating)? If "No" describe.			
240	Liquid tank storage/secondary containment: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
250	Industrial processing and finished product storage areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
260	Equipment operation and maintenance areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
270	Fueling areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
280	Outdoor vehicle and equipment washing areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
290	Machinery: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
300	Waste handling and disposal areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
310	Erodible areas/construction: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
320	Locations and sources of run-on to the site: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
330	Non-stormwater/illicit connections: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
340	Dust generation and vehicle tracking: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
350	Housekeeping (Industrial materials/residues/trash in contact with stormwater): controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
360	Leaks and spills: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
370	<b>Sector P [54004-P]</b> Vehicle storage/maintenance areas: controls adequate (appropriate, effective, and operating)? If "No" describe.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Non-Compliance</b>				
390	Free of incidents of observed non-compliance not associated with any of the above? If "No" describe. (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Additional Controls</b>				
410	Are permit requirements satisfied with existing control measure(s)? If "No: describe additional control measure(s) needed. (Range: 0 - 0)	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Labor

Labor	Work Date	Reg Hrs	OT Hrs	Other Hrs
Ullom, M.	9/29/2021	1	0	0

## Labor Report

**Completed:** 9/29/2021 1:00:00 PM  
**Report:** 11/23/2021 - 184219: Note that M. Adam Ullom corrected completed date from 9/30/2021 to 9/29/2021 on October 4.

## Images

*M. Adam Ullom*



**Certification Statement of Authorization**

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."*

Name of Delegated Official of Permittees: \_\_\_\_\_ Z#: \_\_\_\_\_

Date: Date on file Delegated Official Signature: Signature on File

**Attachment E      Quarterly Visual Inspection Form and Report**

# MSGP Storm Water Visual Assessment Form

<b>INSTRUCTIONS:</b> This form is to be used to document visual assessments of storm water for compliance with the Multi-Sector General Permit		
Location ID:	Facility ID:	Assessment Date:
Weather:	<b>Monitored Outfall or SIO?</b>	Active Discharge?
Was sample collected within 30 minutes of first discharge? <span style="float: right;">If NO, document why:</span>		
<b>SAMPLE ASSESSMENT:</b> Describe the sample characteristics in each of the following categories		
Color: Describe if necessary:	Odor: Describe if necessary:	Floating Solids: Describe if present:
Clarity:	Oil Sheen:	Suspended Solids:
<b>ALLOW SAMPLE TO SETTLE +/- 30 MINUTES</b>		
Settled Solids: Describe if necessary:		
<b>GENTLY SHAKE</b>		
Foam:	Other Notable Characteristics:	
Based on observed characteristics, indications of pollutants <input type="checkbox"/> were / <input type="checkbox"/> were not observed.		
If indications of pollutants were observed in the assessed sample, notify N3B Regulatory Compliance and evaluate the surrounding area for possible contributing factors such as staining, poor housekeeping, compromised storm water controls etc. Note any relevant observations or information here:		
<b>CERTIFICATION:</b> As required by Section 3.2.2 and Appendix B, Subsection 11 of the MSGP, this form must be signed and certified by a responsible corporate officer or a duly authorized representative of that person.		
“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”		
Employee Name:		Z#:
Signature:		Date:



CLEAR

N3B-Form-6341

## MSGP Storm Water Visual Assessment Form

**INSTRUCTIONS:** This form is to be used to document visual assessments of storm water for compliance with the Multi-Sector General Permit

Location ID: <del>NMR05011 MFW</del> <del>NMR05011 MFW</del> JM 12/9/2021	Facility ID: <b>049</b>	Assessment Date: <b>10/26/2021</b>
Weather: <b>Rain</b>	SIO	Active Discharge? <b>No</b>

Was sample collected within 30 minutes of first discharge? **No** If NO, document why:  
**Jar was dry**

**SAMPLE ASSESSMENT:** Describe the sample characteristics in each of the following categories

Color: <b>No color</b> Describe if necessary:	Odor: Describe if necessary: <b>N/A</b>	Floating Solids: <b>No</b> Describe if present:
Clarity:	Oil Sheen: <b>No</b>	Suspended Solids: <b>No</b>

**ALLOW SAMPLE TO SETTLE +/- 30 MINUTES**

Settled Solids: **No**  
Describe if necessary:

**GENTLY SHAKE**

Foam: <b>No</b>	Other Notable Characteristics:
-----------------	--------------------------------

Based on observed characteristics, indications of pollutants ☐ were / ☒ were not observed.

If indications of pollutants were observed in the assessed sample, notify N3B Regulatory Compliance and evaluate the surrounding area for possible contributing factors such as staining, poor housekeeping, compromised storm water controls etc. Note any relevant observations or information here:

**CERTIFICATION:** As required by Section 3.2.2 and Appendix B, Subsection 11 of the MSGP, this form must be signed and certified by a responsible corporate officer or a duly authorized representative of that person.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."


Employee Name: <b>Hernesto Tellez</b>	Z#: <b>330457</b>
Signature: 	Date: <b>10/26/2021</b>



CLEAR

N3B-Form-6341

## MSGP Storm Water Visual Assessment Form

<b>INSTRUCTIONS:</b> This form is to be used to document visual assessments of storm water for compliance with the Multi-Sector General Permit		
Location ID: <b>NMR05011 MFW</b> <b>NMR050112 Areas G and L</b> <b>QW 12/18/21</b>	Facility ID: <b>049</b>	Assessment Date: <b>9/21/2021</b>
Weather: <b>Rain</b>	SIO	Active Discharge? <b>No</b>
Was sample collected within 30 minutes of first discharge? <b>No</b> If NO, document why: <b>Jar was dry</b>		
<b>SAMPLE ASSESSMENT:</b> Describe the sample characteristics in each of the following categories		
Color: <b>No color</b> Describe if necessary:	Odor: Describe if necessary: <b>N/A</b>	Floating Solids: <b>No</b> Describe if present:
Clarity:	Oil Sheen: <b>No</b>	Suspended Solids: <b>No</b>
<b>ALLOW SAMPLE TO SETTLE +/- 30 MINUTES</b>		
Settled Solids: <b>No</b> Describe if necessary:		
<b>GENTLY SHAKE</b>		
Foam: <b>No</b>	Other Notable Characteristics:	
Based on observed characteristics, indications of pollutants <input type="checkbox"/> were /X <input checked="" type="checkbox"/> were not observed.		
If indications of pollutants were observed in the assessed sample, notify N3B Regulatory Compliance and evaluate the surrounding area for possible contributing factors such as staining, poor housekeeping, compromised storm water controls etc. Note any relevant observations or information here:		
<b>CERTIFICATION:</b> As required by Section 3.2.2 and Appendix B, Subsection 11 of the MSGP, this form must be signed and certified by a responsible corporate officer or a duly authorized representative of that person.		
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."		
Employee Name: <b>Hernesto Tellez</b>	Z#: <b>330457</b>	
Signature: 	Date: <b>9/21/2021</b>	



CLEAR

N3B-Form-6341

## MSGP Storm Water Visual Assessment Form

<b>INSTRUCTIONS:</b> This form is to be used to document visual assessments of storm water for compliance with the Multi-Sector General Permit		
Location ID: <small>NMR05011 MFW</small> <del>NMR05012 Area 8 and 1</del> <small>JM 12/9/2021</small>	Facility ID: <b>049</b>	Assessment Date: <b>8/24/2021</b>
Weather: <b>Rain</b>	SIO	Active Discharge? <b>No</b>
Was sample collected within 30 minutes of first discharge? <b>Yes</b> If NO, document why:		
<b>SAMPLE ASSESSMENT:</b> Describe the sample characteristics in each of the following categories		
Color: <b>No color</b> Describe if necessary:	Odor: Describe if necessary: <b>N/A</b>	Floating Solids: <b>Yes</b> Describe if present: <b>Weeds and Bugs</b>
Clarity: <b>Clear</b>	Oil Sheen: <b>No</b>	Suspended Solids: <b>No</b>
<b>ALLOW SAMPLE TO SETTLE +/- 30 MINUTES</b>		
Settled Solids: <b>Yes</b> <b>Dirt and weeds</b> Describe if necessary:		
<b>GENTLY SHAKE</b>		
Foam: <b>No</b>	Other Notable Characteristics:	
Based on observed characteristics, indications of pollutants <input type="checkbox"/> were / <input checked="" type="checkbox"/> were not observed.		
If indications of pollutants were observed in the assessed sample, notify N3B Regulatory Compliance and evaluate the surrounding area for possible contributing factors such as staining, poor housekeeping, compromised storm water controls etc. Note any relevant observations or information here:		
<b>CERTIFICATION:</b> As required by Section 3.2.2 and Appendix B, Subsection 11 of the MSGP, this form must be signed and certified by a responsible corporate officer or a duly authorized representative of that person.		
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."		
Employee Name: <b>Hernesto Tellez</b>		Z#: <b>330457</b>
Signature: 		Date: <b>8/24/2021</b>

# MSGP Storm Water Visual Assessment Form


<b>INSTRUCTIONS:</b> This form is to be used to document visual assessments of storm water for compliance with the Multi-Sector General Permit			
Location ID: <b>NMR050012 Areas G and L</b> <input type="checkbox"/>		Facility ID: <b>049</b> <input type="checkbox"/>	Assessment Date: <b>5/4/2021</b>
Weather: <b>Rain</b>		SIO <input type="checkbox"/>	Active Discharge? <b>No</b> <input type="checkbox"/>
Was sample collected within 30 minutes of first discharge? <b>No</b> If NO, document why:			
<b>SAMPLE ASSESSMENT:</b> Describe the sample characteristics in each of the following categories			
Color: <b>No color</b> <input type="checkbox"/> Describe if necessary:		Odor: <input type="checkbox"/> Describe if necessary:	Floating Solids: <b>No</b> <input type="checkbox"/> Describe if present:
Clarity: <input type="checkbox"/>		Oil Sheen: <b>No</b> <input type="checkbox"/>	Suspended Solids: <b>No</b> <input type="checkbox"/>
<b>ALLOW SAMPLE TO SETTLE +/- 30 MINUTES</b>			
Settled Solids: <b>No</b> <input type="checkbox"/> Describe if necessary:			
<b>GENTLY SHAKE</b>			
Foam: <b>No</b> <input type="checkbox"/> Other Notable Characteristics:			
Based on observed characteristics, indications of pollutants <input type="checkbox"/> were / <input checked="" type="checkbox"/> were not observed.			
If indications of pollutants were observed in the assessed sample, notify N3B Regulatory Compliance and evaluate the surrounding area for possible contributing factors such as staining, poor housekeeping, compromised storm water controls etc. Note any relevant observations or information here:			
<b>CERTIFICATION:</b> As required by Section 3.2.2 and Appendix B, Subsection 11 of the MSGP, this form must be signed and certified by a responsible corporate officer or a duly authorized representative of that person.			
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."			
Employee Name: <b>Charles Villareal</b>		Date: 2021.05.18 08:54:57	Z#: <b>085623</b>
Signature: <b>Charles Villareal</b>		-06'00'	Date: <b>5/4/2012</b>

**Attachment F      SWPPP Modifications**

Name And Number	Date of Revision	History of Revision



**Attachment G      Reference Documents**

NPDES FORM 3510-6		UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY UNDER THE NPDES MULTI-SECTOR GENERAL PERMIT	FORM Approved OMB No. 2040-0300
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Permit Information

Master Permit Number: NMR050000

NPDES ID: NMR050011

Eligibility Information

State/territory where your facility is discharging: NM

Does your facility discharge to federally recognized Indian Country lands? No

Are you a "Federal Operator" as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021\_msgp\_-\_appendix\_a\_-\_definitions.pdf)? Yes

Which type of form would you like to submit? Notice of Intent (NOI)

By indicating "Yes" below, I confirm that I understand that the MSGP only authorizes the stormwater discharges in Part 1.1.2 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1. and 1.2.2. will be discharged, they must be covered under another NPDES permit.

Yes

Are you a new discharger or a new source as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021\_msgp\_-\_appendix\_a\_-\_definitions.pdf)? No

Have stormwater discharges from your facility been covered previously under an NPDES permit? Yes

If yes, provide your most current NPDES ID (i.e., permit tracking number) if you had coverage under EPA's MSGP or the NPDES permit number if you had coverage under an EPA individual permit:

NMR050011

Are you discharging to any waters of the U.S. that are designated by the state or tribal authority under its antidegradation policy as a Tier 3 water (Outstanding National Resource water)? (See Appendix L (https://www.epa.gov/sites/production/files/2021-01/documents/2021\_msgp\_-\_appendix\_l\_-\_list\_of\_tier\_3\_tier\_2\_and\_tier\_2.5\_waters.pdf))

No

Do you anticipate the discharge of groundwater or spring water from your facility? No

What is the legal name of the Operator as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021\_msgp\_-\_appendix\_a\_-\_definitions.pdf)?

Newport News Nuclear BWXT Los Alamos

What is the name of your facility or activity as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021\_msgp\_-\_appendix\_a\_-\_definitions.pdf)?

TA54 MAINTENANCE FACILITY WEST

Operator Information

Operator Information

Operator Name: Newport News Nuclear BWXT Los Alamos

Operator Mailing Address

Address Line 1: 1200 Trinity Drive, Suite 150

Address Line 2:

City: Los Alamos

ZIP/Postal Code: 87544

State: NM

County or Similar Division: Los Alamos

Operator Point of Contact Information

First Name Middle Initial Last Name: Glenn Morgan

Title: N3B Program Manager

Phone: 505-309-1374Ext.:

Email: glenn.morgan@em-la.doe.gov

NOI Preparer Information

☒ This NOI is being prepared by someone other than the certifier.

First Name Middle Initial Last Name: Jennifer von Rohr

Organization: Newport News Nuclear BWXT Los Alamos

Phone: 505-257-7424Ext.:

Email: jennifer.vonrohr@em-la.doe.gov

Facility Information

Facility Information

Facility Name: TA54 MAINTENANCE FACILITY WEST

Facility Address

Address Line 1: 1200 Trinity Drive

Address Line 2:

City: LOS ALAMOS

ZIP/Postal Code: 87544

State: NM

County or Similar Division: Los Alamos

Latitude/Longitude for the Facility

Latitude/Longitude: 35.8372°N, 106.2552°W

Latitude/Longitude Data Source: google earth

Horizontal Reference Datum: WGS 84

General Facility Information

What is the ownership type of the facility? Federal Facility (U.S. Government)

Estimated area of industrial activity at your facility exposed to stormwater (rounded to the nearest quarter acre): 1

Is your facility presently inactive and unstaffed? No

Exception for Inactive and Unstaffed Facilities: The requirement for indicator monitoring, impaired waters monitoring, and/or benchmark monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater.

If circumstances change during the permit term that affect your qualifications for this exception to monitoring requirements (i.e. industrial materials or activities exposure to stormwater or your facility's active/inactive and staffed/unstaffed status) you must submit a NOI notifying EPA of the change in circumstances.

Sector-Specific Information

Primary Sector: P

Primary Subsector: P1

Primary SIC Code: 4231

Discharge Information

By indicating "Yes" below, I confirm that I understand that the MSGP only authorizes the stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the authorized stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit.

Yes

Other Discharge Information

Do you anticipate the discharge of groundwater or spring water from your facility? No

Does your facility discharge into a Municipal Separate Sewer System (MS4)? No

Receiving Waters Information

List all of the stormwater discharge points from your facility.

Discharge Point 049:

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

	Sector	Subsector	SIC/Activity Code
<input checked="" type="checkbox"/>	P - LAND TRANSPORTATION AND WAREHOUSING	P1 - Railroad Transportation; Local and Highway Passenger Transportation; Motor Freight Transportation and Warehousing; United States Postal Service; Petroleum Bulk Stations and Terminals	4231

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 35.8372°N, 106.2548°W

☐ This discharge point is Substantially Identical to an existing discharge point.

Receiving Water

GNIS Name: n/a

Waterbody Name: Pajarito Canyon

Listed Water ID: n/a

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

No

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit? Yes

## Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

## Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Is the receiving water listed as impaired on the 303(d) list and in need of a TMDL? Yes

Cause of Impairment Group	Pollutant
POLYCHLORINATED BIPHENYLS (PCBS)	Polychlorinated biphenyls [PCBs]
RADIATION	Alpha, total
METALS (OTHER THAN MERCURY)	Aluminum, total [as Al]
OTHER CAUSE	Cyanide, total [as CN]

Has a TMDL been completed for this receiving waterbody? No

### SWPPP Information

Has the SWPPP been prepared in advance of filing this NOI, as required? Yes

#### SWPPP Contact Information:

First Name Middle Initial Last Name: Emily . Day

Phone: 505-695-4243 Ext.:

Email: emily.day@em-la.doe.gov

#### SWPPP Availability:

Your current SWPPP or certain information from your SWPPP must be made available through one of the following three options. Select one of the options and provide the required information.

Note: you are not required to post any confidential business information (CBI) or restricted information (as defined in Appendix A ([https://www.epa.gov/sites/production/files/2021-01/documents/2021\\_msgp\\_-\\_appendix\\_a\\_-\\_definitions.pdf](https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a_-_definitions.pdf))) (such information may be redacted), but you must clearly identify those portions of the SWPPP that are being withheld from public access.

☐ Option 1: Attach a current copy of your SWPPP to this NOI.

☒ Option 2: Maintain a Current Copy of your SWPPP on an Internet page (Universal Resource Locator or URL).

Provide the web address URL (e.g. <http://www.example.com>): <https://ext.em-la.doe.gov/epr/repo-file.aspx?oid=0902e3a6800f12ae&n=EMID-701411.pdf>

☐ Option 3: Provide the following information from your SWPPP:

### Endangered Species Protection Worksheet: Criterion D

The following questions will help you determine your eligibility under Part 1.1.4 of the permit with respect to protection of Endangered Species Act (ESA) species and critical habitat(s). Please refer to Appendix E ([https://www.epa.gov/sites/production/files/2021-01/documents/2021\\_msgp\\_-\\_appendix\\_e\\_-\\_procedures\\_relating\\_to\\_endangered\\_species\\_protection.pdf](https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_e_-_procedures_relating_to_endangered_species_protection.pdf)) of the 2021 MSGP for important information regarding your obligations under this permit concerning ESA-protected species and critical habitat(s).

## Determine ESA Eligibility Criterion

Are your industrial activities already addressed in another operator's valid certification of eligibility for your "action area" under eligibility criteria A, C, D, or E of the 2021 MSGP? No

#### Has consultation between you, a Federal Agency, and the USFWS and/or the NMFS under section 7 of the Endangered Species Act (ESA) concluded?

Consultations can be either formal or informal, and would have occurred only as a result of a separate federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and the consultation must have addressed the effects of your industrial activity's discharges and discharge-related activities on ESA-listed species and/or critical habitat under the jurisdiction of USFWS and/or NMFS in your action area.

Yes

#### ➤ The result of the consultation was either:

- A biological opinion and/or conference opinion that concludes that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is not likely to jeopardize the continued existence of ESA-listed species or result in the destruction or adverse modification of critical habitat. The biological opinion and/or conference opinion must have included the effects of your facility's discharges and discharge-related activities on all the listed species and critical habitat in your action area. To be eligible under (i), any reasonable and prudent measures specified in the incidental take statement must be implemented;
- Written concurrence (e.g., letter of concurrence) from the applicable Service(s) with a finding that your facility's discharges and discharge-related activities are not likely to adversely affect ESA-listed species or critical habitat. The concurrence letter must have included the effects of your facility's discharges and discharge-related activities on all the ESA-listed species and/or critical habitat on your species list(s) acquired from the USFWS and/or the NMFS as part of this worksheet.

True



The consultation does not warrant reinitiation under 50 CFR §402.16; or, if reinitiation of consultation is required (e.g., due to a new species listing or critical habitat designation; new information), you have reinitiated the consultation and the result of the consultation is consistent with the statements above.

True

You are eligible under **Criterion D**

Identify the federal action agency(ies) involved:

- ☒ U.S. Fish and Wildlife Services
- ☐ National Marine Fisheries Service

Provide the field office/regional office(s) providing that consultation and any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, ECO number):

United States Department of the Interior Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, New Mexico 87113. Consultation # 2-22-98-I-336, 2-22-95-I-108

Provide the date the consultation was completed: 02/12/1999

You must attach copies of any letters or other communications with the USFWS or NMFS:

Name	Uploaded Date	Size
 1999 HMP Concurrence Letter USFWS to DOE.pdf (attachment/706987)	09/09/2019	276.55 KB

Historic Preservation: Criterion A

The following questions will help you determine your eligibility under Part 1.1.5 of the permit with respect to preservation of historic properties. You may still use the paper instructions in Appendix F ([https://www.epa.gov/sites/production/files/2021-01/documents/2021\\_msgp\\_-\\_appendix\\_f\\_-\\_procedures\\_relating\\_to\\_historic\\_properties\\_preservation.pdf](https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_f_-_procedures_relating_to_historic_properties_preservation.pdf)) of the MSGP in advance or in conjunction with answering the questions in this section of the form. For more information about your State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO), please visit the National Park Service (NPS) websites at:

- State Historic Preservation Office (SHPO) (<https://www.nps.gov/subjects/nationalregister/state-historic-preservation-offices.htm>)
- Tribal Historic Preservation Office (THPO) ([https://www.nps.gov/history/tribes/Tribal\\_Historic\\_Preservation\\_Officers\\_Program.htm](https://www.nps.gov/history/tribes/Tribal_Historic_Preservation_Officers_Program.htm))

Are you an existing facility that is resubmitting for certification under the 2021 MSGP? Yes

➔ If you are an existing facility you should have already addressed National Historic Preservation Act (NHPA) issues. To gain coverage under the 2015 MSGP, you were required to certify that you were either not affecting historic properties or had obtained written agreement from the relevant SHPO or THPO regarding methods of mitigating potential impacts.

Will you be constructing or installing any new stormwater control measures? No

You are eligible under **Criterion A**.

Additional Supporting Information

Use this section to provide additional information you feel is pertinent to your coverage or to provide information in a Change NOI for a numeric effluent limitation exceedence as required in part 4.2.3.3. of the permit.

Do you have supporting information you would like to add? No

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. Signing an electronic document on behalf of another person is subject to criminal, civil, administrative, or other lawful action.

**Certified By:** Joseph C. Murdock

**Certifier Title:** PM ES&H

**Certifier Email:** joseph.murdock@em-la.doe.gov

**Certified On:** 05/10/2021 11:58 AM ET



2021-06-09

The Environmental Protection Agency (EPA) has received a Notice of Intent (NOI) requesting coverage under the [EPA 2021 Multi-Sector General Permit](#) (2021 MSGP). A copy of the NOI can be found [here](#). The discharge authorization date for Newport News Nuclear BWXT Los Alamos to discharge stormwater and allowable non-stormwater associated with industrial activity at TA54 MAINTENANCE FACILITY WEST located at 1200 Trinity Drive, LOS ALAMOS, NM 87544 under the 2021 MSGP is 06/09/2021. For tracking and inquiry purposes, your NPDES ID is NMR050011.

As you know, the 2021 MSGP requires that you develop a Stormwater Pollution Prevention Plan (SWPPP) prior to submitting your NOI. You should keep this email, along with any other correspondence with EPA, with your SWPPP at the facility as verification of coverage (see Part 6). All relevant provisions of the 2021 MSGP must be met, and any permit noncompliance constitutes a violation of the permit and the Clean Water Act (CWA).

The 2021 MSGP includes specific requirements for the implementation of stormwater control measures to minimize pollutant discharges and meet the permit's effluent limitations (e.g., minimizing exposure, good housekeeping, maintenance activities, spill prevention and response, employee training). The permit also requires conducting facility inspections and visual assessments of your discharges, and taking corrective actions and Additional Implementation Measures (AIM) as necessary. You must comply with any additional sector-specific requirements applicable to your industrial sector(s) in Part 8, any state-or tribal-specific requirements in Part 9, and any additional monitoring required by EPA pursuant to Part 4.2.6 (see <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#msgp>).

You are also required to submit an Annual Report in accordance with Part 7.4 of the MSGP that will contain the results from your past calendar year's routine facility inspections, quarterly visual assessments, and corrective actions including any required AIM documentation. Annual Reports must be submitted to EPA by January 30th each year via EPA's NPDES e-Reporting Tool (NeT) which can be accessed at <https://npdes-ereporting.epa.gov/net-msgp>.

The 2021 MSGP includes six types of analytical monitoring, one or more of which will now apply to your discharges:

- Indicator monitoring (see Part 4.2.1 and Part 8);
- Benchmark monitoring (see Part 4.2.2 and Part 8);
- Effluent limitations guidelines monitoring (see Part 4.2.3 and Part 8);
- State- or tribal-specific monitoring (see Part 4.2.4 and Part 9);
- Impaired waters monitoring (see Part 4.2.5); and
- Other monitoring as required by EPA (see Part 4.2.6).

**You will receive a separate notification summarizing your monitoring and reporting requirements.**

Please note that this email only confirms the receipt of a complete NOI and does not represent a determination by EPA regarding the validity of the information you provided in your NOI. Your electronic signature on the NOI form certifies that you have correctly determined that you are eligible for coverage under this permit and the information is true, accurate, and complete to the best of your knowledge. Discharges are not authorized if your NOI is inaccurate or if you were never eligible for permit coverage.

If you have questions about this email or about NeT, please refer to the [NeT Help Center](#) or call 877-227-8965 or e-mail [NPDESereporting@epa.gov](mailto:NPDESereporting@epa.gov) for assistance.

This is an automated response; please do not reply to this email.



Date: April 7, 2022

N3B-2022-0116

Charles Maguire  
U.S. Environmental Protection Agency  
Region 6 Water Division Director  
1201 Elm Street, Suite 500  
Dallas, TX 75270-2102

**Subject: Delegation of Authorized Representatives for the Clean Water Act and National Pollutant Discharge Elimination System Individual Permit**

Dear Mr. Maguire:

The purpose of this letter is to inform the U.S. Environmental Protection Agency (EPA) Region 6 of the signatory authority for operations performed at Los Alamos National Laboratory (LANL) by Newport News Nuclear BWXT-Los Alamos, LLC (N3B). This letter delegates authority of the N3B-authorized representatives for certifying and signing permit applications (e.g., notices of intent and notices of termination), permit modifications, registrations, certifications, reports, and other documents required under the Clean Water Act and the associated LANL National Pollutant Discharge Elimination System (NPDES) Individual Permit (Permit No. NM0030759).

I, Kim Lebak, the President of N3B, hereby delegate authority to the following authorized representatives to execute on behalf of N3B permit applications, permit modifications, authorizations, certifications, reports, discharge monitoring reports, or other documents required by EPA:

- Troy Thomson, Environmental Remediation (ER) Program Manager
- Joseph Murdock, Environment, Safety and Health Program Manager
- Michael Erickson, Resource Conservation and Recovery Act Remediation Program Director

The following positions are hereby designated as authorized representatives to sign reports, plans, inspection and assessment certifications, and notices of changed conditions as required by EPA:

NPDES Storm Water Construction General Permit

- Regulatory Compliance Director
- Regulatory Compliance Environmental Professional
- Cognizant Project Manager, Project Leader, Project Engineer, or Operations Manager for the regulated construction activity
- ER Environmental Professional

Multi-Sector General Permit (Permit No. NMR050011 and NMR050012)

- ER Watershed Monitoring and Technical Services Program Manager
- ER Surface Water and Individual Permit Execution Project Manager
- ER Surface Water Operations Project Manager
- Regulatory Compliance Director
- Regulatory Compliance Environmental Professional
- Responsible Facility Operations Director or Operations Manager for the regulated facility or activity
- Contact-Handled Transuranic Waste Environmental Safety and Health Manager

LANL NPDES Individual Permit (Permit No. NM0030759)

- ER Water Program Director
- ER Water Program Deputy Director
- ER Watershed Monitoring and Technical Services Program Manager
- ER Surface Water and Individual Permit Execution Project Manager

If you have any questions or need additional information, please contact Jennifer von Rohr at (505) 695-4365 ([jennifer.vonrohr@em-la.doe.gov](mailto:jennifer.vonrohr@em-la.doe.gov)).

Sincerely,

  
Kim Lebak  
President

JR:ec

cc: (letter emailed)


Laurie King, EPA Region 6  
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

NPDES FORM 6100-28		UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 ANNUAL REPORT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY UNDER THE NPDES MULTI-SECTOR GENERAL PERMIT	FORM Approved OMB No. 2040-0300
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Permit Information

Report Year: 2021

Reporting Period: 1/1/2021 to 12/31/2021

NPDES ID: NMR050011

Facility Information

Facility Name: TA54 MAINTENANCE FACILITY WEST

Facility Point of Contact

First NameMiddle InitialLast Name: GailHelm

Phone: 505-309-1319Ext.:

Email: [gail.helm@em-la.doe.gov](mailto:gail.helm@em-la.doe.gov)

Facility Mailing Address

Address Line 1: 1200 Trinity Drive

Address Line 2:City: LOS ALAMOS

ZIP/Postal Code: 87544State: NM

County or Similar Division: Los Alamos

General Findings

Provide a summary of your past year's routine facility inspection documentation, including dates (see Part 3.1.6 of the permit). In addition, if you are an operator of an airport facility (Sector S) that is subject to the airport effluent limitations guidelines, and are complying with the MSGP Part 8.S.9 effluent limitation through the use of non-urea-containing deicers, provide a statement certifying that you do not use pavement deicers containing urea (e.g., "Urea was not used at [name of airport] for pavement deicing in the past year and will also not be used in 2021." (Note: Operators of airport facilities that are complying with Part 8.S.9 by meeting the numeric effluent limitation for ammonia do not need to include this statement.)

Under National Pollutant Discharge Elimination System (NPDES) ID NMR050011, Newport News Nuclear BWXT-Los Alamos, LLC (N3B) operates one active industrial site (Sector P) at Los Alamos National Laboratory: Technical Area 54 (TA-54) Maintenance Facility West (MFW). The U.S. Environmental Protection Agency Region 6 granted authorization to discharge from this facility under the 2021 Multi-Sector General Permit (MSGP) on June 9, 2021. In accordance with Part 3.1.6 of the 2021 MSGP, N3B conducted routine facility inspections quarterly on September 29, 2021 (Quarter 3) and December 20, 2021 (Quarter 4).

Before receipt of authorization under the 2021 MSGP, routine facility inspections were conducted in accordance with Part 3.1.2 of the 2015 MSGP. N3B conducted routine facility inspections in compliance with the 2015 MSGP on March 25, 2021 (Quarter 1) and May 26, 2021 (Quarter 2).

Documentation for each inspection included the following: weather information, information regarding inspector(s), and observations relevant to storm water controls in place to ensure compliance with discharge requirements, such as needed maintenance or indications of noncompliance with the 2021 MSGP. Documentation of each inspection was certified in accordance with the applicable general permit (i.e., Appendix B, Subsection 11 of the 2021 MSGP) and incorporated into N3B's electronic database, Maintenance Connection. Paper copies of each inspection record are additionally maintained in the site specific Storm Water Pollution Prevention Plan for this facility.

Provide a summary of your past year's quarterly visual assessment documentation, including dates (see Part 3.2.3 of the permit).

During 2021, N3B documented five visual assessments of storm water collected from the single outfall authorized under NPDES ID NMR050011 at TA-54, MFW. N3B conducted visual assessments of storm water discharge from monitored outfall 049 on May 4, 2021; August 17, 2021; August 24, 2021; September 21, 2021; and October 26, 2021. No evidence of oil sheen or other obvious indications of pollutants were noted, and no need for corrective action was identified as a result of the visual assessments conducted.

Provide a summary of your past year's corrective action and/or additional implementation measures (AIM) documentation (See Part 5.3 of the permit). (Note: If corrective action is not yet completed at the time of submission of this annual report, you must describe the status of any outstanding corrective action(s).) Note that you must modify your SWPPP based on the corrective actions and deadlines required under Part 5. Also describe any incidents of noncompliance in the past year or currently ongoing, or if none, provide a statement that you are in compliance with the permit.

No corrective actions were initiated at the TA-54 MFW during 2021. N3B is unaware of any noncompliance with the 2021 MSGP at this facility.

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information,

including the possibility of fine and imprisonment for knowing violations.

**Certified By:** Joseph C. Murdock

**Certifier Title:** PM ES&H

**Certifier Email:** joseph.murdock@em-la.doe.gov

**Certified On:** 01/24/2022 3:08 PM ET

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA)  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
MULTI-SECTOR GENERAL PERMIT (MSGP)  
FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY**

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. 1251 et seq.), operators of stormwater discharges associated with industrial activity located in an area identified in Appendix C where EPA is the permitting authority are authorized to discharge to waters of the United States in accordance with the eligibility and Notice of Intent (NOI) requirements, effluent limitations, inspection requirements, and other conditions set forth in this permit. This permit is structured as follows:

- **Parts 1-7:** General requirements that apply to all facilities;
- **Part 8:** Industry sector-specific requirements;
- **Part 9:** Specific requirements that apply in individual states and Indian country; and
- **Appendices A through P:** Additional permit conditions that apply to all operators covered under this permit.

This permit becomes effective on **September 29, 2021**. This permit and the authorization to discharge shall expire at 11:59 pm eastern time, **February 28, 2026**.

Signed and issued this 29<sup>th</sup> day of September 2021

**KENNETH MORAFF**  
Kenneth Moraff,  
Director, Water Division, EPA Region 1.

Digitally signed by  
KENNETH MORAFF  
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**CHARLES MAGUIRE**  
Charles Maguire,  
Director, Water Division, EPA Region 6.

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**Laureano, Javier**  
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**JEFFERY ROBICHAUD**  
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Tera L. Fong,  
Director, Water Division, EPA Region 5.

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FONG  
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12:34:56 -05'00'

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<b>Appendix O</b>	<b>Summary of Reports Permit Submittals.....</b>	<b>O-1</b>
<b>Appendix P</b>	<b>List of Federal CERCLA Sites .....</b>	<b>P-1</b>

## **1 How to Obtain Coverage Under the 2021 MSGP**

To be covered under this permit, you must meet all of the eligibility conditions and follow the requirements for obtaining permit coverage in Part 1.

### **1.1 Eligibility Conditions**

**1.1.1 Location of Your Facility.** Your facility must be located in an area where EPA is the permitting authority and where coverage under this permit is available (see Appendix C);<sup>1</sup>

**1.1.2 Your Discharges Are Associated with Industrial Activity.** Your facility must have an authorized stormwater discharge or an authorized non-stormwater discharge per Part 1.2 associated with industrial activity from your "primary industrial activity" (as defined in Appendix A and as listed in Appendix D), or you have been notified by EPA that you are eligible for coverage under Sector AD.

**1.1.3 Limitations on Coverage.** Discharges from your facility are **not**:

**1.1.3.1 Discharges mixed with non-stormwater discharges.** Discharges mixed with non-stormwater discharges other than those mixed with authorized non-stormwater discharges listed in Part 1.2.2, and/or those mixed with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES authorization.

**1.1.3.2 Stormwater discharges associated with construction activity.** Stormwater discharges associated with construction activity disturbing one acre or more, or that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more, unless in conjunction with mining activities or certain oil and gas extraction activities as specified in Sectors G, H, I, and J of this permit.

**1.1.3.3 Discharges already covered by another NPDES permit.** Unless you have received written notification from EPA specifically allowing these discharges to be covered under this permit, you are not eligible for coverage under this permit for any of the following:

- a. Stormwater discharges associated with industrial activity that are currently covered under an individual NPDES permit or an alternative NPDES general permit;
- b. Stormwater discharges covered within five years prior to the effective date of this permit by an individual NPDES permit or alternative NPDES general permit where that permit established site-specific numeric water quality-based effluent limitations developed for the industrial stormwater component of the discharge; or
- c. Discharges from facilities where any NPDES permit has been or is in the process of being denied, terminated, or revoked by EPA (this does not apply to the routine expiration and reissuance of NPDES permits every five years).

**1.1.3.4 Stormwater Discharges Subject to Effluent Limitations Guidelines.** Stormwater discharges subject to stormwater effluent limitation guidelines under 40 CFR, Subchapter N, other than those listed in Table 1-1 of this permit.

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<sup>1</sup> This condition also applies in the limited circumstances where your facility is located in a jurisdiction where EPA is not the permitting authority, but your discharge point location is to a water of the United States where EPA is the permitting authority.

- 1.1.4 Eligibility Related to Endangered Species Act (ESA) Listed Species and Critical Habitat Protection.** You are able to demonstrate that your stormwater discharges, authorized non-stormwater discharges, and stormwater discharge-related activities are not likely to adversely affect any species that are federally listed as endangered or threatened ("ESA-listed") and are not likely to adversely affect habitat that is designated as "critical habitat" under the Endangered Species Act (ESA), or said discharges and activities were the subject of an ESA Section 7 consultation or an ESA Section 10 permit. You must follow the procedures outlined in the Endangered Species Protection section of the NOI in EPA's NPDES eReporting Tool (NeT-MSGP) and meet one of the criteria listed in Appendix E. You must comply with any measures that formed the basis of your criteria eligibility determination to be in compliance with the MSGP. These measures become permit requirements per Part 2.3. Documentation of these measures must be kept as part of your Stormwater Pollution Prevention Plan (SWPPP) (see Part 6.2.6.1).
- 1.1.5 Eligibility related to National Historic Preservation Act (NHPA)-Protected Properties.** You must follow the procedures outlined in the Historic Properties section of the NOI in NeT-MSGP to demonstrate that your stormwater discharges, authorized non-stormwater discharges, and stormwater discharge-related activities meet one of the eligibility criteria in Appendix F.
- 1.1.6 Eligibility for "New Dischargers" and "New Sources" (as defined in Appendix A)<sup>2</sup> ONLY.**
- 1.1.6.1 Eligibility for "New Dischargers" and "New Sources" Based on Water Quality Standards.** Your stormwater discharge must be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards. You are ineligible for coverage under this permit if EPA determines prior to your authorization to discharge that your stormwater discharges will not be controlled as necessary such that the receiving water of the United States will not meet an applicable water quality standard. In such case, EPA may notify you that an individual permit application is necessary per Part 1.3.8, or, alternatively, EPA may authorize your coverage under this permit after you implement additional control measures so that your stormwater discharges will be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards.
- 1.1.6.2 Eligibility for "New Dischargers" and "New Sources" for Water-Quality Impaired Waters.** If you discharge to an "impaired water" (as defined in Appendix A), you must do one of the following:
- a.** Prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with your SWPPP;
  - b.** When submitting your NOI in NeT-MSGP, provide the technical information or other documentation to support your claim that the pollutant(s) for which the waterbody

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<sup>2</sup>"New Discharger" means a facility from which there is or may be a discharge, that did not commence the discharge of pollutants at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

"New Source" means any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced: i) after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or ii) after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. See 40 CFR 122.2.

is impaired is not present at your facility, and retain such documentation with your SWPPP; or

- c. When submitting your NOI in NeT-MSGP, provide either data or other technical documentation, to support a conclusion that the stormwater discharge will be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards and retain such information with your SWPPP. The information you submit must demonstrate:
  - i. For discharges to waters without an EPA-approved or established total maximum daily load (TMDL), that the discharge of the pollutant for which the water is impaired will be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards at the point of discharge to the waterbody; or
  - ii. For discharges to waters with an applicable EPA-approved or established TMDL, that there are, in accordance with 40 CFR 122.4(i), sufficient remaining wasteload allocations in the TMDL to allow your discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards (e.g., a reserve allocation for future growth).

**1.1.6.3 Eligibility for “New Dischargers” and “New Sources” for Waters with High Water Quality (Tier 2, 2.5, and 3).**

- a. For new dischargers and new sources to Tier 2 or Tier 2.5 waters, your discharge must not lower the water quality of the applicable water. See a list of Tier 2 and Tier 2.5 waters in Appendix L.
- b. For new dischargers and new sources to waters designed by a state or tribe as Tier 3 waters<sup>3</sup> (i.e., outstanding national resource waters) for antidegradation purposes under 40 CFR 131.12(a)(3), you are not eligible under this permit and you must apply for an individual permit. See a list of Tier 3 waters in Appendix L.

- 1.1.7 Eligibility for Discharges to a Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Site.** If you discharge to a federal CERCLA Site listed in Appendix P, you must notify the EPA Region 10 Office when submitting your NOI, and the EPA Region 10 Office must determine that you are eligible for permit coverage. In determining eligibility for coverage under this Part, the EPA Region 10 Office may evaluate whether you are implementing or plan to implement adequate controls and/or procedures to ensure that your discharge will not lead to recontamination of aquatic media at the CERCLA Site (i.e., your stormwater discharge will be controlled as necessary such that the receiving water of the United States will meet an applicable water quality standard). If it is determined that your facility discharges to a CERCLA Site listed in Appendix P after you have obtained coverage under this permit, you must contact the EPA Region 10 Office and ensure that you either have implemented or will implement adequate controls and/or procedures to ensure that your discharges will not lead to recontamination of aquatic media at the

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<sup>3</sup> For the purposes of this permit, your project is considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first water of the United States to which you discharge is identified by a state, tribe, or EPA as a Tier 2, Tier 2.5, or Tier 3 water. For discharges that enter a separate storm sewer system prior to discharge, the first water of the United States to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system (separate storm sewer systems (MS4s and non-municipal storm sewers systems) do not include combined sewer systems or separate sanitary sewer systems).

CERCLA Site such that your stormwater discharge will be controlled as necessary such that the receiving water of the United States will meet an applicable water quality standard.

For the purposes of this permit, a facility discharges to a federal CERCLA Site if the discharge flows directly into the site through its own conveyance, or through a conveyance owned by others, such as a municipal separate storm sewer system (MS4).

## 1.2 **Types of Discharges Authorized Under the MSGP**<sup>4</sup>

**1.2.1 Authorized Stormwater Discharges.** If you meet all the eligibility criteria in Part 1.1, then the following discharges from your facility are authorized under this permit:

- 1.2.1.1** Stormwater discharges associated with industrial activity for any “primary industrial activities” and “co-located industrial activities” (as defined in Appendix A) except for any stormwater discharges prohibited in Part 8;
- 1.2.1.2** Discharges EPA has designated as needing a stormwater permit as provided in Sector AD;
- 1.2.1.3** Discharges that are not otherwise required to obtain NPDES permit authorization but are mixed with discharges that are authorized under this permit; and
- 1.2.1.4** Stormwater discharges from facilities subject to any of the national stormwater-specific effluent limitations guidelines listed in Table 1-1.

**Table 1-1. Stormwater-Specific Effluent Limitations Guidelines**

<b>Regulated Discharge</b>	<b>40 CFR Section</b>	<b>MSGP Sector</b>	<b>New Source Performance Standard (NSPS)</b>	<b>New Source Date</b>
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart J	A	Yes	1/26/81
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	C	Yes	4/8/74
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D	Yes	7/28/75
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E	Yes	2/20/74
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J	No	N/A
Runoff from hazardous waste and non-hazardous waste landfills	Part 445, Subparts A and B	K, L	Yes	2/2/00

<sup>4</sup> Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under Clean Water Act (CWA) section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), or during an inspection.

Regulated Discharge	40 CFR Section	MSGP Sector	New Source Performance Standard (NSPS)	New Source Date
Runoff from coal storage piles at steam electric generating facilities	Part 423	O	Yes	11/19/82 (10/8/74) <sup>1</sup>
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449	S	Yes	6/15/1

<sup>1</sup> NSPS promulgated in 1974 were not removed via the 1982 regulation; therefore, wastewaters generated by 40 CFR Part 423-applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS.

**1.2.2 Authorized Non-Stormwater Discharges.** Below is the list of non-stormwater discharges authorized under this permit. Unless specifically listed in this Part, this permit does not authorize any other non-stormwater discharges requiring NPDES permit coverage and you must either eliminate those discharges or they must be covered under another NPDES permit; this includes the sector-specific non-stormwater discharges that are listed in Part 8 as prohibited (a non-exclusive list is provided only to raise awareness of contaminants or sources of contaminants generally characteristic of certain sectors).

**1.2.2.1 Authorized Non-Stormwater Discharges for All Sectors.** The following are the only non-stormwater discharges authorized under this permit for all sectors provided that all discharges comply with the effluent limits set forth in Parts 2 and 8.

- a. Discharges from emergency/unplanned fire-fighting activities;
- b. Fire hydrant flushings;
- c. Potable water, including uncontaminated water line flushings;
- d. Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gases or liquids;
- e. Irrigation/landscape drainage, provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;
- f. Pavement wash waters, provided that detergents or hazardous cleaning products are not used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities (see Part 6.2.3), or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
- g. External building/structure washdown / power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
- h. Uncontaminated ground water or spring water;

- i. Foundation or footing drains where flows are not contaminated with process materials;
- j. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown; drains); and
- k. Any authorized non-stormwater discharge listed above in this Part 1.2.2 or any stormwater discharge listed in Part 1.2.1 mixed with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

**1.2.2.2 Additional Authorized Non-Stormwater Discharge for Sector A Facilities.** Discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to the wood during storage, provided the non-stormwater component of the discharge is in compliance with the non-numeric effluent limits requirements in Part 2.1.2.

**1.2.2.3 Additional Authorized Non-Stormwater Discharges for Earth-Disturbing Activities Conducted Prior to Active Mining Activities for Sectors G, H and J Facilities.** The following non-stormwater discharges identified in a, b, and c are only authorized for earth-disturbing activities conducted prior to active mining activities, as defined in Part 8.G.3.2, 8.H.3.2, and 8.J.3.2, provided that, with the exception of water used to control dust, these discharges are not routed to areas of exposed soil and all discharges comply with the permit's effluent limits:

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

Once the earth-disturbing activities conducted prior to active mining activities have ceased, the only authorized non-stormwater discharges for Sectors G, H, and J are those listed in Part 1.2.2.1.

### **1.3 Obtaining Authorization to Discharge**

**1.3.1 Prepare Your Stormwater Pollution Prevention Plan (SWPPP) Prior to Submitting Your Notice of Intent (NOI).** You must develop a SWPPP or update your existing SWPPP per Part 6 prior to submitting your NOI for coverage under this permit, per Part 1.3.2 below. You must make your SWPPP publicly available by either attaching it to your NOI, including a URL in your NOI, or providing additional information from your SWPPP on your NOI, per Part 6.4.

**1.3.2 How to Submit Your NOI to Get Permit Coverage.** To be covered under this permit, you must use EPA's NPDES eReporting Tool for the MSGP (NeT-MSGP) to electronically prepare and submit to EPA a complete and accurate NOI by the deadline applicable to your facility presented in Table 1-2. The NOI certifies to EPA that you are eligible for coverage according to Part 1.1 and provides information on your industrial activities and related discharges. Per Part 7.1, you must submit your NOI electronically via NeT-MSGP, unless the applicable EPA Regional Office grants you a waiver from electronic reporting, in which case you may use the paper NOI form in Appendix G. To access

NeT-MSGP, go to <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#accessingmsgp>

- 1.3.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage.** Table 1-2 provides the deadlines for submitting your NOI and your official start date of permit coverage.

**Table 1-2. NOI Submittal Deadlines and Discharge Authorization Dates**

<b>Category of Facility/Operator</b>	<b>NOI Submission Deadline</b>	<b>Discharge Authorization Date<sup>1, 2</sup></b>
<b>Existing MSGP facility.</b> Operators of industrial activities whose stormwater discharges were covered under the 2015 MSGP.	No later than May 30, 2021.	30 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization has been denied or delayed. Note: You must review and update your SWPPP to ensure that this permit's requirements are addressed prior to submitting your NOI.  Provided you submit your NOI in accordance with the deadline, your authorization under the 2015 MSGP is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
<b>Operator operating consistent with EPA's No Action Assurance and submitted an Intent to Operate (ITO) form.</b> Operators of industrial activities who commenced discharging between June 4, 2020 and March 1, 2021 and have been operating consistent with EPA's June 3, 2020 'No Action Assurance for the NPDES Stormwater Multi-Sector General Permit for Industrial Activities.'	As soon as possible, but see the June 3, 2020 'No Action Assurance for the NPDES Stormwater Multi-Sector General Permit for Industrial Activities' (and any updates to that document) for additional guidance on deadlines.	30 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization has been denied or delayed.
<b>New facility without MSGP coverage.</b> Operators of industrial activities that will commence discharging after March 1, 2021.	At least 30 calendar days prior to commencing discharge.	30 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization has been denied or delayed.
<b>Existing facility covered under an alternative permit.</b> Operators seeking coverage for stormwater discharges previously covered under an individual permit or an alternative general permit.	At least 30 calendar days prior to commencing discharge.	
<b>Existing MSGP facility with a new operator.</b> New operators of existing industrial activities with stormwater discharges previously authorized under the 2021 MSGP.	At least 30 calendar days prior to the date of transfer of control to the new operator.	



Category of Facility/Operator	NOI Submission Deadline	Discharge Authorization Date <sup>1, 2</sup>
<b>Existing facility without MSGP coverage.</b> Operators of industrial activities that commenced discharging prior to March 1, 2021, but whose stormwater discharges were not covered under the 2015 MSGP or another NPDES permit and have not been operating consistent with EPA's No Action Assurance for EPA's NPDES MSGP.	Immediately; your stormwater discharges are currently unpermitted. <sup>1</sup>	

<sup>1</sup> If you have missed the deadline to submit your NOI, any and all discharges from your industrial activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of discharging and discharge authorization.

<sup>2</sup> Discharges are not authorized if your NOI is incomplete or inaccurate or if you are ineligible for permit coverage.

**1.3.4 Modifying your NOI.** If after submitting your NOI, you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT-MSGP. Per Part 7.2.1, you must submit your Change NOI electronically via NeT-MSGP, unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you may use the suggested format for the paper Change NOI form.

**1.3.4.1** For an existing operator, if any of the information supplied on the NOI changes, you must submit a Change NOI form within thirty (30) calendar days after the change occurs.

**1.3.4.2** At a facility where there is a transfer in operator or a new operator takes over operational control at an existing facility, the new operator must submit a new NOI no later than thirty (30) calendar days after a change in operators. The previous operator must submit a Notice of Termination (NOT) no later than thirty (30) calendar days after MSGP coverage becomes active for the new operator, as specified in Part 1.4.

**1.3.5 Requirement to Post a Sign of your Permit Coverage.** You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to your facility. Public signage is not required where other laws or local ordinances prohibit such signage, in which case you must document in your SWPPP a brief explanation for why you cannot post a sign and a reference to the law or ordinance. You must use a font large enough to be readily viewed from a public right-of-way and perform periodic maintenance of the sign to ensure that it remains legible, visible, and factually correct. At minimum, the sign must include:

**1.3.5.1** The following statement: "[Name of facility] is permitted for industrial stormwater discharges under the U.S. EPA's Multi-Sector General Permit (MSGP)";

**1.3.5.2** Your NPDES ID number;

**1.3.5.3** A contact phone number for obtaining additional facility information;

**1.3.5.4** **One** of the following:

- a.** The Uniform Resource Locator (URL) for the SWPPP (if available), and the following statement: "To report observed indicators of stormwater pollution, contact [optional: include facility point of contact and] EPA at: [include the applicable

MSGP Regional Office contact information found at <https://www.epa.gov/npdes/contact-us-stormwater#regional>]; or

- b. The following statement: "To obtain the Stormwater Pollution Prevention Plan (SWPPP) for this facility or to report observed indicators of stormwater pollution, contact [optional: include facility point of contact and] EPA at [include the applicable MSGP Regional Office contact information found at <https://www.epa.gov/npdes/contact-us-stormwater#regional>]."

**1.3.6 Your Official End Date of Permit Coverage.** Once covered under this permit, your coverage will last until the date that:

**1.3.6.1** You terminate permit coverage by submitting a Notice of Termination (NOT) per Part 1.4; or

**1.3.6.2** You receive coverage under a different NPDES permit or a reissued or replacement version of this permit after it expires on February 28, 2026; or

**1.3.6.3** You fail to submit an NOI for coverage under a reissued or replacement version of this permit before the required deadline.

**1.3.7 Continuation of Coverage for Existing Operators After the Permit Expires**

**1.3.7.1** Note that if the 2021 MSGP is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act (see 40 CFR 122.6) and remain in force and effect for operators that were covered prior to its expiration. All operators authorized to discharge prior to the expiration date of the 2021 MSGP will automatically remain covered under the 2021 MSGP until the earliest of:

- a. The date the operator is authorized for coverage under a new version of the MSGP following the timely submittal of a complete and accurate NOI. Note that if a timely NOI for coverage under the reissued or replacement permit is not submitted, coverage will terminate on the date that the NOI was due; or
- b. The date of the submittal of a Notice of Termination; or
- c. Issuance of an individual permit for the facility's discharge(s); or
- d. A final permit decision by EPA not to reissue the MSGP, at which time EPA will identify a reasonable time period for covered operators to seek coverage under an alternative general permit or an individual permit. Coverage under the 2021 MSGP will terminate at the end of this time period.

**1.3.7.2** EPA reserves the right to modify or revoke and reissue the 2021 MSGP under 40 CFR 122.62 and 63, in which case operators will be notified of any relevant changes or procedures to which they may be subject. If EPA fails to issue another general permit prior to the expiration of a previous one, EPA does not have the authority to provide coverage to industrial operators not already covered under that prior general permit. If the five-year expiration date for the 2021 MSGP has passed and a new MSGP has not been reissued, new operators seeking discharge authorization should contact EPA regarding the options available, such as applying for individual permit coverage.

**1.3.8 Coverage Under Alternative Permits.** EPA may require you to apply for and/or obtain authorization to discharge under an alternative permit, i.e., either an individual NPDES

permit or an alternative NPDES general permit, in accordance with 40 CFR 122.64 and 124.5. If EPA requires you to apply for an alternative permit, the Agency will notify you in writing that a permit application or NOI is required. This notification will include a brief statement of the reasons for this decision and will contain alternative permit application or NOI requirements, including deadlines for completing your application or NOI.

**1.3.8.1 Denial of Coverage for New or Previously Unpermitted Facilities.** For new or previously unpermitted facilities, following the submittal of your NOI, you may be denied coverage under this permit and must apply for and/or obtain authorization to discharge under an alternative permit.

**1.3.8.2 Loss of Authorization Under the 2021 MSGP for Existing Permitted Facilities.** If your stormwater discharges are covered under this permit, you may receive a written notification that you must either apply for coverage under an individual NPDES permit or submit an NOI for coverage under an alternative general NPDES permit. In addition to the reasons for the decision and alternative permit application or NOI deadlines, the notice will include a statement that on the effective date of your alternative permit coverage, your coverage under the 2021 MSGP will terminate. EPA will terminate your MSGP permit coverage in NeT-MSGP at that time. EPA may grant additional time to submit the application or NOI if you request it. If you fail to submit an alternative permit application or NOI as required by EPA, then your authorization to discharge under the 2021 MSGP is terminated at the end of the day EPA required you to submit your alternative permit application or NOI. EPA may take appropriate enforcement action for any unpermitted discharge.

**1.3.8.3 Operators Requesting Coverage Under an Alternative Permit.** You may request to be covered under an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of 40 CFR 122.28(b)(3)(iii), with reasons supporting the request, to the applicable EPA Regional Office listed in Part 7.8 of this permit. The request may be granted by issuance of an individual permit if your reasons are adequate to support the request. When you are authorized to discharge under an alternative permit, your authorization to discharge under the 2021 MSGP is terminated on the effective date of the alternative permit.

## **1.4 Terminating Permit Coverage**

**1.4.1 How to Submit your Notice of Termination (NOT) to Terminate Permit Coverage.** To terminate permit coverage, you must use EPA's NPDES eReporting Tool for the MSGP (NeT-MSGP) to electronically prepare and submit to EPA a complete and accurate NOT. Per Part 7.1, you must submit your NOT electronically via NeT-MSGP, unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you may use the paper NOT form in Appendix H. To access NeT-MSGP, go to <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#accessingmsgp>

Your authorization to discharge under this permit terminates at midnight of the day that you are notified that your complete NOT has been processed. If you submit a NOT without meeting one or more of the conditions in Part 1.4.2 then your NOT is not valid. Until you terminate permit coverage, you must comply with all conditions and effluent limitations in the permit.

**1.4.2 When to Submit Your Notice of Termination.** You must submit a NOT within 30 days after one or more of the following conditions have been met:

- 1.4.2.1 A new owner or operator has received authorization to discharge under this permit; or
- 1.4.2.2 You have ceased operations at the facility and/or there are not or no longer will be discharges of stormwater associated with industrial activity from the facility, and you have already implemented necessary sediment and erosion controls per Part 2.1.2.5; or
- 1.4.2.3 You are a Sector G, H, or J facility and you have met the applicable termination requirements; or
- 1.4.2.4 You obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit, unless EPA terminates your coverage for you per Part 1.3.8.

## 1.5 **Conditional Exclusion for No Exposure**

If you are covered by this permit and become eligible for a “no exposure” exclusion from permitting under 40 CFR 122.26(g), you may file a No Exposure Certification (NEC). You are no longer required to have a permit upon submission of a complete and accurate NEC to EPA. If you are no longer required to have permit coverage because of a no exposure exclusion and have submitted a NEC form to EPA, you are not required to submit a NOT. You must submit a NEC form to EPA once every five years.

You must use EPA's NPDES eReporting Tool for the MSGP (NeT-MSGP) to electronically prepare and submit to EPA a complete and accurate NEC. Per Part 7.2.1, you must submit your NEC electronically via NeT-MSGP, unless the applicable EPA Regional Office grants you a waiver from electronic reporting, in which case you may use the paper NEC form in Appendix K. To access NeT-MSGP, go to <https://cdxnodengn.epa.gov/net-msgp/action/login>

## 1.6 **Permit Compliance**

Any noncompliance with any of the requirements of this permit constitutes a violation of this permit, and thus is a violation of the CWA. As detailed in Part 5, failure to take any required corrective actions constitutes an independent, additional violation of this permit, in addition to any original violation that triggered the need for a corrective action. As such, any actions and time periods specified for remedying noncompliance do not absolve you of the initial underlying noncompliance.

Where an Additional Implementation Measure (AIM) is triggered by an event that does not itself constitute permit noncompliance (i.e., an exceedance of an applicable benchmark), there is no permit violation provided you comply with the required responses within the relevant deadlines established in Part 5.

## 1.7 **Severability**

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. EPA's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, EPA will advise the regulated community as to the effect of such invalidation.

## 2. **Control Measures and Effluent Limits**

In the technology-based limits included in Parts 2.1 and 8, the term “minimize” means to reduce and/or eliminate to the extent achievable using stormwater control

measures (SCMs) (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice. The term "infeasible" means not technologically possible or not economically practicable and achievable in light of best industry practices. EPA notes that it does not intend for any permit requirement to conflict with state water rights law.

## **2.1 Stormwater Control Measures**

You must select, design, install, and implement stormwater control measures (including best management practices) to minimize pollutant discharges that address the selection and design considerations in Part 2.1.1, meet the non-numeric effluent limits in Part 2.1.2, meet limits contained in applicable effluent limitations guidelines in Part 2.1.3, and meet the water quality-based effluent limitations in Part 2.2.

The selection, design, installation, and implementation of control measures to comply with Part 2 must be in accordance with good engineering practices and manufacturer's specifications. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures, consistent with Part 6.2.4. You must modify your stormwater control measures per Part 5.1 if you find that your control measures are not achieving their intended effect of minimizing pollutant discharges (i.e., your discharges will be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards or meet any of the other non-numeric effluent limits in this permit). Regulated stormwater discharges from your facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at your facility.

### **2.1.1 Stormwater Control Measure Selection and Design Considerations.** You must consider the following when selecting and designing control measures:

- 2.1.1.1** Preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
- 2.1.1.2** Using stormwater control measures in combination may be more effective than using control measures in isolation for minimizing pollutants in your stormwater discharge;
- 2.1.1.3** Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective stormwater control measures that will achieve the limits in this permit;
- 2.1.1.4** Minimizing impervious areas at your facility and infiltrating stormwater onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce the frequency and volume of discharges and improve ground water recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- 2.1.1.5** Attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- 2.1.1.6** Conserving and/or restoring riparian buffers will help protect streams from stormwater discharges and improve water quality;

**2.1.1.7** Using treatment interceptors (e.g., swirl separators and sand filters) maybe appropriate in some instances to minimize the discharge of pollutants; and

**2.1.1.8** Implementing structural improvements, enhanced/resilient pollution prevention measures, and other mitigation measures can help to minimize impacts from stormwater discharges from major storm events such as hurricanes, storm surge, extreme/heavy precipitation,<sup>5</sup> and flood events. If such stormwater control measures are already in place due to existing requirements mandated by other state, local or federal agencies, you should document in your SWPPP a brief description of the controls and a reference to the existing requirement(s). If your facility may be exposed to or has previously experienced such major storm events,<sup>6</sup> additional stormwater control measures that may be considered include, but are not limited to:

- a. Reinforce materials storage structures to withstand flooding and additional exertion of force;
- b. Prevent floating of semi-stationary structures by elevating to the Base Flood Elevation (BFE)<sup>7</sup> level or securing with non-corrosive device;
- c. When a delivery of exposed materials is expected, and a storm is anticipated within 48 hours, delay delivery until after the storm or store materials as appropriate (refer to emergency procedures);
- d. Temporarily store materials and waste above the BFE level;
- e. Temporarily reduce or eliminate outdoor storage;
- f. Temporarily relocate any mobile vehicles and equipment to higher ground;
- g. Develop scenario-based emergency procedures for major storms that are complementary to regular stormwater pollution prevention planning and identify emergency contacts for staff and contractors; and
- h. Conduct staff training for implementing your emergency procedures at regular intervals.

*Note: Part 2.1.1 requires that you must consider Parts 2.1.1.1 through 2.1.1.8 when selecting and designing control measures to minimize pollutant discharges via stormwater. Part 2.1.1 does not require nor prescribe specific control measure to be implemented; however, you must document in your SWPPP per Part 6.2.4 the*

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<sup>5</sup> Heavy precipitation refers to instances during which the amount of rain or snow experienced in a location substantially exceeds what is normal. What constitutes a period of heavy precipitation varies according to location and season. Heavy precipitation does not necessarily mean the total amount of precipitation at a location has increased—just that precipitation is occurring in more intense or more frequent events.

<sup>6</sup> To determine if your facility is susceptible to an increased frequency of major storm events that could impact the discharge of pollutants in stormwater, you may reference FEMA, NOAA, or USGS flood map products at [https://www.usgs.gov/faqs/where-can-i-find-flood-maps?qt-news\\_science\\_products=0#qt-news\\_science\\_products](https://www.usgs.gov/faqs/where-can-i-find-flood-maps?qt-news_science_products=0#qt-news_science_products).

<sup>7</sup> Base Flood Elevation (BFE) is the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, V1–V30 and VE. (Source: <https://www.fema.gov/node/404233>). The FEMA Flood Map Service Center can be accessed through <https://msc.fema.gov/portal/search>.

*considerations made to select and design control measures at your facility to minimize pollutants discharged via stormwater.*

- 2.1.2 Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT).**<sup>8</sup> You must comply with the following non-numeric effluent limits as well as any sector-specific non-numeric effluent limits in Part 8, except where otherwise specified.

Effluent limit requirements in Part 2.1.2 that do not involve the site-specific selection of a control measure or are specific activity requirements (e.g., "Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth, in line with manufacturer specifications, whichever is lower, and keeping the debris surface at least six inches below the lowest outlet pipe") are marked with an asterisk (\*). When documenting in your SWPPP, per Part 6, how you will comply with the requirements marked with an asterisk, you have the option of including additional information or you may just "copy-and-paste" those effluent limits word-for-word from the permit into your SWPPP without providing additional documentation (see Part 6.2.4).

- 2.1.2.1 Minimize Exposure.** You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and stormwater in order to minimize pollutant discharges by either locating these industrial materials and activities inside or protecting them with storm resistant coverings. Unless infeasible, you must also:

- a. Use grading, berming or curbing to prevent discharges of contaminated flows and divert run-on away from these areas;
- b. Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge;
- c. Store leaky vehicles and equipment indoors;
- d. Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent discharges and run-on and also that capture any overspray; and
- e. Drain fluids from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks.

Note: Industrial materials do not need to be enclosed or covered if stormwater from affected areas does not discharge pollutants to waters of the United States or if discharges are authorized under another NPDES permit.

- 2.1.2.2 Good Housekeeping.** You must keep clean all exposed areas that are potential sources of pollutants. You must perform good housekeeping measures in order to minimize pollutant discharges, including but not limited to, the following:

- a. Sweep or vacuum at regular intervals or, alternatively, wash down the area and collect and/or treat, and properly dispose of the washdown water;

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<sup>8</sup> BPT is Best Practicable Control Technology Currently Available, as set forth in CWA section 304(b)(1) and Appendix A; BAT is Best Available Technology Economically Achievable, as set forth in CWA section 304(b)(2) and Appendix A; and BCT is Best Conventional Pollutant Control Technology, as set forth in CWA section 304(b)(4) and Appendix A.

- b. Store materials in appropriate containers;
- c. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment). Consistent with Part 1.2.2 above, this permit does not authorize dry weather discharges from dumpsters or roll off boxes;\*
- d. Minimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged.
- e. Plastic Materials Requirements: Facilities that handle pre-production plastic must implement control measures to eliminate discharges of plastic in stormwater.<sup>9</sup> Examples of plastic material required to be addressed as stormwater pollutants include plastic resin pellets, powders, flakes, additives, regrind, scrap, waste and recycling.

### 2.1.2.3 **Maintenance.**

- a. **Maintenance Activities.** You must maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges. This includes:
  - ii. Performing inspections and preventive maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in discharges of pollutants via stormwater.
  - iii. Maintaining non-structural control measures (e.g., keep spill response supplies available, personnel appropriately trained).
  - iv. Inspecting and maintaining baghouses at least quarterly to prevent the escape of dust from the system and immediately removing any accumulated dust at the base of the exterior baghouse.\*
  - v. Cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth, or in line with manufacturer specifications, whichever is lower, and keeping the debris surface at least six inches below the lowest outlet pipe.\*
- b. **Maintenance Deadlines.**
  - ii. If you find that your control measures need routine maintenance, you must conduct the necessary maintenance immediately in order to minimize pollutant discharges.

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<sup>9</sup> Examples of appropriate control measures include but are not limited to: installing a containment system, or other control, at each on-site storm drain discharge point down gradient of areas containing plastic material, designed to trap all particles retained by a 1 mm mesh screen; using a durable sealed container designed not to rupture under typical loading and unloading activities at all points of plastic transfer and storage; using capture devices as a form of secondary containment during transfers, loading, or unloading plastic materials, such as catch pans, tarps, berms or any other device that collects errant material; having a vacuum or vacuum-type system for quick cleanup of fugitive plastic material available for employees; for facilities that maintain outdoor storage of plastic materials, do so in a durable, permanent structure that prevents exposure to precipitation that could cause the material to be discharged via stormwater.



- iii. If you find that your control measures need to be repaired or replaced, you must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events. Final repairs/replacement of stormwater controls should be completed as soon as feasible but must be no later than the timeframe established in Part 5.1.3 for corrective actions, i.e., within 14 days or, if that is infeasible, within 45 days. If the completion of stormwater control repairs/replacement will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the maintenance, provided that you notify the EPA Regional Office of your intention to exceed 45 days, and document in your SWPPP your rationale for your modified maintenance timeframe. If a control measure was never installed, was installed incorrectly or not in accordance with Parts 2 and/or 8, or is not being properly operated or maintained, you must conduct corrective action as specified in Part 5.1.

*Note: In this context, the term "immediately" means the day you identify that a control measure needs to be maintained, repaired, or replaced, you must take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution. However, if you identify a problem too late in the work day to initiate action, you must perform the action the following work day morning. "All reasonable steps" means you must respond to the conditions triggering the action, such as, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new SCM to be installed.*

**2.1.2.4 Spill Prevention and Response.** You must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. You must conduct spill prevention and response measures, including but not limited to, the following:

- a. Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- b. Use drip pans and absorbents if leaky vehicles and/or equipment are stored outdoors;
- c. Use spill/overflow protection equipment;
- d. Plainly label containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides") that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur\*;
- e. Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;
- f. Develop training on the procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;

- g. Keep spill kits onsite, located near areas where spills may occur or where a rapid response can be made; and
- h. Notify appropriate facility personnel when a leak, spill, or other release occurs.

Where a leak, spill or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC, metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.

**2.1.2.5 Erosion and Sediment Controls.** To minimize pollutant discharges in stormwater, you must minimize erosion by stabilizing exposed soils at your facility and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. You must also use structural and non-structural control measures to minimize the discharge of sediment. If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemicals used and the purpose in your SWPPP. There are many resources available to help you select appropriate SCMs for erosion and sediment control, including EPA's Stormwater Discharges from Construction Activities website at: <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>.

**2.1.2.6 Management of Stormwater.** You must divert, infiltrate, reuse, contain, or otherwise reduce stormwater to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's resources relating to stormwater management, including the sector-specific *Industrial Stormwater Fact Sheet Series*, (<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#factsheets>) and any similar state or tribal resources.

**2.1.2.7 Salt Storage Piles or Piles Containing Salt.** You must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces, in order to minimize pollutant discharges. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered pursuant to this permit if stormwater from the piles is not discharged or if discharges from the piles are authorized under another NPDES permit.

**2.1.2.8 Employee Training.**

- a. **Types of Personnel Who Require Training.** You must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to comply with this permit (e.g., inspectors, maintenance personnel), including all members of your stormwater pollution prevention team. You must ensure the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- i. Personnel who are responsible for the design, installation, maintenance, and/or repair of controls (including pollution prevention measures);
  - ii. Personnel responsible for the storage and handling of chemicals and materials that could become pollutants discharged via stormwater;
  - iii. Personnel who are responsible for conducting and documenting inspections and monitoring as required in Parts 3 and 4; and
  - iv. Personnel who are responsible for taking and documenting corrective actions as required in Part 5.
- b. **Areas of Required Training.** Personnel must be trained in at least the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):
- i. An overview of what is in the SWPPP;
  - ii. Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
  - iii. The location of all the controls required by this permit, and how they are to be maintained;
  - iv. The proper procedures to follow with respect to the permit's pollution prevention requirements; and
  - v. When and how to conduct inspections, record applicable findings, and take corrective actions; and
  - vi. The facility's emergency procedures, if applicable per Part 2.1.1.8.
- 2.1.2.9 **Non-Stormwater Discharges.** You must evaluate for the presence of non-stormwater discharges. You must eliminate any non-stormwater discharges not explicitly authorized in Part 1.2.2 or covered by another NPDES permit, including vehicle and equipment/tank wash water (except for those authorized in Part 1.2.2.3 for Sectors G, H, and J). If not covered under a separate NPDES permit, wastewater, wash water and any other unauthorized non-stormwater must be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or otherwise disposed of appropriately.
- 2.1.2.10 **Dust Generation and Vehicle Tracking of Industrial Materials.** You must minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutants discharged via stormwater.
- 2.1.3 **Numeric Effluent Limitations Based on Effluent Limitations Guidelines.** If you are in an industrial category subject to one of the effluent limitations guidelines identified in Table 4-3 (see Part 4.2.3.1), you must meet the effluent limits referenced in Table 2-1 below:

**Table 2-1. Applicable Effluent Limitations Guidelines**

Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	See Part 8.A.8

<b>Regulated Activity</b>	<b>40 CFR Part/Subpart</b>	<b>Effluent Limit</b>
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	See Part 8.C.5
Runoff from asphalt emulsion facilities	Part 443, Subpart A	See Part 8.D.5
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Part 8.E.6
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	See Part 8.J.10
Runoff from hazardous waste landfills	Part 445, Subpart A	See Part 8.K.7
Runoff from non-hazardous waste landfills	Part 445, Subpart B	See Part 8.L.11
Runoff from coal storage piles at steam electric generating facilities	Part 423	See Part 8.O.8
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449	See Part 8.S.9

## **2.2 Water Quality-Based Effluent Limitations**

### **2.2.1 Water Quality Standards.** Your discharge must be controlled as necessary to meet applicable water quality standards of all affected states.

EPA expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that your stormwater discharge will not be controlled as necessary such that the receiving water of the United States will not meet an applicable water quality standard, you must take corrective action(s) as required in Part 5.1 and document the corrective actions as required in Part 5.3. You must also comply with any additional requirements that your state or tribe requires in Part 9.

EPA may also require that you undertake additional control measures (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI, required reports, or from other sources indicates that your discharges are not controlled as necessary such that the receiving water of the United States will not meet applicable water quality standards. You must implement all measures necessary to be consistent with an available wasteload allocation in an EPA-established or approved TMDL.

### **2.2.2 Discharges to Water Quality-Impaired Waters.** You are considered to discharge to an impaired water if the first water of the United States to which your discharge is identified by a state, tribe or EPA as not meeting an applicable water quality standard, and:

- Requires development of a TMDL (pursuant to section 303(d) of the CWA);
- Is addressed by an EPA-approved or established TMDL; or
- Is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1).

*Note: For discharges that enter a separate storm sewer system<sup>10</sup> prior to discharge, the first water of the United States to which you discharge is the waterbody that receives the water from the storm sewer system.*

**2.2.2.1 Existing Discharge to an Impaired Water with an EPA-Approved or Established TMDL.** If you discharge to an impaired water with an EPA-approved or established TMDL, EPA will inform you whether any additional measures are necessary for your discharge to be consistent with the assumptions and requirements of the applicable TMDL and its wasteload allocation, or if coverage under an individual permit is necessary per Part 1.3.8.

**2.2.2.2 Existing Discharger to an Impaired Water without an EPA-Approved or Established TMDL.** If you discharge to an impaired water without an EPA-approved or established TMDL, you are still required to comply with Part 2.2.1 and the monitoring requirements of Part 4.2.5.1. Note that the impaired waters monitoring requirements of Part 4.2.5.1 also apply where EPA determines that your discharge is not controlled as necessary such that the receiving water of the United States will not meet applicable water quality standards in an impaired downstream water segment, even if your discharge is initially to a receiving water(s) that is not identified as impaired according to Part 2.2.2.

**2.2.2.3 New Discharger or New Source to an Impaired Water.** If your authorization to discharge under this permit relied on Part 1.1.6.2 for a new discharger or a new source to an impaired water, you must implement and maintain any measures that enabled you to become eligible under Part 1.1.6.2, and modify such measures as necessary pursuant to any Part 5 corrective actions. You also must comply with Part 2.2.1 and the monitoring requirements of Parts 4.2.5.1.

**2.2.3 Tier 2 Antidegradation Requirements for New Dischargers, New Sources, or Increased Discharges.** If you are a “new discharger” or a “new source” (as defined in Appendix A), or an existing discharger required to notify EPA of an increased discharge consistent with Part 7.6 (i.e., a “planned changes” report), and you discharge directly to waters designated by a state or tribe as Tier 2 or Tier 2.5 for antidegradation purposes under 40 CFR 131.12(a), EPA may require that you undertake additional control measures as necessary to ensure compliance with the applicable antidegradation requirements, or notify you that an individual permit application is necessary in accordance with Part 1.3.8. See list of Tier 2 and 2.5 waters in Appendix L.

## **2.3 Requirements Relating to Endangered Species, Historic Properties, and CERCLA Sites**

If your eligibility under either Part 1.1.4, Part 1.1.5, and/or Part 1.1.7 was made possible through your, or another operator's, agreement to undertake additional measures, you must comply with all such measures to maintain eligibility under the MSGP. Note that if at any time you become aware, or EPA determines, that your discharges and/or discharge-related activities have the potential to adversely affect listed species and/or critical habitat, have an effect on historic properties, or that your facility discharges to a CERCLA Site listed in Appendix P after you have obtained coverage under this permit, EPA may inform you of the need to implement additional measures on a site-specific basis to meet the effluent limits in this permit, or require you to obtain coverage under an individual permit.

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<sup>10</sup> Separate storm systems include both municipal storm sewer systems (MS4s) and non-municipal separate storm sewers. Separate storm systems do not include combined sewer systems or sanitary sewer systems.

### **3. Inspections**

#### **3.1 Routine Facility Inspections**

**3.1.1 Inspection Personnel.** Qualified personnel (as defined in Appendix A) must perform the inspections. The qualified personnel may be a member of your stormwater pollution prevention team, or if the qualified personnel is a third-party you hire (i.e., a contractor), at least one member of your stormwater pollution prevention team must participate in the inspection. Inspectors must consider the results of visual and analytical monitoring (if any) for the past year when planning and conducting inspections.

**3.1.2 Areas that You Must Inspect.** During normal facility operating hours, the qualified personnel must conduct inspections of areas of the facility covered by the requirements in this permit, including, but not limited to, the following:

**3.1.2.1** Areas where industrial materials or activities are exposed to stormwater;

**3.1.2.2** Areas identified in the SWPPP and those that are potential pollutant sources (see Part 6.2.3);

**3.1.2.3** Areas where spills and leaks have occurred in the past three years;

**3.1.2.4** Discharge points; and

**3.1.2.5** Control measures used to comply with the effluent limits contained in this permit.

**3.1.3 What You Must Look for During an Inspection.** During the inspection, the qualified personnel must examine or look out for, including, but not limited to, the following:

**3.1.3.1** Industrial materials, residue or trash that may have or could come into contact with stormwater;

**3.1.3.2** Leaks or spills from industrial equipment, drums, tanks and other containers;

**3.1.3.3** Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;

**3.1.3.4** Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas;

**3.1.3.5** Erosion of soils at your facility, channel and streambank erosion and scour in the immediate vicinity of discharge points, per Part 2.1.2.5;

**3.1.3.6** Non-authorized non-stormwater discharges, per Part 2.1.2.9;

**3.1.3.7** Control measures needing replacement, maintenance or repair; and

**3.1.3.8** During an inspection occurring during a stormwater event or stormwater discharge, you must observe control measures implemented to comply with effluent limits to ensure they are functioning correctly. You must also observe discharge points, as defined in Appendix A, during this inspection. If such discharge locations are inaccessible, you must inspect nearby downstream locations.

**3.1.4 Inspection Frequency.** The qualified personnel must conduct inspections at least quarterly (i.e., once each calendar quarter), or in some instances more frequently

(e.g., monthly). Increased frequency may be appropriate for some types of equipment, processes and stormwater control measures, or areas of the facility with significant activities and materials exposed to stormwater. At least once each calendar year, the routine inspection must be conducted during a period when a stormwater discharge is occurring.

- 3.1.5 Exceptions to Routine Facility Inspections for Inactive and Unstaffed Facilities.** The requirement to conduct facility inspections on a routine basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. Such a facility is only required to conduct an annual site inspection in accordance with Part 3.1. To invoke this exception, you must indicate that your facility is inactive and unstaffed on your NOI. If you are already covered under the permit and your facility has changed from active to inactive and unstaffed, you must modify and re-certify your NOI. You must also include a statement in your SWPPP per Part 6.2.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Appendix B, Subsection 11. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies, and you must immediately resume routine facility inspections. If you are not qualified for this exception at the time you become authorized under this permit, but during the permit term you become qualified because your facility becomes inactive and unstaffed, and there are no industrial materials or activities exposed to stormwater, you must include the same signed and certified statement as above and retain it with your records pursuant to Part 6.5.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing) are not required to meet the “no industrial materials or activities exposed to stormwater” standard to be eligible for this exception from routine inspections, per Parts 8.G.8.5, 8.H.9.1, and 8.J.9.1.

- 3.1.6 Routine Facility Inspection Documentation.** You must document the findings of your facility inspections and maintain this report with your SWPPP as required in Part 6.5. You must conduct any corrective action required as a result of a routine facility inspection consistent with Part 5. If you conducted a discharge visual assessment required in Part 3.2 during your facility inspection, you may include the results of the assessment with the report required in this Part, as long as you include all components of both types of inspections in the report.

Do not submit your routine facility inspection report to EPA, unless specifically requested to do so. However, you must summarize your findings in the Annual Report per Part 7.4. Document all findings, including but not limited to, the following information.

- 3.1.6.1** The inspection date and time;
- 3.1.6.2** The name(s) and signature(s) of the inspector(s);
- 3.1.6.3** Weather information;
- 3.1.6.4** All observations relating to the implementation of stormwater control measures at the facility, including:

- a. A description of any stormwater discharges occurring at the time of the inspection;
- b. Any previously unidentified stormwater discharges from and/or pollutants at the facility;
- c. Any evidence of, or the potential for, pollutants entering the stormwater drainage system;
- d. Observations regarding the physical condition of and around all stormwater discharge points, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
- e. Any stormwater control measures needing maintenance, repairs, or replacement;

**3.1.6.5** Any additional stormwater control measures needed to comply with the permit requirements;

**3.1.6.6** Any incidents of noncompliance; and

**3.1.6.7** A statement, signed and certified in accordance with Appendix B, Subsection 11.

### **3.2 Quarterly Visual Assessment of Stormwater Discharges**

**3.2.1 Visual Assessment Frequency.** Once each quarter for your entire permit coverage, you must collect a stormwater sample from each discharge point (except as noted in Part 3.2.4) and conduct a visual assessment of each of these samples. These samples are not required to be collected consistent with 40 CFR Part 136 procedures but must be collected in such a manner that the samples are representative of the stormwater discharge. Guidance on monitoring is available at [https://www.epa.gov/sites/production/files/2015-11/documents/msgp\\_monitoring\\_guide.pdf](https://www.epa.gov/sites/production/files/2015-11/documents/msgp_monitoring_guide.pdf).

**3.2.2 Visual Assessment Procedures.** You must do the following for the quarterly visual assessment:

**3.2.2.1** Make the assessment of a stormwater discharge sample in a clean, colorless glass or plastic container, and examined in a well-lit area;

**3.2.2.2** Make the assessment of the sample you collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take the sample within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge; and

**3.2.2.3** For storm events, make the assessment on discharges that occur at least 72 hours (three days) from the previous discharge. The 72-hour (three-day) storm interval does not apply if you document that less than a 72-hour (three-day) interval is representative for local storm events during the sampling period.

**3.2.2.4** Visually inspect or observe for the following water quality characteristics, which may be evidence of stormwater pollution:

- a. Color;
- b. Odor;



- c. Clarity (diminished);
- d. Floating solids;
- e. Settled solids;
- f. Suspended solids;
- g. Foam;
- h. Oil sheen; and
- i. Other obvious indicators of stormwater pollution.

**3.2.2.5** Whenever the visual assessment shows evidence of stormwater pollution in the discharge, you must initiate the corrective action procedures in Part 5.1.1.

**3.2.3** **Visual Assessment Documentation.** You must document the results of your visual assessments and maintain this documentation onsite with your SWPPP as required in Part 6.5. Any corrective action required as a result of a quarterly visual assessment must be conducted consistent with Part 5 of this permit. You are not required to submit your visual assessment findings to EPA, unless specifically requested to do so. However, you must summarize your findings in the annual report per Part 7.4. Your documentation of the visual assessment must include, but not be limited to:

**3.2.3.1** Sample location(s);

**3.2.3.2** Sample collection date and time, and visual assessment date and time for each sample;

**3.2.3.3** Personnel collecting the sample and conducting visual assessment, and their signatures;

**3.2.3.4** Nature of the discharge (i.e., stormwater from rain or snow);

**3.2.3.5** Results of observations of the stormwater discharge;

**3.2.3.6** Probable sources of any observed stormwater contamination;

**3.2.3.7** If applicable, why it was not possible to take samples within the first 30 minutes; and

**3.2.3.8** A statement, signed and certified in accordance with Appendix B, Subsection 11.

**3.2.4** **Exceptions to Quarterly Visual Assessments**

**3.2.4.1** **Adverse Weather Conditions.** When adverse weather conditions prevent the collection of stormwater discharge sample(s) during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with your SWPPP records as described in Part 6.5. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, or situations that otherwise make sampling impractical, such as extended frozen conditions.

**3.2.4.2** **Climates with Irregular Stormwater Discharges.** If your facility is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate) or in an area where freezing conditions exist that prevent discharges from occurring for extended periods, then your samples for the quarterly visual assessments may be distributed during seasons when precipitation more regularly occurs.

**3.2.4.3 Areas that Receive Snow.** If the facility is in an area that typically receives snow and the facility receives snow at least once over a period of four quarters, at least one quarterly visual assessment must capture snowmelt discharge, as described in Part 4.1.3, taking into account the exception described above for climates with irregular stormwater discharges.

**3.2.4.4 Inactive and Unstaffed Facilities.** The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must maintain a statement in your SWPPP per Part 6.2.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Appendix B, Subsection 11. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies, and you must immediately resume quarterly visual assessments. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility becomes inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part 6.5. Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the “no industrial materials or activities exposed to stormwater” standard to be eligible for this exception from quarterly visual assessments, consistent with the requirements established in Parts 8.G.8.5, 8.H.9.1, and 8.J.9.1.

**3.2.4.5 Substantially Identical Discharge Points (SIDP).** If your facility has two or more discharge points that discharge substantially identical stormwater effluents, as documented in Part 6.2.5.3, you may conduct quarterly visual assessments of the discharge at just one of the discharge points and report that the results also apply to the SIDPs provided that you conduct visual assessments on a rotating basis of each SIDP throughout the period of your coverage under this permit. If stormwater contamination is identified through visual assessment conducted at a SIDP, you must assess and modify your stormwater control measures as appropriate for each discharge point represented by the monitored discharge point.

#### **4. Monitoring**

You must collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in Part 4 and Appendix B, Subsections B.10 – 12, and any additional sector-specific or state/tribal-specific requirements in Parts 8 and 9, respectively. Refer to Part 7 for reporting and recordkeeping requirements.

##### **4.1 Monitoring Procedures**

**4.1.1 Monitored Stormwater Discharge Points.** Applicable monitoring requirements apply to each discharge point authorized by this permit, except as otherwise exempt from monitoring as a “substantially identical discharge point” (SIDP). If your facility has two or more discharge points that you believe discharge substantially identical stormwater effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater,

and runoff coefficients of their drainage areas, you may monitor the effluent of just one of the discharge points and report that the results also apply to the SIDP(s). As required in Part 6.2.5.3, your SWPPP must identify each discharge point authorized by this permit and describe the rationale for any SIDP determinations. The allowance for monitoring only one of the SIDP is not applicable to any discharge points with numeric effluent limitations. You are required to monitor each discharge point covered by a numeric effluent limit as identified in Part 4.2.3.

**4.1.2 Commingled Discharges.** If any authorized stormwater discharges commingle with discharges not authorized under this permit, you must conduct any required sampling of the authorized discharges at a point before they mix with other waste streams, to the extent practicable.

**4.1.3 Measurable Storm Events.** You must conduct all required monitoring on a storm event that results in an actual discharge ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (three days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, you must conduct monitoring at a time when a measurable discharge occurs.

For each monitoring event, except snowmelt monitoring, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, you must identify the date of the sampling event.

**4.1.4 Sample Type.** You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 4.1.3. You must collect samples within the first 30 minutes of a discharge associated with a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, you must collect the sample as soon as possible after the first 30 minutes and keep documentation with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, you must take samples during a period with a measurable discharge.

For indicator monitoring and benchmark monitoring, you may choose to use a composite sampling method instead of taking grab samples. This composite method may be either flow-weighted or time-weighted and performed manually or with the use of automated sampling equipment. For the purposes of this permit, a flow-weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant or variable time interval, where the volume of each aliquot included in the composite sample is proportional to the estimated or measured incremental discharge volume at the time of the aliquot collection compared to the total discharge volume estimated or measured over the monitoring event. For the purposes of this permit, a time-weighted composite sample means a composite sample consisting of a mixture of equal volume aliquots collected at a regular defined time interval over a specific period of time. Composite sampling must be initiated during the first 30 minutes of the same storm event. If it is not possible to initiate composite sampling within the first 30 minutes of a measurable storm event, you must initiate composite sampling as soon as possible after the first 30 minutes and keep documentation with the SWPPP explaining why it was not possible to initiate composite sampling within the first 30 minutes. You must submit all monitoring results to EPA per Part 4.1.9. Composite sampling may not be used in situations where hold times for processing or sample preservation requirements cannot be satisfied. For parameters

measured in-situ with a probe or meter such as dissolved oxygen, conductivity, pH, or temperature, the composite sampling method shall be modified by calculating an average all individual measurements, weighted by flow volume if applicable.

**4.1.5 Adverse Weather Conditions.** When adverse weather conditions as described in Part 3.2.4.1 prevent the collection of stormwater discharge samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to file a benchmark monitoring report in accordance with your sampling schedule. As specified in Part 7.3.4, you must indicate in Net-DMR any failure to monitor during the regular reporting period.

**4.1.6 Facilities in Climates with Irregular Stormwater Discharges.** If your facility is located in areas where limited rainfall occurs during parts of the year (e.g., arid or semi-arid climates) or in areas where freezing conditions exist that prevent discharges from occurring for extended periods, you may distribute your required monitoring events during seasons when precipitation occurs, or when snowmelt results in a measurable discharge from your facility. You must still collect the required number of samples. As specified in Part 7.3.4, you must also indicate in Net-DMR that there was no monitoring for the respective monitoring period.

**4.1.7 Monitoring Periods.** Your monitoring requirements in this permit begin in the first full quarter following either May 30, 2021 or your date of discharge authorization, whichever date comes later.

- January 1 – March 31
- April 1 – June 30
- July 1 – September 30
- October 1 – December 31

For example, if you obtain permit coverage on April 10, 2021, then your first monitoring quarter for benchmark monitoring is July 1, 2021 – September 30, 2021 and your first monitoring year for discharges to impaired waters or discharges subject to an effluent limitation guideline is July 1, 2021 – June 30, 2022. This monitoring schedule may be modified in accordance with Part 4.1.6 if you document the revised schedule in your SWPPP. However, you must indicate in Net-DMR any 3-month interval that you did not take a sample.

**4.1.8 Monitoring for Authorized Non-Stormwater Discharges.** You are only required to monitor authorized non-stormwater discharges (as delineated in Part 1.2.2) when they are commingled with stormwater discharges associated with industrial activity.

**4.1.9 Monitoring Reports.** You must report monitoring data using Net-DMR, EPA's electronic DMR tool, as described in Part 7.3 (unless the applicable EPA Regional Office grants you a waiver from electronic reporting, in which case you may submit a paper DMR form).

## **4.2 Required Monitoring**

This permit includes six types of required analytical monitoring, one or more of which may apply to your stormwater discharge:

- Indicator monitoring (Part 4.2.1);

- Benchmark monitoring (Part 4.2.2);
- Annual effluent limitations guidelines monitoring (Part 4.2.3);
- State- or tribal-specific monitoring (Part 4.2.4);
- Impaired waters monitoring (Part 4.2.5); and
- Other monitoring as required by EPA (Part 4.2.6).

Unless otherwise specified, samples must be analyzed consistent with 40 CFR Part 136 analytical methods that are sufficiently sensitive for the monitored parameter. When more than one type of monitoring for the same pollutant at the same discharge point applies (e.g., total suspended solids once per year for an effluent limitation and once per quarter for benchmark monitoring at a given discharge point), you may use a single sample to satisfy both monitoring requirements (i.e., one sample satisfying both the annual effluent limitation sample and one of the four quarterly benchmark monitoring samples). Similarly, when the same type of monitoring is required for the same pollutant but for different activities, you may use a single sample to satisfy both monitoring requirements (i.e., when you are required to monitor for PAHs in stormwater discharges from paved surfaces that will be sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit and you are also required to monitor for PAHs in stormwater discharges since you manufacture, use, or store creosote or creosote-treated wood in areas that are exposed to precipitation).

When the effluent limitation is lower than the benchmark threshold for the same pollutant, your Additional Implementation Measure (AIM) trigger is based on an exceedance of the effluent limitation threshold, which would subject you to the AIM requirements of Part 5.2. Exceedance of an effluent limitation associated with the results of any analytical monitoring type required by this Part subjects you to the corrective action requirements of Part 5.1. You must conduct all required monitoring in accordance with the procedures described in Appendix B, Subsection B.10.

Per Part 1.3.7, in the event that the permit is administratively continued, monitoring requirements remain in force and effect at their original frequency during any continuance for operators that were covered prior to permit expiration. In the event that monitoring results are unable to be electronically reported in Net-DMR, operators must maintain monitoring results and records within their SWPPP.

**Table 4-1. Summary of Each Type of Monitoring**

Monitoring Type	Monitoring Type Applies To	Frequency	Duration	Follow-up Action	Permit Part Reference
Indicator – pH, TSS, COD	Subsectors B2, C5, D2, E3, F5, I1, J3, L2, N2, O1, P1, R1, T1, U3, V1, W1, X1, Y2, Z1, AB1, AC1, and AD1	Quarterly	Entirety of permit coverage	None	Part 4.2.1.1a
Indicator – PAHs*	Operators with stormwater discharges from paved surfaces that will be sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit; sectors; Sector A facilities that manufacture, use, or	Bi-annually (2 times per year)	First year and fourth year	None	Part 4.2.1.1b

Monitoring Type	Monitoring Type Applies To	Frequency	Duration	Follow-up Action	Permit Part Reference
	store creosote or creosote-treated wood in areas that are exposed to precipitation; and Sectors C (SIC 2911), D, F, H, I, M, O, P (SIC 4011, 4013, and 5171), Q (SIC 4493), R, and S				
Benchmark	Subsectors A1, A2, A3, A4, B1, C1, C2, C3, C4, D1, E1, E2, F1, F2, F3, F4, G1, G2, H1, J1, J2, K1, L1, M1, N1, Q1, S1, U1, U2, Y1, AA1, AA2	Quarterly	First year and fourth year	AIM. See Part 5.2.	Part 4.2.2
Effluent limitation guidelines (ELG)	See Part 4.2.3	Annually	Entirety of permit coverage	See Part 5.1	Part 4.2.3
State- or tribal-specific	Depends on the discharge location of your facility. See Part 9				
Impaired Waters	Depends on the receiving waterbody. See Part 4.2.5				
Other as required by EPA	See Part 4.2.6				

\* Monitoring is required for the 16 individual PAHs identified at Appendix A to 40 CFR Part 423: naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, benzo[g,h,i]perylene, indeno[1,2,3-c,d]pyrene, and dibenz[a,h]anthracene.

**4.2.1 Indicator Monitoring.** This permit requires indicator monitoring of stormwater discharges for three parameters – pH, Total Suspended Solids (TSS), and Chemical Oxygen Demand (COD) – for certain sectors/subsectors (see Part 4.2.1.1.a below) and for polycyclic aromatic hydrocarbons (PAHs) for certain sectors/activities, with additional limitations (see Part 4.2.1.1.b below). Indicator monitoring data will provide you and EPA with a baseline and comparable understanding of industrial stormwater discharge quality and potential water quality problems. The indicator monitoring parameters are “report-only” and do not have thresholds or baseline values for comparison, therefore no follow-up action is triggered or required under this part. The requirement in Part 2.2.1 that your stormwater discharge be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards still applies. You may find it useful to evaluate and compare your indicator monitoring data over time to identify any fluctuating values and why they may be occurring, and to further inform any revisions to your SWPPP/SCMs if necessary.<sup>11</sup> Indicator monitoring is report-only and is neither benchmark monitoring nor an effluent limitation. Instead, it is a permit condition. Thus, failure to conduct indicator monitoring is a permit violation.

<sup>11</sup> Examples of possible reviews and revisions to the SWPPP/SCMs that could be informed by indicator monitoring values include: reviewing sources of pollution or any changes to performed industrial activities and processes; reviewing spill and leak procedures, and/or non-stormwater discharges; conducting a single comprehensive clean-up, implementing a new control measure, and/or increasing inspections. EPA notes, however, that these actions are not required under the 2021 MSGP in response to indicator monitoring.

#### 4.2.1.1 **Applicability and Schedule of Indicator Monitoring**

##### a. **pH, Total Suspended Solids (TSS), and Chemical Oxygen Demand (COD)**

- i. **Applicability.** Operators in the following subsectors must monitor stormwater discharges for pH, TSS, and COD (also specified in the sector-specific requirements in Part 8): B2, C5, D2, E3, F5, I1, J3, L2, N2, O1, P1, R1, T1, U3, V1, W1, X1, Y2, Z1, AB1, AC1, and AD1). Samples must be analyzed consistent with 40 CFR Part 136 analytical methods.
- ii. **Schedule.** You must conduct indicator monitoring of stormwater discharges for pH, TSS, and COD each quarter, beginning in your first full quarter of permit coverage as identified in Part 4.1.7.

##### b. **Polycyclic Aromatic Hydrocarbons (PAHs)**

- i. **Applicability.** The following operators must monitor stormwater discharges for the 16 individual priority pollutant PAHs (also specified in the sector-specific requirements in Part 8): operators in all sectors with stormwater discharges from paved surfaces that will be sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit; operators in sectors A (facilities that manufacture, use, or store creosote or creosote-treated wood in areas that are exposed to precipitation), C (SIC Code 2911), D, F, H, I, M, O, P (SIC Codes 4011, 4013, and 5171), Q (SIC Code 4493), R, and S. Monitoring is required for the 16 individual PAHs identified at Appendix A to 40 CFR Part 423: naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, benzo[g,h,i]perylene, indeno[1,2,3-c,d]pyrene, and dibenz[a,h]anthracene. Samples must be analyzed using EPA Method 625.1, or EPA Method 610/Standard Method 6440B if preferred by the operator, consistent with 40 CFR Part 136 analytical methods.
- ii. **Schedule.** You must conduct indicator monitoring of stormwater discharges for PAHs bi-annually (i.e., sample twice per year) in the first and fourth years of permit coverage. Your first year of permit coverage begins in your first full quarter of permit coverage, identified in Part 4.1.7, commencing no earlier than May 30, 2021, followed by two years of no monitoring. Bi-annual monitoring resumes in your fourth year of permit coverage for another year, after which you may discontinue bi-annual PAH monitoring for the remainder of your permit coverage.

**4.2.1.2 Exception for Facilities in Climates with Irregular Stormwater Discharges.** As described in Part 4.1.6, facilities in climates with irregular stormwater discharges may modify this schedule provided you report this revised schedule directly to EPA by the due date of the first indicator monitoring sample (see EPA Regional contacts in Part 7.8), and you keep this revised schedule with the facility's SWPPP as specified in Part 6.5. As noted in Part 4.1.7, you must indicate in Net-DMR any 3-month interval that you did not take a sample.

**4.2.1.3 Exception for Inactive and Unstaffed Facilities.** The requirement for indicator monitoring does not apply at a facility that is inactive and unstaffed, provided that there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- a. Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix B, Subsection 11.
- b. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable indicator monitoring requirements under Part 4.2.1 as if you were in your first year of permit coverage. You must indicate in your NOI that your facility has materials or activities exposed to stormwater or has become active and/or staffed.
- c. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must notify EPA of this change on your NOI form. You may discontinue indicator monitoring once you have notified EPA, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

*Note: This exception has different requirements for Sectors G, H, and J (see Part 8).*

**4.2.2 Benchmark Monitoring.** This permit requires benchmark monitoring parameters of stormwater discharges for certain sectors/subsectors. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your stormwater control measures and to assist you in determining when additional action(s) may be necessary to comply with the effluent limitations in Part 2.

The benchmark thresholds are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if a benchmark exceedance triggers Additional Implementation Measures (AIM) in Part 5.2, failure to conduct any required measures is a permit violation. At your discretion, you may take more than four samples during separate stormwater discharge events to determine the average benchmark parameter value for facility discharges.

**4.2.2.1 Applicability of Benchmark Monitoring**

You must monitor stormwater discharges for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to your discharge listed in Part 8. If your facility is in one of the industrial sectors subject to benchmark thresholds that are hardness-dependent, you must include in your NOI a hardness value, established consistent with the procedures in Appendix J, that is representative of your receiving water. Hardness is not a specific benchmark and therefore the permit does not include a benchmark threshold with which to compare.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark thresholds for all benchmark parameters for which you are required to sample, i.e., sufficiently sensitive methods. For averaging purposes, you may use a value of zero for any individual sample parameter which is determined to be less than the method detection limit. For sample values that fall between the method detection limit and the quantitation limit



(i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.

#### 4.2.2.2 **Summary of the 2021 MSGP Benchmark Thresholds**

The Table 4-2 presents the 2021 MSGP's freshwater and saltwater benchmark thresholds. Sector-specific benchmark requirements are detailed in [Part 8](#). Values match the original units found in the source documents, detailed in the corresponding section of the fact sheet.

**Table 4-2 2021 MSGP Benchmark Thresholds**

Pollutant		2021 MSGP Benchmark Threshold
Total Recoverable Aluminum (T)		1,100 µg/L
Total Recoverable Beryllium		130 µg/L
Biochemical Oxygen Demand (5-day)		30 mg/L
pH		6.0 – 9.0 s.u.
Chemical Oxygen Demand		120 mg/L
Total Phosphorus		2.0 mg/L
Total Suspended Solids (TSS)		100 mg/L
Nitrate and Nitrite Nitrogen		0.68 mg/L
Turbidity		50 NTU
Total Recoverable Antimony		640 µg/L
Ammonia		2.14 mg/L
Total Recoverable Cadmium	Freshwater <sup>a</sup>	1.8 µg/L
	Saltwater	33 µg/L
Total Recoverable Copper	Freshwater	5.19 µg/L
	Saltwater	4.8 µg/L
Total Recoverable Cyanide	Freshwater	22 µg/L
	Saltwater	1 µg/L
Total Recoverable Mercury	Freshwater	1.4 µg/L
	Saltwater	1.8 µg/L
Total Recoverable Nickel	Freshwater <sup>a</sup>	470 µg/L
	Saltwater	74 µg/L
Total Recoverable Selenium	Freshwater	1.5 µg/L for still/standing (lentic) waters 3.1 µg/L for flowing (lotic) waters
	Saltwater	290 µg/L
Total Recoverable Silver	Freshwater <sup>a</sup>	3.2 µg/L
	Saltwater	1.9 µg/L
Total	Freshwater <sup>a</sup>	120 µg/L

Pollutant		2021 MSGP Benchmark Threshold
Recoverable Zinc	Saltwater	90 µg/L
Total Recoverable Arsenic	Freshwater	150 µg/L
	Saltwater	69 µg/L
Total Recoverable Lead	Freshwater <sup>a</sup>	82 µg/L
	Saltwater	210 µg/L

<sup>a</sup> These pollutants are dependent on water hardness where discharged into freshwaters. The freshwater benchmark value listed is based on a hardness of 100 mg/L. When a facility analyzes receiving water samples for hardness, the operator must use the hardness ranges provided in Table 1 in Appendix J of the 2021 MSGP and in the appropriate tables in Part 8 of the 2021 MSGP to determine applicable benchmark values for that facility. Benchmark thresholds for discharges of these pollutants into saline waters are not dependent on receiving water hardness and do not need to be adjusted.

**4.2.2.3 Benchmark Monitoring Schedule.** Benchmark monitoring of stormwater discharges is required quarterly, as identified in Part 4.1.7, in the first and fourth year of permit coverage, as follows:

- a. **Year one of permit coverage:** You must conduct benchmark monitoring for all parameters applicable to your subsector(s) for four quarters in your first year of permit coverage, beginning in your first *full* quarter of permit coverage, no earlier than May 30, 2021.
  - i. If the annual average<sup>12</sup> for a parameter does not exceed the benchmark threshold, you can discontinue benchmark monitoring for that parameter for the next two years (i.e., eight quarters).
  - ii. If the annual average for a parameter exceeds the benchmark threshold, you must comply with Part 5.2 (Additional Implementation Measures responses and deadlines) and continue quarterly benchmark monitoring for that parameter until results indicate that the annual average is no longer exceeded, after which you can discontinue benchmark monitoring for that parameter until monitoring resumes in year four of permit coverage, per Part 4.2.2.3.b below.
- b. **Year four of permit coverage:** You must conduct benchmark monitoring for all parameters applicable to your subsector(s) for four quarters in your fourth year of permit coverage (i.e., your thirteenth through sixteenth quarters), unless the first quarter of your fourth year of permit coverage occurs on or after the date this permit expires.

<sup>12</sup> For this permit, an annual average exceedance for a parameter can occur if: (a) The four-quarter annual average for a parameter exceeds the benchmark threshold; or (b) Fewer than four quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter. The result in (b) indicates an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold). For pH, an annual average exceedance can only occur if the four-quarter annual average exceeds the benchmark threshold.

- i. If the annual average<sup>13</sup> for a parameter does not exceed the benchmark threshold, you can discontinue benchmark monitoring for that parameter for the remainder of your permit coverage.
- ii. If the annual average for a parameter exceeds the benchmark threshold, you must comply with Part 5.2 (Additional Implementation Measures responses and deadlines) and continue quarterly benchmark monitoring for that parameter until results indicate that the annual average is no longer exceeded, after which you can discontinue benchmark monitoring for that parameter for the remainder of permit coverage.

**4.2.2.4 Exception for Facilities in Climates with Irregular Stormwater Discharges.** As described in Part 4.1.6, facilities in climates with irregular stormwater discharges may modify this quarterly schedule provided you report this revised schedule directly to EPA by the due date of the first benchmark sample (see EPA Regional contacts in Part 7.8), and you keep this revised schedule with the facility's SWPPP as specified in Part 6.5. When conditions prevent you from obtaining four samples in four consecutive quarters, you must continue monitoring until you have the four samples required for calculating your benchmark monitoring average. As noted in Part 4.1.7, you must indicate in Net-DMR any 3-month interval that you did not take a sample.

**4.2.2.5 Exception for Inactive and Unstaffed Facilities.** The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, provided that there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- a. Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix B, Subsection 11.
- b. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part 4.2.2 as if you were in your first year of permit coverage. You must indicate in your NOI that your facility has materials or activities exposed to stormwater or has become active and/or staffed.
- c. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must notify EPA of this change on your NOI form. You may discontinue benchmark monitoring once you have notified EPA, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

*Note: This exception has different requirements for Sectors G, H, and J (see Part 8).*

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<sup>13</sup> *Ibid.*

### 4.2.3 **Effluent Limitations Monitoring**

**4.2.3.1 Monitoring Based on Effluent Limitations Guidelines.** Table 4-3 identifies the stormwater discharges subject to effluent limitation guidelines that are authorized for coverage under this permit. An exceedance of the effluent limitation is a permit violation. Beginning in the first full quarter following May 30, 2021, or your date of discharge authorization, whichever date comes later, you must monitor once per year at each stormwater discharge point containing the discharges identified in Table 4-3 for the parameters specified in the sector-specific section of Part 8.

**Table 4-3. Required Monitoring for Effluent Limits Based on Effluent Limitations Guidelines**

<b>Regulated Activity</b>	<b>Effluent Limit</b>	<b>Monitoring Frequency</b>	<b>Sample Type</b>
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	See Part 8.A.8	1/year	Grab
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	See Part 8.C.5	1/year	Grab
Runoff from asphalt emulsion facilities	See Part 8.D.5	1/year	Grab
Runoff from material storage piles at cement manufacturing facilities	See Part 8.E.6	1/year	Grab
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	See Part 8.J.10	1/year	Grab
Runoff from hazardous waste landfills	See Part 8.K.7	1/year	Grab
Runoff from non-hazardous waste landfills	See Part 8.L.11	1/year	Grab
Runoff from coal storage piles at steam electric generating facilities	See Part 8.O.8	1/year	Grab
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non- propeller aircraft departures.	See Part 8.S.9	1/year	Grab

**4.2.3.2 Substantially Identical Discharge Points Not Applicable.** You must monitor each discharge point discharging stormwater from any regulated activity identified in Table 4-3. The substantially identical discharge points (SIDP) monitoring provisions are not available for numeric effluent limit monitoring.

**4.2.3.3 Follow-up Actions if Discharge Exceeds Numeric Effluent Limitation.** If any monitoring value exceeds a numeric effluent limitation contained in this permit, you must indicate the exceedance on a "Change NOI" form in the NPDES eReporting Tool (NeT), and you must conduct follow-up monitoring within 30 calendar days (or during the next measurable storm event, should none occur within 30 days) of implementing corrective action(s) taken per Part 5.1. If your follow-up monitoring exceeds the applicable effluent limitation, you must:

- a. Submit an Exceedance Report:** You must submit an Exceedance Report no later than 30 days after you have received your laboratory result consistent with Part 7.5; and

- b. **Continue to Monitor:** You must monitor, at least quarterly, until your stormwater discharge is in compliance with the effluent limit or until EPA waives the requirement for additional monitoring. Once your discharge is back in compliance with the effluent limitation you must indicate this on a "Change NOI" form per Part 7.3.

#### **4.2.4 State or Tribal Required Monitoring**

- 4.2.4.1 **Sectors Required to Conduct State or Tribal Monitoring.** You must comply with any state or tribal monitoring requirements in Part 9 of the permit applicable to your facility's discharge location.

- 4.2.4.2 **State or Tribal Monitoring Schedule.** If a monitoring frequency is not specified for an applicable requirement in Part 9, you must monitor once per year for the duration of your permit coverage.

- 4.2.5 **Impaired Waters Monitoring** For the purposes of this permit, your facility is considered to discharge to an impaired water if the first water of the United States to which you discharge is identified by a state, tribe, or EPA pursuant to section 303(d) of the CWA as not meeting an applicable water quality standard (i.e., without an EPA-approved or -established TMDL, see Part 4.2.5.1.a below), or has been removed from the 303(d) list either because the impairments are addressed by an EPA-approved or established TMDL or is covered by pollution control requirements that meet the requirements of 40 CFR 130.7(b)(1) (see Part 4.2.5.1.b below). For discharges that enter a separate storm sewer system<sup>14</sup> prior to discharge, the first water of the United States to which you discharge is the waterbody that receives the stormwater discharge from the separate storm sewer system.

#### **4.2.5.1 Facilities Required to Monitor Stormwater Discharges to Impaired Waters**

- a. **Discharges to impaired waters without an EPA-approved or established TMDL:**

Monitoring is required annually in the first year of permit coverage and again in the fourth year of permit coverage as follows, unless you detect a pollutant causing an impairment, in which case annual monitoring must continue.

- i. **Year one of permit coverage:** You must take your first annual sample in your first year of permit coverage, which begins in the first full quarter following May 30, 2021 or your date of discharge authorization, whichever date comes later. You must monitor for all pollutants causing impairments using a standard analytical method, provided one exists (see 40 CFR Part 136), once at each discharge point (except substantially identical discharge points) discharging stormwater to impaired waters without an EPA-approved or established TMDL. *Note:* Except where otherwise directed by EPA, if the pollutant of concern for the impaired waterbody is suspended solids, turbidity, or sediment/sedimentation, you must monitor for Total Suspended Solids (TSS). If a pollutant of concern is expressed in the form of an indicator or surrogate pollutant, you must monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the

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<sup>14</sup> Separate storm sewer systems do not include combined sewer systems or sanitary sewer systems. Separate storm sewer systems include both municipal storm sewer systems (MS4s) and non-municipal separate storm sewers.

impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or other non-pollutant. Operators must consult the applicable EPA Regional Office for any available guidance regarding required monitoring parameters under this part.

- 1) If monitoring results indicate the monitored pollutant is not detected in your discharge, or is within the acceptable range for a given parameter for the waterbody to meet its designated use (e.g., pH or temperature),<sup>15</sup> you may discontinue monitoring for that pollutant for the next two years. You must resume monitoring for that pollutant in year four of permit coverage, if applicable, per Part 4.2.5.1.a.ii.
- 2) If monitoring results indicate that the monitored pollutant is detected in your stormwater discharge, or is outside the acceptable range for a given parameter (e.g., pH or temperature) for the waterbody to meet its designated use,<sup>16</sup> you must continue to monitor for the pollutant(s) annually until no longer detected, after which you may discontinue monitoring for that pollutant until monitoring resumes in year four of permit coverage, if applicable, per Part 4.2.5.1.a.ii.

ii. **Year four of permit coverage.** Annual monitoring resumes in your fourth year of permit coverage for another year for a sub-set of parameters monitored for in the first monitoring year. In the fourth year of permit coverage, you must monitor for all pollutants causing impairment(s) that are associated with your industrial activity and/or are listed as a benchmark parameter for your subsector(s) (regardless of whether you have satisfied benchmark monitoring for the parameter per Part 4.2.2). To determine these pollutants, start with the list of pollutants for which the receiving waterbody is impaired and for which a standard analytical method exists (see 40 CFR Part 136), then compare that list to the industrial pollutants you identified in Part 6.2.3.2 and any sector-specific benchmark monitoring pollutants in Part 8 and, if applicable, Part 9. You must monitor for pollutants that appear on both the impairments list and either your industrial pollutants and/or your benchmark parameter list, including "indicator" or "surrogate" pollutants (as described in the "note" in 1 above). You must monitor once at each discharge point (except substantially identical discharge points (SIDPs)) for these pollutants. Consistent with Part 4.2, annual samples may be used to also satisfy any single remaining quarterly benchmark monitoring requirement applicable to your discharge.

- 1) If monitoring results indicate the monitored pollutant is not detected in your discharge, or is within the acceptable range for a given parameter for the waterbody to meet its designated use (e.g., pH or temperature),<sup>17</sup> you may discontinue monitoring for that pollutant for the remainder of your permit coverage.
- 2) If the monitoring results indicate that the monitored pollutant is detected in your discharge, or is outside the acceptable range for a given parameter (e.g., pH or temperature) for the waterbody to meet its designated use, you must continue to monitor for the pollutant(s)

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<sup>15</sup> Refer to your state's Water Quality Standards or contact the EPA Regional Office for assistance.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

annually until no longer detected, after which you may discontinue monitoring for that pollutant for the remainder of your permit coverage.

- iii. **Exception:** If sampling results in either Part 4.2.5.1.a.i or Part 4.2.5.1.a.ii above indicate the monitored pollutant is detected in your discharge, but you have determined that its presence is caused solely by natural background sources, you may discontinue monitoring for that pollutant for the duration of your permit coverage.

To support a determination that the pollutant's presence is caused solely by natural background sources, you must document and maintain with your SWPPP, as required by Part 6.5:

- 1) An explanation of why you believe that the presence of the pollutant of concern in your discharge is not related to the activities or materials at your facility; and
- 2) Data and/or studies that tie the presence of the pollutant of concern in your discharge to natural background sources in the watershed.

Natural background pollutants include those that occur naturally as a result of native soils, and vegetation, wildlife, or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources that are not naturally occurring. However, you may be eligible to discontinue annual monitoring for pollutants that occur solely from these sources and should consult the applicable EPA Regional Office for related guidance.

- b. **Discharges to impaired waters with an EPA-approved or established TMDL:** For stormwater discharges to waters for which there is an EPA-approved or established TMDL, you are not required to monitor for the pollutant(s) for which the TMDL was written unless EPA informs you, upon examination of the applicable TMDL and its wasteload allocation, that you are subject to such a requirement consistent with the assumptions and findings of the applicable TMDL and its wasteload allocation. EPA's notice will include specifications on stormwater discharge monitoring parameters and frequency. If there are questions, you may consult the applicable EPA Regional Office for guidance regarding required monitoring under this Part.

**4.2.5.2 Exception for Inactive and Unstaffed Facilities.** The requirement for impaired waters monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- a. Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Appendix B, Subsection 11.
- b. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable impaired waters monitoring requirements under Part 4.2.5 as if you were in your first year of permit coverage. You must indicate in a "Change NOI" form per Part

7.2 that your facility has materials or activities exposed to stormwater or has become active and/or staffed.

- c. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must notify EPA of this change on your NOI form. You may discontinue impaired waters monitoring once you have notified EPA, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

*Note: This exception has different requirements for Sectors G, H, and J (see Part 8).*

- 4.2.6 Additional Monitoring Required by EPA.** EPA may notify you of additional stormwater discharge monitoring requirements that EPA determines are necessary to meet the permit's effluent limitations. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

## **5. Corrective Actions and Additional Implementation Measures (AIM)**

### **5.1 Corrective Action**

- 5.1.1 Conditions Requiring SWPPP Review and Revision to Ensure Effluent Limits are Met.** When any of the following conditions occur or are detected during an inspection, monitoring or other means, or EPA or the operator of the MS4 through which you discharge informs you that any of the following conditions have occurred, you must review and revise, as appropriate, your SWPPP (e.g., sources of pollution; spill and leak procedures; non-stormwater discharges; the selection, design, installation and implementation of your stormwater control measures) so that this permit's effluent limits are met and pollutant discharges are minimized:

- 5.1.1.1** An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit to a water of the United States) occurs at your facility.
- 5.1.1.2** A discharge violates a numeric effluent limit listed in Table 2-1 and/or in your Part 8 sector-specific requirements.
- 5.1.1.3** Your stormwater control measures are not stringent enough for your stormwater discharge to be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards or to meet the non-numeric effluent limits in this permit.
- 5.1.1.4** A required control measure was never installed, was installed incorrectly, or not in accordance with Parts 2 and/or 8, or is not being properly operated or maintained.
- 5.1.1.5** Whenever a visual assessment shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).

- 5.1.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary.** If construction or a change in design, operation, or maintenance at your facility occurs that significantly changes the nature of pollutants discharged via stormwater from your facility, or significantly increases the quantity of pollutants discharged, you must review your SWPPP (e.g., sources of pollution, spill and leak procedures, non-stormwater



discharges, selection, design, installation and implementation of your stormwater control measures) to determine if modifications are necessary to meet the effluent limits in this permit.

### **5.1.3 Deadlines for Corrective Actions**

**5.1.3.1 Immediate Actions.** You must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. In Part 5, the term “immediately” means that the day you find a condition requiring corrective action, you must take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution. However, if you identify a problem too late in the work day to initiate corrective action, you must perform the corrective action the following work day morning. The term “all reasonable steps” means you must respond to the conditions triggering the corrective action, such as cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new SCM to be installed.

**5.1.3.2 Subsequent Actions.** If additional actions are necessary beyond those implemented pursuant to Part 5.1.3.1, you must complete the corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next storm event if possible, and within 14 calendar days from the time of discovery that the condition in Part 5.1.1 is not met. If it is infeasible to complete the corrective action within 14 calendar days, you must document why it is infeasible to complete the corrective action within the 14-day timeframe. You must also identify your schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45-day timeframe, you may take the minimum additional time necessary to complete the corrective action, provided that you notify the appropriate EPA Regional Office of your intention to exceed 45 days, your rationale for an extension, and a completion date, which you must also include in your corrective action documentation (see Part 5.3). Where your corrective actions result in changes to any of the controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 14 calendar days of completing corrective action work.

These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely.

**5.1.4 Effect of Corrective Action.** If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. EPA may consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

**5.1.5 Substantially Identical Discharge Points.** If the event triggering corrective action is associated with a discharge point that had been identified as a “substantially identical discharge point” (SIDP) (see Parts 3.2.4.5 and 4.1.1), your review must assess the need for corrective action for all related SIDPs. Any necessary changes to control measures that affect these other discharge points must also be made before the next storm

event if possible, or as soon as practicable following that storm event. Any corrective actions must be conducted within the timeframes set forth in Part 5.1.3.

## **5.2 Additional Implementation Measures (AIM)**

If any of the following AIM triggering events in Parts 5.2.3, 5.2.4, or 5.2.5 occur, you must follow the response procedures described in those parts, called "additional implementation measures" or "AIM." There are three AIM levels: AIM Level 1, Level 2, and Level 3. You must respond as required to different AIM levels which prescribe sequential and increasingly robust responses when a benchmark exceedance occurs. You must follow the corresponding AIM level responses and deadlines described in Parts 5.2.3, 5.2.4, and 5.2.5 unless you qualify for an exception under Part 5.2.6.

### **5.2.1 Baseline Status**

Once you receive discharge authorization under this permit per Part 1.3, you are in a baseline status for all applicable benchmark parameters. If an AIM triggering event occurs and you have proceeded sequentially to AIM Level 1, 2 or 3, you may return directly to baseline status once the corresponding AIM-level response and conditions are met.

**5.2.2 AIM Triggering Events.** If an annual average exceeds an applicable benchmark threshold based on the following events, the AIM requirements have been triggered for that benchmark parameter. You must follow the corresponding AIM-level responses and deadlines described in Parts 5.2.3, 5.2.4, and 5.2.5 unless you qualify for an exception under Part 5.2.6. An annual average exceedance for a parameter can occur if:

- 5.2.2.1** The four-quarterly annual average for a parameter exceeds the benchmark threshold, or
- 5.2.2.2** Fewer than four quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter. This result indicates an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold).<sup>18</sup>

### **5.2.3 AIM Level 1**

Your status changes from baseline to AIM Level 1 if quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has occurred, unless you qualify for an exception under Part 5.2.6.

**5.2.3.1 AIM Level 1 Responses.** If any of the triggering events in Part 5.2.2 occur, you must:

Review SWPPP/Stormwater Control Measures. Immediately review your SWPPP and the selection, design, installation, and implementation of your stormwater control measures to ensure the effectiveness of your existing measures and

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<sup>18</sup> For pH, an annual average exceedance can only occur if the four-quarter annual average exceeds the benchmark threshold.

determine if modifications are necessary to meet the benchmark threshold for the applicable parameter,<sup>19</sup> and

Implement Additional Measures. After reviewing your SWPPP/stormwater control measures, you must implement additional measures, considering good engineering practices, that would reasonably be expected to bring your exceedances below the parameter's benchmark threshold; or if you determine nothing further needs to be done with your stormwater control measures, you must document per Part 5.3 and include in your annual report why you expect your existing control measures to bring your exceedances below the parameter's benchmark threshold for the next 12-month period.

**5.2.3.2 AIM Level 1 Deadlines.** If any modifications to or additional control measures are necessary in response to AIM Level 1, you must implement those modifications or control measures within 14 days of receipt of laboratory results, unless doing so within 14 days is infeasible. If doing so within 14 days is infeasible, you must document per Part 5.3 why it is infeasible and implement such modifications within 45 days.

**5.2.3.3 Continue Quarterly Benchmark Monitoring.** After compliance with AIM Level 1 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected stormwater discharge points, beginning no later than the next full quarter after compliance.

**5.2.3.4 AIM Level 1 Status Update.** While in AIM Level 1 status, you may either:

- a. **Return to Baseline Status.** Your AIM Level 1 status will return to baseline status if the AIM Level 1 responses have been met and continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in year 4 of permit coverage per Part 4.2.2.3 or if you have fulfilled all benchmark monitoring requirements per Part 4.2.2.3, then you may discontinue monitoring for that parameter for the remainder of the permit.
- b. **Advance to AIM Level 2.** Your AIM Level 1 status advances to AIM Level 2 status if you have completed AIM Level 1 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)).

## **5.2.4 AIM Level 2**

Your status changes from AIM Level 1 to AIM Level 2 if your continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the parameter(s)), unless you qualify for an exception under Part 5.2.6.

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<sup>19</sup> Examples may include: review sources of pollution, spill and leak procedures, and/or non-stormwater discharges; conducting a single comprehensive clean-up, making a change in subcontractor, implementing a new control measure, and/or increasing inspections.

- 5.2.4.1 AIM Level 2 Responses.** If any of the events in Part 5.2.2 occur, you must review your SWPPP and implement additional pollution prevention/good housekeeping SCMs, considering good engineering practices, beyond what you did in your AIM Level 1 responses that would reasonably be expected to bring your exceedances below the parameter's benchmark threshold. Refer to the MSGP sector-specific fact sheets for recommended controls found at [<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-fact-sheets-and-guidance>].
- 5.2.4.2 AIM Level 2 Deadlines.** You must implement additional pollution prevention/good housekeeping SCMs within 14 days of receipt of laboratory results that indicate an AIM triggering event has occurred and document per Part 5.3 how the measures will achieve benchmark thresholds. If it is feasible for you to implement a measure, but not within 14 days, you may take up to 45 days to implement such measure. You must document per Part 5.3 why it was infeasible to implement such measure in 14 days. EPA may also grant you an extension beyond 45 days, based on an appropriate demonstration by you, the operator.
- 5.2.4.3 Continue Quarterly Benchmark Monitoring.** After compliance with AIM Level 2 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance.
- 5.2.4.4 AIM Level 2 Status Update.** While in AIM Level 2 status, you may either:
- a. Return to Baseline Status.** Your AIM Level 2 status will return to baseline status if the AIM Level 2 responses have been met and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in year 4 of permit coverage per Part 4.2.2.3, or if you have fulfilled all benchmark monitoring requirements per Part 4.2.2.3, then you may discontinue monitoring for that parameter for the remainder of the permit.
  - b. Advance to AIM Level 3.** Your AIM Level 2 status advances to AIM Level 3 status if you have completed the AIM Level 2 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)).

**5.2.5 AIM Level 3**

Your status changes from AIM Level 2 to AIM Level 3 if your continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the parameter(s)), unless you qualify for an exception per Part 5.2.6.

- 5.2.5.1 AIM Level 3 Responses.** if any of the triggering events in Part 5.2.2 occur, you must install structural source controls (e.g., permanent controls such as permanent cover, berms, and secondary containment), and/or treatment controls (e.g., sand filters, hydrodynamic separators, oil-water separators, retention ponds, and infiltration structures), except as provided in Part 5.2.6 (AIM Exceptions). The controls or treatment technologies or treatment train you install should be appropriate for the pollutants that

triggered AIM Level 3 and should be more rigorous than the pollution prevention/good housekeeping-type stormwater control measures implemented under AIM Level 2 in Part 5.2.4. You must select controls with pollutant removal efficiencies that are sufficient to bring your exceedances below the benchmark threshold. You must install such stormwater control measures for the discharge point(s) in question and for substantially identical discharge points (SIDPs), unless you individually monitor those SIDPs and demonstrate that AIM Level 3 requirements are not triggered at those discharge points.

**5.2.5.2 AIM Level 3 Deadlines.** You must identify the schedule for installing the appropriate structural source and/or treatment stormwater control measures within 14 days and install such measures within 60 days. If it is not feasible within 60 days, you may take up to 90 days to install such measures, documenting in your SWPPP per Part 5.3 why it is infeasible to install the measure within 60 days. EPA may also grant you an extension beyond 90 days, based on an appropriate demonstration by you, the operator.

**5.2.5.3 Continue Quarterly Benchmark Monitoring.** After compliance with AIM Level 3 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance.

**5.2.5.4 AIM Level 3 Status Update.** While in AIM Level 3 status, you may either:

- a.** Return to Baseline Status. Your AIM Level 3 status will return to baseline status if the AIM Level 3 response(s) have been met and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in what would be year 4 of permit coverage per Part 4.2.2.3, or if you have fulfilled all benchmark monitoring requirements per Part 4.2.2.3, then you may discontinue monitoring for that parameter for the remainder of the permit.
- b. Continue in AIM Level 3.** Your AIM Level 3 status will remain at Level 3 if you have completed the AIM Level 3 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 5.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)). You must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance. If you continue to exceed the benchmark threshold for the same parameter even after compliance with AIM Level 3, EPA may require you to apply for an individual permit.

**5.2.6 AIM Exceptions**

Following the occurrence of an AIM triggering event per Part 5.2.2, at any point or tier level of AIM and following four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data), you may qualify for an exception below from AIM requirements and continued benchmark monitoring. Regardless if you qualify for and claim an exception, you must still review your SCMs, SWPPP, and other on-site activities to determine if actions or modifications are necessary or appropriate in light of your benchmark exceedance(s). If claiming an AIM exception, you must follow the requirements to demonstrate that you qualify for the

exception as provided below. If you qualify for an exception, you are not required to comply with the AIM responses or the continuation of quarterly benchmark monitoring for any parameters for which you can demonstrate that the benchmark exceedance is:

- 5.2.6.1 Solely Attributable to Natural Background Pollutant Levels:** You must demonstrate that the benchmark exceedance is solely attributable to the presence of that pollutant in natural background sources, provided that all the following conditions are met and you submit your analysis and documentation to the applicable EPA Regional Office upon request:
- a. The four-quarter average concentration of your benchmark monitoring results (or fewer than four-quarters of data that trigger an exceedance) is less than or equal to the concentration of that pollutant in the natural background; and
  - b. You document and maintain with your SWPPP, as required in Part 6.5.9, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge. Natural background pollutants are those substances that are naturally occurring in soils or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring, such as other industrial facilities or roadways.
- 5.2.6.2 Due to Run-On:** You must demonstrate and obtain EPA agreement that run-on from a neighboring source (e.g., a source external to your facility) is the cause of the exceedance, provided that all the following conditions are met and you submit your analysis and documentation to the applicable EPA Regional Office for concurrence:
- a. After reviewing and revising your SWPPP, as appropriate, you should notify the other facility or entity contributing run-on to your discharges and request that they abate their pollutant contribution.
  - b. If the other facility or entity fails to take action to address their discharges or sources of pollutants, you should contact your applicable EPA Regional Office.
- 5.2.6.3 Due to an abnormal event:** You must immediately document per Part 5.3 that the AIM triggering event was abnormal, a description explaining what caused the abnormal event, and how any measures taken within 14 days of such event will prevent a reoccurrence of the exceedance. You must also collect a sample during the next measurable storm event to demonstrate that the result is less than the benchmark threshold, in which case you do not trigger any AIM requirements based on the abnormal event. You must report the result of this sample in NeT-DMR in lieu of the result from the sample that caused the AIM triggering event. You may avail yourself of the "abnormal" demonstration opportunity at any AIM Level, one time per parameter, and one time per discharge point, which shall include substantially identical discharge points (SIDP), provided you qualify for the exception.
- 5.2.6.4 For Aluminum and Copper benchmark parameters only: Demonstrated to not result in an exceedance of your facility-specific value using the national recommended water quality criteria in-lieu of the applicable MSGP benchmark threshold:**

To be eligible for the exception, you must demonstrate to EPA that your stormwater discharge(s) that exceeded the applicable nationally representative MSGP benchmark threshold would not result in an exceedance of a derived facility-specific value. The demonstration to EPA, which will be made publicly available, must meet the minimum elements below in order to be considered for and approved by the applicable EPA Regional Office. If you exceed the MSGP benchmark threshold for aluminum or copper, you must still comply with any applicable AIM requirements and additional benchmark monitoring until the demonstration is made to and approved by the applicable EPA Regional Office. In this case, EPA suggests that samples collected for any continued benchmark monitoring also be analyzed for the required input parameters for each model for efficiency. If you are an existing operator and you anticipate an exceedance of the MSGP benchmark(s) based on previous monitoring data and expect to utilize this exception(s), EPA recommends you begin the required data collection in your first year of permit coverage.

**a. Aluminum (only for discharges to freshwater):**

**i. Conditions for this exception are:**

- 1) Use of EPA's 2018 National Recommended Aluminum Aquatic Life Criteria: <https://www.epa.gov/wqc/aquatic-life-criteria-aluminum>;
- 2) In-stream waterbody sampling for the three water quality input parameters for the recommended criteria model: pH, total hardness, and dissolved organic carbon (DOC); and
- 3) Completion of sampling events sufficient to capture spatial and temporal variability. Sampling events must adequately represent each applicable season at the facility's location, which would likely be over the course of at least one year. An equal number of ambient waterbody samples must be collected at a single upstream and downstream location from the operator's discharge point(s) to the receiving water of the United States. Where there exists no ambient source water upstream of the operator's discharge point(s) to the receiving water of the United States, samples of the ambient downstream waterbody conditions are sufficient.

**ii. The demonstration provided to EPA must include, at minimum:**

- 1) A description of the sampling, analysis, and quality assurance procedures that were followed for data collection, following the guidance in Section 3 of EPA's Industrial Stormwater Monitoring and Sampling Guide. [https://www.epa.gov/sites/production/files/2015-11/documents/msgp\\_monitoring\\_guide.pdf](https://www.epa.gov/sites/production/files/2015-11/documents/msgp_monitoring_guide.pdf);
- 2) The input parameters and export of results from the Aluminum Criteria Calculator, available at: <https://www.epa.gov/sites/production/files/2018-12/aluminum-criteria-calculator-v20.xlsm>; and,
- 3) A narrative summary of results.

**b. Copper (only for discharges to freshwater):**

**i. Conditions for this exception are:**

- 1) Use of EPA's 2007 National Recommended Freshwater Copper Aquatic Life Criteria: <https://www.epa.gov/wqc/aquatic-life-criteria-copper>;
- 2) In-stream waterbody sampling for the 10 water quality input parameters

to the BLM for copper: pH; dissolved organic carbon (DOC); alkalinity; temperature; major cations (calcium, magnesium, sodium, and potassium); and major anions (sulfate, chloride);

- 3) The water quality input parameters, with the exception of temperature, must fall within the range of conditions recommended for use in the BLM, found in Table 1-1 of the Data Requirements document: <https://www.epa.gov/sites/production/files/2015-11/documents/copper-data-requirements-training.pdf>; and
  - 4) Completion of sampling events sufficient to capture spatial and temporal variability. Because some of the BLM input parameters are known to vary seasonally, EPA suggests a possible starting point of at least one sampling event per season.<sup>20</sup> Sampling events must adequately represent each applicable season at the facility's location, which would likely be over the course of at least one year. An equal number of ambient waterbody samples must be collected at a single upstream and downstream location from the operator's discharge point(s) to the receiving water of the United States. Where there exists no ambient source water upstream of the operator's discharge point(s) to the receiving water of the United States, samples of the ambient downstream waterbody conditions are sufficient.
- ii. The demonstration provided to EPA must include, at minimum:
- 1) A description of the sampling, analysis, and quality assurance procedures that were followed for data collection, following the guidance in Section 3 of EPA's Industrial Stormwater Monitoring and Sampling Guide. [https://www.epa.gov/sites/production/files/2015-11/documents/msgp\\_monitoring\\_guide.pdf](https://www.epa.gov/sites/production/files/2015-11/documents/msgp_monitoring_guide.pdf);
  - 2) A discussion of how the data collected reflects the site-specific characteristics and how the operator considered special circumstances that may affect copper toxicity throughout the expected range of receiving water conditions;
  - 3) The input file and export of the results from the BLM software, which can be requested at: <https://www.epa.gov/wqs-tech/copper-biotic-ligand-model>; and
  - 4) A narrative summary of results.

**5.2.6.5 Demonstrated to not result in any exceedance of water quality standards:** You must demonstrate to EPA within 30 days of the AIM triggering event that the triggering event does not result in any exceedance of water quality standards. If it is not feasible to complete this demonstration within 30 days, you may take up to 90 days, documenting

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<sup>20</sup> EPA training materials on Copper BLM for Data Requirements states that spatial variability in the BLM input parameters caused by physical factors such as watershed size or the presence or absence of a point source discharge(s) to a waterbody should also be considered when determining how many sampling events should be collected when using the BLM to develop site-specific copper criteria. Spatial variability in the BLM input parameters should also be considered when determining how many sampling locations should be selected for development of site-specific copper criteria using the BLM. Regardless of the number of sampling events involved, data collection should reflect site-specific characteristics and consider special circumstances that may affect copper toxicity throughout the expected range of receiving water conditions. See <https://www.epa.gov/sites/production/files/2015-11/documents/copper-data-requirements-training.pdf>.



in your SWPPP why it is infeasible to complete the demonstration within 30 days. EPA may also grant you an extension beyond 90 days, based on an appropriate demonstration by you, the operator. The demonstration to EPA, which will be made publicly available, must include the following minimum elements in order to be considered for approval by the EPA Regional Office:

- a. the water quality standards applicable to the receiving water;
- b. the average flow rate of the stormwater discharge;
- c. the average instream flow rates of the receiving water immediately upstream and downstream of the discharge point;
- d. the ambient concentration of the parameter(s) of concern in the receiving water immediately upstream and downstream of the discharge point demonstrated by full-storm composite sampling;
- e. the concentration of the parameter(s) of concern in the stormwater discharge demonstrated by full-storm, flow-weighted composite sampling;
- f. any relevant dilution factors applicable to the discharge; and
- g. the hardness of the receiving water.

**Timeframe of EPA Review of Your Submitted Demonstration:** EPA will review and either approve or disapprove of such demonstration within 90 days of receipt (EPA may take up to 180 days upon notice to you before the 90<sup>th</sup> day that EPA needs additional time).

- **EPA Approval of Your Submitted Demonstration.** If EPA approves such demonstration within this timeframe, you have met the requirements for this exception, and you do not have to comply with the corresponding AIM requirements and continued benchmark monitoring.
- **EPA Disapproval of Your Submitted Demonstration.** If EPA disapproves such demonstration within this timeframe, you must comply with the corresponding AIM requirements and continued benchmark monitoring, as required. Compliance with the AIM requirements would begin from the date EPA notifies you of the disapproval unless you submit a Notice of Dispute to the applicable EPA Regional Office in Part 7 within 30 days of EPA's disapproval.
- **EPA Does Not Provide Response Related to Your Submitted Demonstration.** If EPA does not provide a response on the demonstration within this timeframe, you may submit to the EPA Regional Office in Part 7 a Notice of Dispute.
- **Operator Submittal of Notice of Dispute.** You may submit all relevant materials, including support for your demonstration and all notices and responses to the Water Division Director for the applicable EPA Region to review within 30 days of EPA's disapproval or after 90 days (or 180 days if EPA has provided notice that it needs more time) of not receiving a response from EPA.
- **EPA Review of Notice of Dispute.** EPA will send you a response within 30 days of receipt of the Notice of Dispute. Time for action by you, the operator, upon disapproval shall be tolled during the period from filing of the Notice of Dispute until the decision on the Notice of Dispute is issued by the Water Division Director for the applicable EPA Region.

### 5.3 **Corrective Action and AIM Documentation**

- 5.3.1 **Documentation within 24 Hours.** You must document the existence of any of the conditions listed in Parts 5.1.1, 5.2.3, 5.2.4, or 5.2.5 within 24 hours of becoming aware of

such condition. You are not required to submit this documentation to EPA, unless specifically required or requested to do so. However, you must summarize your findings in the annual report per Part 7.4. Include the following information in your documentation:

- 5.3.2** Description of the condition or event triggering the need for corrective action review and/or AIM response. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to waters of United States, through stormwater or otherwise;
- 5.3.2.1** Date the condition/triggering event was identified;
- 5.3.2.2** Description of immediate actions taken pursuant to Part 5.1.3.1 to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases (see Part 2.1.2.4); and
- 5.3.2.3** A statement, signed and certified in accordance with Appendix B, Subsection 11.
- 5.3.3** **Documentation within 14 Days.** You must also document the corrective actions and/or AIM responses you took or will take as a result of the conditions listed in Parts 5.1.1, 5.2.3, 5.2.4, and/or 5.2.5 within 14 days from the time of discovery of any of those conditions/triggering events. Provide the dates when you initiated and completed (or expect to complete) each corrective action and/or AIM response. If infeasible to complete the necessary corrective actions and/or AIM responses within the specified timeframe, per Parts 5.1.1, 5.2.3, 5.2.4, or 5.2.5, you must document your rationale and schedule for installing the controls and making them operational as soon as practicable after the specified timeframe. If you notified EPA regarding an allowed extension of the specified timeframe, you must document your rationale for an extension. Include any additional information and/or rationale that is required and/or applicable to the specified corrective action and/or AIM response in Part 5. You are not required to submit this documentation to EPA, unless specifically required or requested to do so. However, you must summarize your corrective actions and/or AIM responses in the Annual Report per Part 7.4.

## **6. Stormwater Pollution Prevention Plan (SWPPP)**

You must prepare a SWPPP for your facility before submitting your NOI for permit coverage. If you prepared a SWPPP for coverage under a previous version of this permit, you must review and update the SWPPP to implement all provisions of this permit prior to submitting your NOI. The SWPPP does not contain effluent limitations; such limitations are contained in Parts 2, 8, and 9 of the permit. The SWPPP is intended to document the selection, design, and installation of stormwater control measures to meet the permit's effluent limits. The SWPPP is a living document. Facilities must keep their SWPPP up-to-date throughout their permit coverage, such as making revisions and improvements to their stormwater management program based on new information and experiences with major storm events. As distinct from the SWPPP, the additional documentation requirements (see Part 6.5) are so that you document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

*Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, during an inspection, etc.*

#### **6.1 Person(s) Responsible for Preparing the SWPPP**

You shall prepare the SWPPP in accordance with good engineering practices and to industry standards. The SWPPP may be developed by either a person on your staff or a third party you hire, but it must be developed by a "qualified person" and must be certified per the signature requirements in Part 6.2.7. If EPA concludes that the SWPPP is not in compliance with Part 6.2 of this permit, EPA may require the SWPPP to be reviewed, amended as necessary, and certified by a Professional Engineer, or for Sector G, H or J, by a Professional Geologist, with the education and experience necessary to prepare an adequate SWPPP.

*Note: A "qualified person," as defined in Appendix A, is a person knowledgeable in the principles and practices of industrial stormwater controls and pollution prevention, and possesses the education and ability to assess conditions at the industrial facility that could impact stormwater quality, and the education and ability to assess the effectiveness of stormwater controls selected and installed to meet the requirements of the permit.*

#### **6.2 Required Contents of Your SWPPP**

To be covered under this permit, your SWPPP must contain all of the following elements:

- Stormwater pollution prevention team (Part 6.2.1);
- Site description (Part 6.2.2);
- Summary of potential pollutant sources (Part 6.2.3);
- Description of stormwater control measures (Part 6.2.4);
- Schedules and procedures (Part 6.2.5);
- Documentation to support eligibility pertaining to other federal laws (Part 6.2.6); and
- Signature requirements (Part 6.2.7).

Where your SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS), copies of the relevant portions of those documents must be kept with your SWPPP.

**6.2.1 Stormwater Pollution Prevention Team.** You must identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team as well as their individual responsibilities. Your stormwater pollution prevention team is responsible for overseeing development of the SWPPP, any modifications to it, and for implementing and maintaining control measures and taking corrective actions and/or AIM responses, when required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

**6.2.2 Site Description.** Your SWPPP must include the following:

- 6.2.2.1 Activities at the facility.** Provide a description of the nature of the industrial activities at your facility.
- 6.2.2.2 General location map.** Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges.
- 6.2.2.3 Site map.** Provide a map showing:
- a. Boundaries of the property and the size of the property in acres;
  - b. Location and extent of significant structures and impervious surfaces;
  - c. Directions of stormwater flow (use arrows), including flows with a significant potential to cause soil erosion;
  - d. Locations of all stormwater control measures;
  - e. Locations of all receiving waters, including wetlands, in the immediate vicinity of your facility. Indicate which waterbodies are listed as impaired and which are identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 waters;
  - f. Locations of all stormwater conveyances including ditches, pipes, and swales;
  - g. Locations of potential pollutant sources identified under Part 6.2.3.2;
  - h. Locations where significant spills or leaks identified under Part 6.2.3.3 have occurred;
  - i. Locations of all stormwater monitoring points;
  - j. Locations of stormwater inlets and discharge points, with a unique identification code for each discharge point (e.g., 001, 002), indicating if you are treating one or more discharge points as "substantially identical" under Parts 3.2.4.5, 6.2.5.3, and 4.1.1, and an approximate outline of the areas draining to each discharge point;
  - k. If applicable, municipal separate storm sewer systems (MS4s) and where your stormwater discharges to them;
  - l. Areas of Endangered Species Act-designated critical habitat for endangered or threatened species, if applicable.
  - m. Locations of the following activities where such activities are exposed to precipitation:
    - i. fueling stations;
    - ii. vehicle and equipment maintenance and/or cleaning areas;
    - iii. loading/unloading areas;
    - iv. locations used for the treatment, storage, or disposal of wastes;
    - v. liquid storage tanks;
    - vi. processing and storage areas;
    - vii. immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
    - viii. transfer areas for substances in bulk;
    - ix. machinery;

- x. locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

**6.2.3 Summary of Potential Pollutant Sources.** You must describe in the SWPPP areas at your facility where industrial materials or activities are exposed to stormwater or from which authorized non-stormwater discharges originate. Industrial materials or activities include but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For structures located in areas of industrial activity, you must be aware that the structures themselves are potential sources of pollutants. This could occur, for example, when metals such as aluminum or copper are leached from the structures as a result of acid rain.

**For each area identified, the description must include:**

- 6.2.3.1 Activities in the Area.** A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).
- 6.2.3.2 Pollutants.** A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents) associated with each identified activity, which could be exposed to rainfall or snowmelt and could be discharged from your facility. The pollutant list must include all significant materials that have been handled, treated, stored or disposed, and that have been exposed to stormwater in the three years prior to the date you prepare or amend your SWPPP.
- 6.2.3.3 Spills and Leaks.** You must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding discharge point(s) that would be affected by such spills and leaks. You must document all significant spills and leaks of oil or toxic or hazardous substances that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the three years prior to the date you prepare or amend your SWPPP.

*Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC § 9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.*

**6.2.3.4 Unauthorized Non-Stormwater Discharges Evaluation.** By the end of the first year of your permit coverage under this permit, you must inspect and document all discharge points at your facility as part of the SWPPP. If it is infeasible to complete the evaluation within the first year of permit coverage, you must document in your SWPPP why this is the case and identify the schedule by which you expect to complete the evaluation. Documentation of your evaluation must include:

- a. The date of the evaluation;
- b. A description of the evaluation criteria used;
- c. A list of the discharge points or onsite drainage points that were directly observed during the evaluation; and

- d. If there are any unauthorized non-stormwater discharges (see Part 1.2.2 for the exclusive list of authorized non-stormwater discharges under this permit) you must immediately take action(s), such as implementing control measures, to eliminate those discharges or seek an individual NPDES wastewater permit and document that you obtained the permit (for example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge).
- e. An explanation of everything you did to immediately eliminate the unauthorized discharge per Part 5 Corrective Actions.

**6.2.3.5 Salt Storage.** You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

**6.2.3.6 Sampling Data.** Existing permitted facilities must summarize all stormwater discharge sampling data collected at the facility during the previous permit term. The summary shall include a narrative description (and may include data tables/figures) that adequately summarizes the collected sampling data to support identification of potential pollution sources at your facility. New dischargers and new sources must provide a summary of any available stormwater data they may have.

**6.2.4 Description of Stormwater Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits.** You must document the location and type of stormwater control measures you have specifically chosen and/or designed to comply with:

**6.2.4.1** Part 2.1.2: Non-numeric technology-based effluent limits;

**6.2.4.2** Parts 2.1.3 and 8: Applicable numeric effluent limitations guidelines-based limits;

**6.2.4.3** Part 2.2: Water quality-based effluent limits;

**6.2.4.4** Part 2.3: Any additional measures that formed the basis of eligibility regarding Endangered Species Act-listed threatened and endangered species or their critical habitat, National Historic Preservation Act historic properties, and/or federal CERCLA Site requirements;

**6.2.4.5** Parts 8 and 9: Applicable effluent limits;

**6.2.4.6** Regarding your control measures, you must also document, as appropriate:

- a. How you addressed the selection and design considerations in Part 2.1.1;
- b. How they address the pollutant sources identified in Part 6.2.3.

Effluent limit requirements in Part 2.1.2 that do not involve the site-specific selection of a stormwater control measure or are specific activity requirements (e.g., "cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth, or in line with manufacturer specifications, whichever is lower, and keeping the debris surface at least six inches below the lowest outlet pipe") are marked with an asterisk (\*). For the requirements marked with an asterisk, you may include extra information, or you may just "copy-and-paste" these effluent limits word-for-word into your SWPPP without providing additional documentation.

**6.2.5 Schedules and Procedures****6.2.5.1 Pertaining to Stormwater Control Measures Used to Comply with the Effluent Limits in Part 2.** You must document the following in your SWPPP:

- a. **Good Housekeeping (see Part 2.1.2.2)** – A schedule or the convention used for determining when pickup and disposal of waste materials occurs. Also provide a schedule for routine inspections for leaks and conditions of drums, tanks and containers.
- b. **Maintenance (see Part 2.1.2.3)** – Preventative maintenance procedures, including regular inspections, testing, maintenance and repair of all stormwater control measures to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a storm event resulting in a stormwater discharge occur while a control measure is off-line. The SWPPP shall include the schedule or frequency for maintaining all control measures used to comply with the effluent limits in Part 2;
- c. **Spill Prevention and Response Procedures (see Part 2.1.2.4)** – Procedures for preventing and responding to spills and leaks, including notification procedures. For preventing spills, include in your SWPPP the stormwater control measures for material handling and storage, and the procedures for preventing spills that can contaminate stormwater. Also specify cleanup equipment, procedures and spill logs, as appropriate, in the event of spills. You may reference the existence of other plans for Spill Prevention, Control and Countermeasure (SPCC) developed for the facility under section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part 6.4;
- d. **Erosion and Sediment Controls (see Part 2.1.2.5)** – If you use polymers and/or other chemical treatments as part of your erosion and sediment controls, you must identify the polymers and/or chemicals used and the purpose;
- e. **Employee Training (see Part 2.1.2.8)** – The elements of your employee training plan shall include all, but not necessarily limited to, the requirements set forth in Part 2.1.2.8, and also the following:
  - ii. The content of the training;
  - iii. The frequency/schedule of training for employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit;
  - iv. A log of the dates on which specific employees received training.

**6.2.5.2 Pertaining to Inspections and Assessments.** You must document in your SWPPP your procedures for performing, as appropriate, the types of inspections specified by this permit, including:

- a. Routine facility inspections (see Part 3.1) and;
- b. Quarterly visual assessment of stormwater discharges (see Part 3.2).

**For each type of inspection performed, your SWPPP must identify:**

- a. Person(s) or positions of person(s) responsible for the inspection;
- b. Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular stormwater discharges (see Part 3.2.4);
- c. Specific items to be covered by the inspection, including schedules for specific discharge points.

If you are invoking the exception for inactive and unstaffed facilities relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts 3.1.5 and 3.2.4.

**6.2.5.3 Pertaining to Monitoring**

- a. **Procedures for Each Type of Monitoring.** You must document in your SWPPP procedures for conducting the six types of analytical stormwater discharge monitoring specified by this permit, where applicable to your facility, including:
  - i. Indicator monitoring (Part 4.2.1);
  - ii. Benchmark monitoring (Part 4.2.2);
  - iii. Effluent limitations guidelines monitoring (Part 4.2.3);
  - iv. State- or tribal-specific monitoring (Part 4.2.4);
  - v. Impaired waters monitoring (Part 4.2.5);
  - vi. Other monitoring as required by EPA (Part 4.2.6).
- b. **Documentation for Each Type of Monitoring.** For each type of stormwater discharge monitoring, you must document in your SWPPP:
  - i. Locations where samples are collected, including any determination that two or more discharge points are substantially identical;
  - ii. Parameters for sampling and the frequency of sampling for each parameter;
  - iii. Schedules for monitoring at your facility, including schedule for alternate monitoring periods for climates with irregular stormwater discharges (see Part 4.1.6);
  - iv. Any numeric control values (benchmark thresholds, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to stormwater discharges from each discharge point;
  - v. Procedures (e.g., responsible staff, logistics, laboratory to be used) for gathering storm event data, as specified in Part 4.1.
- c. **Exception for Inactive and Unstaffed Facilities.** If you are invoking the exception for inactive and unstaffed facilities for indicator monitoring, benchmark monitoring or impaired waters monitoring, you must include in your SWPPP the information to support this claim as required by Parts 4.2.2.5 and 4.2.5.2.
- d. **Exception for Substantially Identical Discharge Points (SIDP).** You must document the following in your SWPPP if you plan to use the SIDP exception for your quarterly visual assessment requirements in Part 3.2.4 or your indicator,



benchmark, or impaired waters monitoring requirements in Parts 4.2.1, 4.2.2, and 4.2.5, respectively (see also Part 4.1.1):

- i. Location of each SIDP;
- ii. Description of the general industrial activities conducted in the drainage area of each discharge point;
- iii. Description of the control measures implemented in the drainage area of each discharge point;
- iv. Description of the exposed materials located in the drainage area of each discharge point that are likely to be significant contributors of pollutants via stormwater discharges;
- v. An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%);
- vi. Why the discharge points are expected to discharge substantially identical effluents.

#### **6.2.6 Documentation to Support Eligibility Pertaining to Other Federal Laws**

**6.2.6.1 Documentation Regarding Endangered Species Act-Listed Threatened and Endangered Species and Critical Habitat Protection.** You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.4.

**6.2.6.2 Documentation Regarding National Historic Preservation Act Historic Properties.** You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.5.

**6.2.7 Signature Requirements.** You must sign and date your SWPPP in accordance with Appendix B, Subsection 11.

#### **6.3 Required SWPPP Modifications**

You must modify your SWPPP based on any corrective actions and deadlines required under Part 5. You must sign and date any SWPPP modifications in accordance with Appendix B, Subsection 11.

#### **6.4 SWPPP Availability**

You must retain a complete copy of your current SWPPP required by this permit at the facility in any accessible format. A complete SWPPP includes any documents incorporated by reference and all documentation supporting your permit eligibility pursuant to Part 1.1 of this permit, as well as your signed and dated certification page. Regardless of the format, the SWPPP must be immediately available to facility employees, EPA, a state or tribe, the operator of an MS4 into which you discharge, and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) at the time of an on-site inspection.

Your current SWPPP or certain information from your current SWPPP described below must also be made available to the public (except any confidential business information (CBI) or restricted information [as defined in Appendix A]), but you must clearly identify those portions of the SWPPP that are being withheld from public access; to do so, you must comply with one of the following two options:

#### **6.4.1 Making Your SWPPP Publicly Available**

You have three options to comply with the public availability requirements for the SWPPP: attaching your SWPPP to your NOI; providing a URL of your SWPPP in your NOI; or providing SWPPP information in your NOI. To remain current for all three options, you must update your SWPPP (by updating the attachment per Part 6.4.1.1 via a Change NOI, updating your webpage per Part 6.4.1.2, or updating the SWPPP information in the NOI per Part 6.4.1.3 via a Change NOI no later than 45 days after conducting the final routine facility inspection for the year required in Part 3.1. You may switch your preferred option throughout your permit coverage, but you must update your NOI as necessary to indicate your change in option. You are not required to post any CBI or restricted information (as defined in Appendix A) (such information may be redacted), but you must clearly identify those portions of the SWPPP that are being withheld from public access. CBI may not be withheld from those staff cleared for CBI review within EPA, USFWS or NMFS.

**6.4.1.1 Attaching Your SWPPP to your NOI:** You may attach a copy of your SWPPP, and any SWPPP modifications, records, and other reporting elements that must be kept with your SWPPP, to your NOI in NeT-MSGP.

**6.4.1.2 Providing a URL of your SWPPP in your NOI:** You may provide a URL in your NOI in NeT-MSGP where your SWPPP can be found, and maintain your current SWPPP at this URL. You must post any SWPPP modifications, records, and other reporting elements that must be kept with your SWPPP required for the previous year at the same URL as the main body of the SWPPP.

**6.4.1.3 Providing SWPPP Information in your NOI.** You may include the following information in your NOI in NeT-MSGP. Irrespective of this requirement, EPA may provide access to portions of your SWPPP to a member of the public upon request (except any CBI or restricted information (as defined in Appendix A)).

- a. Onsite industrial activities exposed to stormwater, including potential spill and leak areas (see Parts 6.2.3.1, 6.2.3.3 and 6.2.3.5);
- b. Pollutants or pollutant constituents associated with each industrial activity exposed to stormwater that could be discharged in stormwater and/or any authorized non-stormwater discharges listed in Part 1.2.2 (see Part 6.2.3.2);
- c. Stormwater control measures you employ to comply with the non-numeric technology-based effluent limits required in Parts 2.1.2 and 8, and any other measures taken to comply with the requirements in Part 2.2 Water Quality-Based Effluent Limitations (see Part 6.2.4). If you use polymers and/or other chemical treatments as part of your erosion and sediment controls, you must identify the polymers and/or chemicals used and the purpose; and
- d. Schedule for good housekeeping and maintenance (see Part 6.2.5.1) and schedule for all inspections required in Part 3 (see Part 6.2.5.2).

#### **6.5 Additional Documentation Requirements**

You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

**6.5.1** A copy of the NOI submitted to EPA along with any correspondence exchanged between you and EPA specific to coverage under this permit;

- 6.5.2** A copy of the authorization email you receive from the EPA assigning your NPDES ID;
- 6.5.3** A copy of this permit (either a hard copy or an electronic copy easily available to SWPPP personnel);
- 6.5.4** Documentation of any maintenance and repairs of stormwater control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 2.1.2.3);
- 6.5.5** All inspection reports, including the Routine Facility Inspection Reports (see Part 3.1.6) and Visual Assessment Documentation (see Part 3.2.3);
- 6.5.6** Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts 3.2.4 and 4.1.5);
- 6.5.7** Corrective action documentation required per Part 5.1;
- 6.5.8** Documentation of any benchmark threshold exceedances, which AIM Level triggering event the exceedance caused, and AIM response you employed per Part 5.2, including:
  - 6.5.8.1** The AIM triggering event;
  - 6.5.8.2** The AIM response taken;
  - 6.5.8.3** Any rationale that SWPPP/SCM changes were unnecessary;
  - 6.5.8.4** Any documentation required to meet any AIM exception per Part 5.2.6.
- 6.5.9** Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge after three years or were solely attributable to natural background sources (see Part 4.2.5.1); and
- 6.5.10** Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 3.1.5), quarterly visual assessments (see Part 3.2.4.4), benchmark monitoring (see Part 4.2.2.5), and/or impaired waters monitoring (see Part 4.2.5.2).

## **7. Reporting and Recordkeeping**

### **7.1 Electronic Reporting Requirement**

You must submit all NOIs, NOTs, NECs, Annual Reports, Discharge Monitoring Reports (DMRs), and other reporting information as appropriate electronically, unless the EPA Regional Office grants you a waiver based on one of the following conditions:

- If your headquarters is physically located in a geographic area (i.e., zip code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or

- If you have limitations regarding available computer access or computer capability.

Waivers are only granted for a one-time use for a single information submittal, e.g., an initial waiver for an NOI does not apply for the entire term of the permit for other forms. If you need to submit information on paper after your first waiver, you must apply for a new waiver. The EPA Regional Office may extend a waiver on a case-by-case basis.

If you wish to obtain a waiver from submitting a report electronically, you must submit a request to the applicable EPA Regional Office, found in Part 7.8. In that request you must document which exemption you meet, provide evidence supporting any claims, and a copy of your completed paper form. A waiver may only be considered granted once you receive written confirmation from EPA or its authorized representative.

## **7.2 Submitting Information to EPA**

- 7.2.1 Submitting Forms via NeT-MSGP.** You must submit all required information via EPA's electronic NPDES eReporting tool (NeT), unless the permit states otherwise or unless you have been granted a waiver per Part 7.1. You can both prepare and submit required information in NeT-MSGP using specific forms, also found in the permit's appendices. To access NeT-MSGP, go to <https://cdxnodengn.epa.gov/net-msgp/action/login>.

Information you must submit to EPA via NeT-MSGP:

- Notice of Intent (NOI) (Part 1.3);
- Change Notice of Intent (NOI) (Part 1.3.4);
- No Exposure Certification (NEC) (Part 1.5);
- Notice of Termination (NOT) (Part 1.4); and
- Annual Report (AR) (Part 7.4).

*Note: You must submit Discharge Monitoring Reports (see Part 7.3) electronically using Net-DMR.*

If the applicable EPA Regional Office grants you a waiver from electronic reporting, you must use the required forms found in the Appendices.

- 7.2.2 Other Information Required to be Submitted.** Information required to be submitted to the applicable EPA Regional Office at the address in Part 7.8:

- New Dischargers and New Sources to Water Quality-Impaired Waters (Part 1.1.6.2);
- Exceedance Report for Numeric Effluent Limitations (Part 7.5); and
- Additional Reporting (Part 7.6)

## **7.3 Reporting Monitoring Data to EPA**

- 7.3.1 Submitting Monitoring Data via NeT-DMR.** You must submit all stormwater discharge monitoring data collected pursuant to Part 4 to EPA using Net-DMR, EPA's electronic DMR system (for more information visit: <https://www.epa.gov/compliance/npdes-ereporting> (unless the applicable EPA Regional Office grants you a waiver from electronic reporting, in which case you may submit a paper DMR form) no later than 30 days after you have received your complete laboratory results for all monitoring discharge points for the reporting period. Your monitoring requirements (i.e., parameters required to be monitored and sample frequency) will be prepopulated on your electronic Discharge Monitoring Report (DMR) form based on the information you

reported on your NOI form through the NeT-MSGP. Accordingly, you must certify the following changes to your monitoring frequency to EPA by submitting a Change NOI in NeT-MSGP, unless EPA has completed the development of planned features in the electronic systems to process submitted monitoring results to automatically turn monitoring on/off as applicable, which will trigger changes to your monitoring requirements in Net-DMR:

- 7.3.1.1 All benchmark monitoring requirements have been fulfilled for the permit term;
- 7.3.1.2 All impaired waters monitoring requirements have been fulfilled for the permit term;
- 7.3.1.3 Benchmark monitoring requirements no longer apply because the EPA Regional Office has concurred with your assessment that run-on from a neighboring source is the cause of the exceedance;
- 7.3.1.4 Benchmark and/or impaired monitoring requirements no longer apply because your facility is inactive and unstaffed;
- 7.3.1.5 Benchmark and/or impaired monitoring requirements now apply because your facility has changed from inactive and unstaffed to active and staffed;
- 7.3.1.6 For Sector G2 only: Discharges from waste rock and overburden piles have exceeded benchmark thresholds;
- 7.3.1.7 A numeric effluent limitation guideline has been exceeded;
- 7.3.1.8 A numeric effluent limitation guideline exceedance is back in compliance.
- 7.3.2 **When You Can Discontinue Submission of Monitoring Data.** Once you have completely fulfilled applicable monitoring requirements, you are no longer required to report monitoring results using Net-DMR. If you have only partially fulfilled your benchmark monitoring and/or impaired waters monitoring requirements (e.g., your four quarterly average is below the benchmark for some, but not all, parameters; you did not detect some, but not all, impairment pollutants), you must continue to report your results in Net-DMR for the remaining monitoring requirements. If the EPA Regional Office grants you a waiver per Part 7.1, you must submit paper reporting forms by the same deadline.
- 7.3.3 **State or Tribal Required Monitoring Data.** See Part 9 for specific reporting requirements applicable to individual states or tribes.
- 7.3.4 **Submission Deadline for Indicator and Benchmark Monitoring Data.** For both indicator and benchmark monitoring, you are required to submit sampling results to EPA no later than 30 days after receiving your complete laboratory results for all monitored discharge points for each monitoring period that you are required to collect samples, per Part 4.2.1. and Part 4.2.2. If you collect samples during multiple storm events in a single quarter (e.g., due to adverse weather conditions, climates with irregular stormwater discharges, or areas subject to snow), you are required to submit all sampling results for each storm event to EPA within 30 days of receiving all laboratory results for the event. Or, for any of your monitored discharge points that did not have a discharge within the reporting period, using Net-DMR, you must report that no discharges occurred for that discharge point no later than 30 days after the end of the reporting period.

#### **7.4 Annual Report**

You must submit an Annual Report to EPA via NeT-MSGP, per Part 7.2, by January 30<sup>th</sup> for each year of permit coverage containing information generated from the past calendar year. You must include the following information in the Annual Report:

- 7.4.1** A summary of your past year's routine facility inspection documentation required (Part 3.1.6). In addition, if you are an operator of an airport facility (Sector S) that is subject to the airport effluent limitations guidelines and are complying with the Part 8.S.9.1 effluent limitation through the use of non-urea-containing deicers, provide a statement certifying that you do not use pavement deicers containing urea. (Note: Operators of airport facilities that are complying with Part 8.S.9.1 by meeting the numeric effluent limitation for ammonia do not need to include this statement.)
- 7.4.2** A summary of your past year's visual assessment documentation (see Part 3.2.3);
- 7.4.3** A summary of your past year's corrective action and any required AIM documentation (see Part 5.3). If you have not completed required corrective action or AIM responses at the time you submit your annual report, you must describe the status of any outstanding corrective action(s) or AIM responses. Also describe any incidents of noncompliance in the past year or currently ongoing, or if none, provide a statement that you are in compliance with the permit.

Your Annual Report must also include a statement, signed and certified in accordance with Appendix B, Subsection 11.

#### **7.5 Numeric Effluent Limitations Exceedance Report**

If follow-up monitoring per Part 4.2.3.3 exceeds a numeric effluent limit, you must submit an Exceedance Report to EPA no later than 30 days after you have received your laboratory results. Send the Exceedance Report to the applicable EPA Regional Office listed in Part 7.8, and report the monitoring data through Net-DMR. Your report must include the following:

- 7.5.1** NPDES ID;
- 7.5.2** Facility name, physical address and location;
- 7.5.3** Name of receiving water;
- 7.5.4** Monitoring data from this and the preceding monitoring event(s);
- 7.5.5** An explanation of the situation, including what you have done and intend to do (should your corrective actions not yet be complete) to correct the violation;
- 7.5.6** An appropriate contact name and phone number.

#### **7.6 Additional Standard Recordkeeping and Reporting Requirements**

In addition to the reporting requirements stipulated in Part 7, you are also subject to the standard permit reporting provisions of Appendix B, Subsection 12. You must submit the following reports to the applicable EPA Regional Office listed in Part 7.8, as applicable. If you discharge through an MS4, you must also submit these reports to the MS4 operator (identified pursuant to Part 6.2.2).

- 7.6.1** 24-hour reporting (see Appendix B, Subsection 12.F) – You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances;
- 7.6.2** 5-day follow-up reporting to the 24-hour reporting (see Appendix B, Subsection 12.F) – A written submission must also be provided within five days of the time you become aware of the circumstances;
- 7.6.3** Reportable quantity spills (see Part 2.1.2.4) – You must provide notification, as required under Part 2.1.2.4, as soon as you have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity;
- 7.6.4** Planned changes (see Appendix B, Subsection 12.A) – You must give notice to EPA promptly, no fewer than 30 days prior to making any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- 7.6.5** Anticipated noncompliance (see Appendix B, Subsection 12.B) – You must give advance notice to EPA of any planned changes in the permitted facility or activity which you anticipate will result in noncompliance with permit requirements;
- 7.6.6** Compliance schedules (see Appendix B, Subsection 12.E) – Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;
- 7.6.7** Other noncompliance (see Appendix B, Subsection 12.G) – You must report all instances of noncompliance not reported in your Annual Report, compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and
- 7.6.8** Other information (see Appendix B, Subsection 12.H) – You must promptly submit facts or information if you become aware that you failed to submit relevant facts in your NOI, or that you submitted incorrect information in your NOI or in any report.

**7.7 Record Retention Requirements**

You must retain copies of your SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 6.5 (including documentation related to any corrective actions or AIM responses taken pursuant to Part 5), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least three years from the date that your coverage under this permit expires or is terminated.

**7.8      Addresses for Reports**

<b>Permit Part</b>	<b>EPA Region</b>	<b>Areas Covered</b>	<b>Address</b>
7.8.1	1	Connecticut Massachusetts New Hampshire Rhode Island Vermont	U.S. EPA Region 1 Water Division Stormwater and Construction Permits Section 5 Post Office Square, Ste. 100 (06-1) Boston, MA 02109-3912
7.8.2	2	New Jersey New York	U.S. EPA Region 2 NPDES Stormwater Program 290 Broadway, 24th Floor New York, NY 10007-1866
		Puerto Rico Virgin Islands	U.S. EPA Region 2 Caribbean Environmental Protection Division NPDES Stormwater Program City View Plaza II – Suite 7000 48 Rd. 165 Km 1.2 Guaynabo, PR 00968-8069
7.8.3	3	Delaware District of Columbia Maryland Pennsylvania Virginia West Virginia	U.S. EPA Region 3 NPDES Permits Section, MC 3WD41 1650 Arch Street Philadelphia, PA 19103
7.8.4	4	Alabama Florida Georgia Kentucky Mississippi North Carolina South Carolina Tennessee	U.S. EPA Region 4 Water Division NPDES Stormwater Program Atlanta Federal Center 61 Forsyth Street SW Atlanta, GA 30303-3104
7.8.5	5	Illinois Indiana Michigan Minnesota Ohio Wisconsin	U.S. EPA Region 5 NPDES Program Branch 77 W. Jackson Blvd. MC WP16J Chicago, IL 60604-3507
7.8.6	6	Arkansas Louisiana Oklahoma Texas New Mexico (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands)	U.S. EPA Region 6 Permitting Section (WD-PE) 1201 Elm Street, Suite 500 Dallas, TX 75270
7.8.7	7	Iowa Kansas Missouri	U.S. EPA Region 7 NPDES Stormwater Program 11201 Renner Blvd



Permit Part	EPA Region	Areas Covered	Address
		Nebraska	Lenexa, KS 66219
7.8.8	8	Colorado Montana North Dakota South Dakota Wyoming Utah (except see Region 9 for Goshute Reservation and Navajo Reservation lands) The Ute Mountain Reservation in New Mexico The Pine Ridge Reservation in Nebraska	EPA Region 8 Storm Water Program MC: 8P-W-WW 1595 Wynkoop Street Denver, CO 80202-1129
7.8.9	9	Arizona California Hawaii Nevada Guam American Samoa The Commonwealth of the Northern Mariana Islands The Goshute Reservation in Utah and Nevada The Navajo Reservation in Utah New Mexico, and Arizona The Duck Valley Reservation in Idaho Fort McDermitt Reservation in Oregon	U.S. EPA Region 9 Water Division NPDES Stormwater Program (WTR-2-3) 75 Hawthorne Street San Francisco, CA 94105-3901
7.8.10	10	Alaska Idaho Oregon (except see Region 9 for Fort McDermitt Reservation) Washington	U.S. EPA Region 10 Water Division NPDES Stormwater Program (19-C04) 1200 6th Avenue, Suite 155 Seattle, WA 98101-3188
7.8.11	State and Tribal Addresses		See Part 9 (states and tribes) for the addresses of applicable states or tribes that require submission of information to their agencies.



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

New Mexico Ecological Services Field Office  
2105 Osuna NE  
Albuquerque, New Mexico 87113  
Phone: (505) 346-2525 Fax: (505) 346-2542

February 12, 1999

Cons. #2-22-98-I-336

Cons. #2-22-95-I-108

David A. Gurule, Acting Area Manager  
Department of Energy  
Albuquerque Operations Office  
Los Alamos Area Office  
Los Alamos, New Mexico 87545

Dear Mr. Gurule:

This responds to your letter dated August 6, 1998, requesting our review and concurrence with the Threatened and Endangered Species Habitat Management Plan (HMP) for Los Alamos National Laboratory (LANL). The HMP was prepared by the LANL Ecology Group for the Department of Energy (DOE) as part of the Dual-Axis Radiographic Hydrodynamics Test Facility (DAHRT) Mitigation Action Plan. The U.S. Fish and Wildlife Service (Service) has worked closely with LANL in the development of the HMP. As a result of discussions and meetings following the August 6, 1998, submittal, additional information/clarification was provided via letters, updated Biological Evaluations/HMPs, and e-mail messages, dated September 8, October 20, November 25, and December 9, 1998, and January 4, January 22, and January 29, 1999. The purpose of the HMP is to provide for the protection of threatened and endangered species and their habitats on LANL. The HMP consists of three components that must be used together to assure proper management of the threatened and endangered species: an Overview Document, Site Plans, and Monitoring Plans. It was determined that if all the restrictions and protective measures outlined in the HMP are strictly followed, the implementation of this HMP may affect, but is not likely to adversely affect the Mexican spotted owl (owl), peregrine falcon (falcon), bald eagle (eagle), and southwestern willow flycatcher (flycatcher). The Biological Evaluation (BE) also considered potential impacts on the black-footed ferret, arctic peregrine falcon, and whooping crane. It was determined that there would be no effect on these species because of a lack of habitat.

Property at LANL varies from remote isolation to heavily developed and/or industrialized. The Service agrees, as stated in the Overview document, that a number of activities at LANL have the potential to adversely impact threatened and endangered species. Many of the industrial processes used at LANL have involved hazardous and radioactive materials. These materials as well as remediation of potential release sites may disturb

or reduce population viability of threatened and endangered species. In addition, other potential sources of disturbance or habitat alterations are possible as a result of the residential and commercial development in the LANL area. While the HMP identifies potential sources of adverse effects, this consultation does not necessarily cover all of those impacts. The Service does not anticipate that DOE will be able to plan all of its operations at LANL in accordance with this plan. The direct effects of most actions can be minimized through implementation of the HMP; however, a more thorough assessment is necessary to adequately evaluate the indirect and cumulative impacts of all actions that are funded, authorized, and permitted by DOE, as well as potential impacts from interrelated and interdependent actions. It was agreed (by Service, DOE, and LANL personnel) that consultation concerning ongoing LANL operations would be handled separately from the HMP, under the consultation on the Site-Wide EIS.

The Site Plans identify the particular areas of LANL where operations might impact known occupied or potential habitat for the flycatcher, eagle, falcon, and owl. Suitable habitat for these species, along with protective buffer areas surrounding their habitat, have been designated as Areas of Environmental Interest (AEIs). For the flycatcher, one AEI was established based on an observation of a migrant male flycatcher in 1997. The AEI is located in the Pajarito wetland area and includes the best available riparian habitat. For eagles, one AEI has been identified for wintering habitat that exists along the Rio Grande on the eastern edge of LANL. It is based on the locations of known and potential roost sites. For the falcon, four AEIs have been identified. They consist of the habitat previously identified under the 1985 interagency agreement. These areas are centered on deep canyons on the eastern side of LANL or on adjacent lands. LANL has agreed to implement the recommended management guidelines, which utilize four management zones (A through D) to protect nesting peregrine falcons from disturbance. For the owl, six AEIs have been identified, but only one of these sites is known to be occupied. These AEIs are based on and located in canyons that have been defined as suitable nest/roost habitat.

The AEI management section of each Site Plan provides guidelines for LANL operations to reduce or eliminate threats to each species. The primary threats on LANL property are (1) impacts on habitat quality from LANL operations and (2) disturbance of nesting or roosting birds. The site plans provide information on their location and guidelines for their management. The AEI Site Plans consist of a species description, descriptions of the AEIs for the species, descriptions of current impacts in the AEIs, management plans that describe allowable activities within core and buffer areas under the guidelines of the sites plan and protective measures. Activities discussed in the site plans include day to day activities, such as access into an AEI, as well as long-term projects, such as levels of habitat alteration in the buffer area of an AEI. Restrictions will be implemented on activities that could cause disturbance (people, vehicles and machinery, aircraft, light production, and noise) within occupied AEIs. The location of a potential disturbance activity within the AEI, the occupancy status of the AEI, and the type of activity all affect whether or not an activity is allowable. Habitat alterations are always restricted in core areas, but a limited amount of future development is allowed in currently undeveloped DOE-controlled buffer areas under the guidelines of this site plan as long

as it does not alter habitat in the undeveloped AEI (including light and noise guidelines). The purpose of buffer areas is to protect core areas from undue disturbance or habitat alteration or habitat degradation. Each AEI is specific to the situation or circumstances of the site it covers. According to the HMP, development beyond the cap established for each AEI, or greater than 2 hectares in size, including the developed-area border, requires independent review for ESA compliance.

Varying amounts of development and/or ongoing activities exist in the cores and buffers of each AEI. These developments may include residential, commercial, and light industrial areas, as well as roads and utility corridors. Existing/ongoing activities may include periodic scientific surveys, power line maintenance, recreational use, residential development, ER Program activities, and possible use of a firing site. Potential disturbance may be associated with automobile and truck traffic, construction activities, a live-fire range, explosives testing, and aircraft traffic at the County airport. Ongoing activities in developed areas constitute a baseline condition for the AEIs and are not restricted. New activities including further development within already existing developed areas are not restricted unless they impact undeveloped portions of an AEI core. If a proposed action within a developed area does not meet site plan guidelines, it must be individually reviewed for ESA compliance.

Some activities such as utility corridor maintenance, fuels management, and a limited amount of development are allowed in each AEI (as described in the HMP). The potential impacts of these activities are considered to be insignificant or discountable because they will occur in habitat that has been previously disturbed or is of poor quality due to its size or proximity to already developed areas. It is our understanding (based on the January 22, 1999, e-mail response from Terry Foxx) that the fuels management activities within the owl AEIs will only consist of ongoing and proposed fire protection activities around existing facilities (e.g. thinning around buildings) or those activities that are already covered under the Dome Fire Emergency BA. The other fire management activities mentioned in the HMP will go through the ESH-ID process and further consultation with the Service when a fire management plan is completed in the future.

In general, activities that detrimentally alter habitat in an AEI or would cause unacceptable disturbance to the species inhabiting the AEI are not allowed under the guidelines of a Site Plan. The Site Plans are designed to minimize impacts to threatened and endangered species and their habitat. The protective measures and restrictions outlined in the Site Plans were developed using the best available data, in cooperation with Service biologists.

The U.S. Fish and Wildlife Service concurs with DOE's determination that implementation of LANL's HMP may affect, but is not likely to adversely affect the Mexican spotted owl, American peregrine falcon, bald eagle, and southwestern willow flycatcher based on the protective measures described in the BA and HMP. If all the restrictions and protective measures outlined in the HMP are strictly followed, potential impacts on owls, falcons, eagles, and flycatchers are expected to be insignificant or


David A. Gurule, Acting Area Manager

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discountable for the following reasons: 1) appropriate seasonal restrictions will be implemented to avoid disturbance to potentially breeding flycatchers, peregrines, and owls and wintering eagles; 2) no nest or roost habitat for any listed species will be altered; 3) the total amount of potential foraging habitat that could be impacted within each species home ranges is expected to be insignificant compared to the amount of available foraging habitat throughout the area; 4) monitoring plans have been developed as an integral part of the HMP; and 5) a mechanism for incorporating necessary technical and regulatory changes and updating the HMP has been included (page 32 of the Overview Document).

In future communications regarding this project, please refer to Consultation #2-22-98-I-336. If we can be of further assistance, please contact Carol Torrez of my staff at (505) 346-2525, ext. 115.

Sincerely,



Jennifer Fowler-Propst  
Field Supervisor

cc:

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