STORMWATER POLLUTION PREVENTION PLAN

Caja del Rio Landfill Santa Fe, New Mexico

Santa Fe Solid Waste Management Agency Caja del Rio Landfill 149 Wildlife Way Santa Fe, NM 87506 505-424-1850

SCS ENGINEERS

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1 INTRODUCTION

This Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the Santa Fe Solid Waste Management Agency's (SFSWMA's or Agency's) Caja del Rio Landfill, located at 149 Wildlife Way, Santa Fe, New Mexico (landfill). The landfill is an existing municipal solid waste (MSW) landfill. The landfill, which is owned and operated by the Santa Fe Solid Waste Management Agency (SFSWMA) accepts MSW, construction and demolition debris, and is approved for special wastes. This SWPPP has been prepared pursuant to the requirements set forth under this National Pollutant Discharge Elimination System (NPDES) 2021 Multi-Sector General Permit (MSGP). The Agency has filed for a new Notice of Intent (NOI) for coverage under the 2021 MSGP. Additionally, this SWPPP was been prepared in accordance with federal requirements for the MSGP for Sector L (Landfill, Land Applications Sites, and Open Dumps), and thereby addresses the items required by Sector L of the General Permit, as well as the specific requirements for sites located in the State of New Mexico established within the MSGP.

1.1 PURPOSE

The purpose of this Stormwater Pollution Prevention Plan (SWPPP) is to:

- Identify potential pollution sources affecting the quality of stormwater discharges;
- Describe practices that will minimize and control pollutants in stormwater discharges associated with facility activities; and
- Ensure implementation of these practices.

This SWPPP will serve as a guide for evaluating potential stormwater pollution sources and for selecting and implementing appropriate management methods to prevent or control pollution in any stormwater discharge at the landfill. Although the landfill has not historically had a stormwater discharge that exposed to industrial activities in more than 10 years, this SWPPP was prepared since the landfill does not qualify for a No Exposure Certification and has the potential for producing a stormwater discharge.

This SWPPP may be updated following the procedures set forth in this SWPPP to comply with the MSGP effective March 1, 2021 for Industrial Activities. A copy of the 2021 MSGP is provided in Appendix A. The SWPPP must be updated and revised whenever there is a change in design, construction, operation, or maintenance at the landfill that may impact the potential pollutants to be discharged to stormwater runoff. Also, if the SWPPP is found to be ineffective in controlling the discharge of pollutants, it will be revised to correct the identified deficiencies.

1.2 REGULATORY BACKGROUND

As required by the 1987 amendments to the Clean Water Act (CWA), the United States Environmental Protection Agency (USEPA) developed a stormwater discharge permitting program under NPDES to regulate the amount of pollutants discharged to waters of the United States resulting from stormwater runoff. Final regulations promulgated on November 16, 1990 established application requirements for stormwater permits under an individual permit, group permit, or general permit application.

On September 29, 1995, the USEPA published the NPDES MSGP for Industrial Activities. The MSGP was developed in response to a review of group permits submitted from various industry sectors. Amendments to the MSGP were published February 9, 1996, February 20, 1996, September 24, 1996, September 30, 1998, and October 30, 2000. The revisions primarily added new categories of

facilities and areas of coverage, provided guidance for historic property protection, updated the endangered species list, made clarifications, corrected errors, and in a few instances, added additional requirements. The MSGP permit dated September 29, 1995, expired on October 30, 2005 and was administratively continued until the 2008 MSGP was issued. On June 4, 2015, a revised MSGP was issued and required all sites under the 2008 MSGP to prepare and implement a SWPPP. The MSGP permit dated June 4, 2015, expired on June 3, 2020 and was administratively continued until the 2021 MSGP was issued. The 2021 MSGP became effective on March 1, 2021, and this SWPPP has been updated to encompass the provisions of this MSGP.

As part of the requirements set forth in the final 2021 MSGP, the Agency must identify all activities occurring at the landfill and document the possible pollutants that could be generated by those activities. This SWPPP addresses those activities, associated pollutants, and discusses the best management practices that are followed by landfill personnel. In addition, routine inspections and monitoring of stormwater discharges are required. This SWPPP was prepared to satisfy the SWPPP requirements for the landfill in compliance with the current final version of the 2021 MSGP and Sector L of the MSGP - effective March 1, 2021.

In addition to the content of the MSGP, the State of New Mexico added requirements for facilities that discharge to Tier 3 waters. The landfill is not subject to these requirements because its receiving waters are not Tier 3 waters.

1.3 NOI SUBMITTAL

Prior to authorization of stormwater discharges associated with industrial activity under the Final 2021 MSGP (see Appendix A for a copy of the MSGP), USEPA requires submittal of a Notice of Intent (NOI) for facilities. A new NOI for the 2021 MSGP was submitted electronically via NeT-MSGP and a copy of the submitted NOI is included in Appendix B. Upon receipt of a permit certificate, the certificate will be placed in Appendix B as well. All reporting under the 2021 MSGP will be performed using electronic filing as required by EPA unless prior permission from the Regional EPA has been obtained to file via paper submission. The NOI was submitted by May 30, 2021. This SWPPP was prepared according to the guidance of the 2021 MSGP prior to submitting the NOI. Appendix B also includes a Notice of Termination (NOT) for future use, if needed.

1.4 SWPPP CERTIFICATION

This SWPPP has been prepared by SCS Engineers (SCS) under contract with SFSWMA, and has been reviewed and approved by SFSWMA. A signature of certification by an Agency officer is provided in Appendix C, acknowledging the preparation and content of this SWPPP.

1.4.1 SWPPP Modifications

This SWPPP will be modified whenever a triggering condition(s) for corrective action is needed as described later in this SWPPP. The modification will be such that the triggering condition does not recur or to reflect changes implemented when a review following the triggering conditions indicates that changes to the landfill's control measures are necessary to meet effluent limits. Amendments to the SWPPP must be documented on the SWPPP Amendment Schedule provided in Appendix F.

1.4.2 SWPPP Availability

This SWPPP and current updates to this SWPPP must be available at the landfill at all times, and must be immediately available to EPA, State, or a local agency approving stormwater management plans;

the operator of an MS4 (when available and used) receiving discharges from the landfill; and representatives of the U.S. Fish and Wildlife Services (USFWS) or the National Marine Fisheries Services (NMFS) at the time of an on-site inspection or upon request. USEPA may provide access to the SWPPP to a member of the public upon request. Confidential Business Information (CBI) may be withheld from the public, but may not be withheld from those staff cleared for CBI review within USEPA, USFWS, or NMFS. A copy of the SWPPP will also be available electronically at the following website: http://www.sfswma/org/about-us/caja-del-rio/cdrswppp.

1.5 SIGNAGE

As part of the final 2021 MSGP, a sign or other notice of the SWPPP must be posted in a publicly accessible location at or near the landfill. Following submittal of the new NOI and receipt of the new NPDES ID number, a sign will be posted at the entrance to the facility with font large enough to be readily viewed from the public right-of-way. Periodic inspection and maintenance, as needed, will be performed to ensure that the sign remains legible, visible, and accurate. The sign will include:

- Facility Name;
- Coverage under the MSGP's per the assigned NPDES ID;
- Contact information;
- Website location for public access to the SWPPP; and
- Contact information of the EPA Region office.

2 POLLUTION PREVENTION TEAM

The Pollution Prevention team consists of a Team Leader and Team Members that are responsible for implementing the SWPPP. Pollution Prevention Team personnel are listed in Appendix E. Implementation of the SWPPP includes a continuous assessment of potential contamination, Best Management Practices (BMPs), spill response, employee training, discharge monitoring, and an annual SWPPP evaluation. A current paper and electronic copy of this SWPPP will be available at the landfill and available to all team members. A copy of the SWPPP will also be located on the Agency's website for the landfill.

2.1 DESIGNATED PERSONNEL AND POLLUTION PREVENTION TEAM RESPONSIBILITIES

Team Leader: Specific responsibilities include maintaining inspection schedules, records, and employee training, and coordinating responses to spill emergencies, in addition to the team member responsibilities listed below.

Team Member: The team member will conduct inspections, monitor discharges, respond to spill events, maintain BMPs, and direct at regular intervals (minimum annually) employee training as well as new employee training. In the event that a team member is replaced, the team leader will make a new appointment. If a replacement cannot be found immediately, the current team leader will assume the SWPPP responsibilities until a replacement is identified.

The Landfill Manager (Team Leader) is the point of contact for personnel team members and regulatory officials, who wish to discuss the SWPPP, obtain information concerning spill events, or conduct inspections. The Landfill Manager will be familiar with all phases of landfill operations to ensure that potential sources of pollution are considered during SWPPP implementation and periodic SWPPP evaluations.

3 SITE DESCRIPTION

The site is an MSW landfill that accepts municipal solid waste, construction and demolition debris, and approved special wastes. The landfill is located at 149 Wildlife Way in Santa Fe New Mexico. The landfill is located in Section 28, Township 17 North, Range 8 East (Latitude 35° 40'52"N and Longitude 106° 05' 29"W). Location Maps are included as Figures 1A and 1B.

3.1 CLIMATE INFORMATION

The average annual high temperature is 64.9 degrees with the average annual low temperature of 36.9 degrees. Average annual rainfall precipitation is 9.5 inches per year with a recorded average snowfall of 17.7 in (Source: Western Regional Climate Center May 2021).

3.2 GENERAL LOCATION MAP

The attached Figures 1A and 1B are the general location maps which show the general location of the landfill and the landfill's receiving waters. The nearest receiving water for the landfill is the Arroyo Calabasas, approximately one mile southeast of the landfill. The receiving water has not been classified as impaired; therefore, no Total Maximum Daily Loads (TMDLs) have been designated for the Arroyo Calabasas.

3.3 SITE PLAN

The Site Plan is included in Figure 2.

3.4 ACTIVITIES AND STRUCTURES AT THE FACILITY

The landfill is a fenced property occupied by the landfill itself (fill area), a composting/mulch area, an office building, scalehouse, open space, vehicle and equipment maintenance area, vehicle fueling area, and a landfill gas collection and control system (GCCS). There are ten major aboveground storage tanks (ASTs) at the landfill including a 6,000-gallon diesel fuel tank, two 275-gallon product oil tanks, a 275-gallon antifreeze tank, a 500-gallon gasoline tank, two 1,000-gallon used oil tanks, a 500-gallon used oil tank, and a 250-gallon used antifreeze tank. The GCCS has a 3,000 gallon condensate storage tank. A Spill Prevention, Control, and Countermeasures (SPCC) Plan has been prepared for the landfill and is kept with this SWPPP.

Current activities conducted at the landfill include MSW landfilling, composting, earthmoving/excavation (cell construction), vehicle and equipment maintenance, vehicle fueling, and GCCS with an associated condensate collection system. Although the landfill is approved for collection of certain special wastes for disposal within lined areas per their approved operating permit, (e.g., sludge, petroleum contaminated soils), the Agency has chosen not to accept petroleum contaminated soils (PCS) requiring remediation prior to disposal at this time. If PCS is accepted for remediation prior to disposal at a later date, the SWPPP will be amended as applicable. The landfill's general features, improvements, drainage features, and active areas are shown on the Site Plan (Figure 2).

In addition to the activities described above, quarrying operations are ongoing due to the hard rock (basalt) that has historically been encountered as cell construction took place. However, no additional material will be accumulated at this site. Rock crushing is anticipated to be completed within approximately 5 years, This operation is subcontracted by SFSWMA and as such, NPDES requirements for this operation are covered by the quarrying contractor.

3.5 SITE DRAINAGE PATTERNS AND OUTFALL LOCATIONS

As can be seen in Figure 2, the fill area itself and ancillary operations take up a relatively small portion of the overall property. There are two phases permitted to be constructed as landfill cells (West and East Phases). At this time, only the northern portions of the West Phase landfill area are above-grade. Southern landfill areas of the West Phase drain to existing below-grade lined cells, which is recirculated as leachate within the lined areas of the West Phase landfill. In general, stormwater around active, above-grade portions of the West Phase landfill area and ancillary operations drains via sheet flow, drainage ditches, and engineered features into a large detention basin/channel located west of the maintenance building and just east of the landfill area. This detention area will be expanded as landfilling proceeds to capture stormwater from above-grade landfill areas.

All stormwater structures are designed to convey at least a 25-year, 24-hour storm. The detention basin has been engineered to convey up to a 100-year, 24-hour storm and will completely detain anything under a 25-year, 24-hour storm. Once the detention basin is filled, stormwater will flow through the detention basin area into the engineered channel which is conveyed through culverts under the landfill haul road. Upon exiting the culverts, stormwater flow proceeds through constructed and natural drainage ways which contains a small manmade earthen detention structure prior to discharging off-site. This small earthen detention pond was constructed by the prior owner to allow rainwater to pond for his cattle.

Downgradient of the earthen structure, a natural overland drainage way exists along the southern property boundary (labeled Outfall 001 - Latitude 350 40' 36.51"N and Longitude 1060 05' 36.32"W). This outfall drains areas impacted by operational areas including the permitted West Phase landfill, East Phase excavation, composting, maintenance and quarry activities. Due to the nature of such a dry environment (rapid infiltration of rainfall into site soils) and the engineered detention area, the earthen detention pond constructed by the former owner located near the site boundary rarely drains to Outfall 001.

It should be noted that the detention basins and channels surrounding the current (West Phase) and future (East Phase) landfill areas are constructed to formalize drainage patterns as the site is developed. This occurs as landfill cells are constructed and as the East Phase is excavated based upon engineered stormwater plans.

A second (Outfall 002) is located along the property's southern perimeter to the west of Outfall 001. Outfall 002 drains areas of the property that are not impacted by any industrial activities. Therefore, monitoring and sampling of this area for various stormwater constituents is not necessary.

4 SUMMARY OF POTENTIAL POLLUTANT SOURCES

Section 4.0 identifies activities, materials, and physical features of the landfill that have a reasonable potential to contribute pollutants to stormwater. These types of activities, materials, or features are addressed by measures and controls provided in Section 5.0.

The following types of activities where there is a risk of potential pollution of stormwater discharges are:

- Active landfill area/solid waste and floatable debris;
- Soil stockpile/borrow pit;
- Dust generation and vehicle tracking of industrial materials;
- Fueling/maintenance area;
- Mulch/compost area;
- Leachate pond (Not Used);
- Non-stormwater discharges;
- Salt storage (Not Used); and
- Condensate collection system associated with the GCCS.

4.1 LANDFILL AREA/SOLID WASTE AND FLOATABLE DEBRIS

4.1.1 Activities in the Area

Landfilling of municipal solid waste occurs in this area.

4.1.2 Pollutants

The following list identifies the possible pollutants of this activity:

- Municipal solid waste;
- Sediment, due to erosion;
- Leachate:
- Diesel fuel (due to leaks or spills from vehicle/equipment usage/storage in the area);
- Antifreeze (due to leaks or spills from vehicle/equipment usage/storage in the area);
- Gasoline (due to leaks or spills from vehicle/equipment usage/storage in the area);
- Motor Oil (due to leaks or spills from vehicle/equipment usage/storage in the area); and
- Used Oil (due to leaks or spills from vehicle/equipment usage/storage in the area).

4.1.3 Spills and Leaks

Spills and/or leaks can occur at the working face of the landfill and/or blowing debris that comes into contact with stormwater. Stormwater exposed to the working face will be treated as contaminated water and will not be in contact with landfill's potential-to-discharge stormwater.

Moving and parked equipment can leak fuels, oils and antifreeze.

No reportable spills occurred within the past three years. Stormwater will flow into the existing detention basin and/or towards Outfall 001.

4.2 SOIL STOCKPILE/BORROW PIT

4.2.1 Activities in the Area

The landfill's borrow pit is located to the south of the fueling/maintenance area and east of the current West Phase landfill area. In addition, there is a soil stockpile southwest of the current West Phase landfill waste disposal area for use during wet weather events where access to the borrow pit is limited. The borrow pit and soil stockpile are used for daily cover of the landfill materials.

4.2.2 Pollutants

Erosion of soil stockpile resulting in soil and dust.

4.2.3 Spills and Leaks

Any spills and/or leaks for this activity can occur from stormwater eroding the face of the stockpile resulting in erosion of the stockpile and causing soil and dust pollution.

No reportable spills have occurred within the past three years. Stormwater will flow into the existing detention basin and/or towards Outfall 001.

4.3 DUST GENERATION AND VEHICLE TRACKING OF WASTE MATERIALS

4.3.1 Activities in the Area

Vehicles entering the landfill can track soil, dust and other types of waste materials away from the working face. This results in the possibility of stormwater coming in contact with these materials.

4.3.2 Pollutants

Dust, soil, and on-site industrial materials such as petroleum hydrocarbons and antifreeze.

4.3.3 Spills and Leaks

Any spills and/or leaks for this activity result from landfill equipment/vehicles tracking soil, dust and industrial materials. In addition, equipment can track waste materials out and away from the landfill.

No reportable spills have occurred within the past three years. Any spills and/or leaks for this activity result from landfill equipment/vehicles tracking soil, dust and industrial materials.

Stormwater will flow into the existing detention basin and/or towards Outfall 001.

4.4 FUELING/MAINTENANCE AREA

4.4.1 Activities in the Area

There are ten ASTs at the landfill including: a 6,000-gallon diesel fuel tank (AST), two 275-gallon product oil tanks, a 275-gallon antifreeze tank, a 500-gallon gasoline tank, two 1,000-gallon used oil tanks, a 500-gallon used oil tank, a 250-gallon used oil tank, and a 250-gallon used antifreeze tank. All tanks are used during maintenance activities and refueling of vehicles and collection trucks. Locations of these tanks are shown on the Site Map (Figure 2). Please note that the two 1,000-gallon and the 500-gallon used oil tanks are stored on-site, but are not in use and are not expected to be used within the next five years. Also, all 250-gallon and 275-gallon tanks are located inside the maintenance building.

In addition, this area contains a wash pond to the north of the maintenance area. The water generated from washing of vehicles and/or equipment drains into this pond.

4.4.2 Pollutants

The following list identifies the possible pollutants of this activity:

- Diesel fuel;
- Antifreeze:
- Gasoline:
- Motor Oil; and
- Used Oil.

The following areas are susceptible to potential spills or releases of the above materials:

- Drum and container storage areas leaking due to cracks, improper closure of drums/containers, and exposure of containers/drums to outside weather when not protected by coverings and/or located inside a structure.
- Loading and unloading of the above materials from storage tanks to vehicles.
- Improper handling of products in equipment maintenance areas.
- Structural integrity of aboveground storage tanks if compromised.
- Leaking vehicles/equipment parked in vehicle parking areas.
- Overfilling of the wash water pond.

No reportable spills have occurred within the past three years.

Stormwater runoff from the areas surrounding the ASTs flows to swales and channels which flow into the detention basin located east of the maintenance/fueling area and west of the current disposal area. In the area to the diesel tank, spillage is contained in a below-ground drain, which is periodically pumped by a commercial contractor and disposed of at a permitted facility for this type of waste.

4.5 MULCH/COMPOST AREA

4.5.1 Activities in the Area

Please note that the two 1,000-gallon and the 500-gallon used oil tanks are stored on-site, but are not in use and are not expected to be used within the next five years. Also, all 250-gallon and 275-gallon tanks are located inside the maintenance building.

4.5.2 Pollutants

The turning of the windrows and the mulching operations creates dust which could also enter into the stormwater. The presence of mulch/compost windrows creates dust and possible erosion of the mulch and compost which could enter into the stormwater. The presence of manure within the compost piles could contribute bacteria, nitrogen, phosphates, and ammonia based on a typical composting Pollutant Source Assessment, however, this area drains to existing detention basis and is not expected to affect stormwater discharge.

4.5.3 Spills and Leaks

Any dust and mulch/compost debris for this activity can occur from stormwater excessively eroding the face of the windrows resulting in erosion of the mulch/compost and causing soil and dust pollution, from the results of turning the windrows, or from the mulching operations.

Any dust, mulch/compost debris, bacteria, nitrogen, phosphates, and ammonia in this area would be contained within the immediate area of the activity or be contained in the on-site existing detention basin if carried by stormwater.

4.6 LEACHATE POND (NOT USED)

Collection and management of leachate is an activity performed at the landfill. The landfill is currently permitted to recirculate leachate back into the landfill, due to the limited volume of leachate generated at the site. Therefore, the leachate pond is not used at this time.

4.7 NON-STORMWATER DISCHARGES

The landfill was evaluated for the presence of non-stormwater discharges. The following activities were identified as non-stormwater discharges.

4.7.1 Activities in the Area

Effluent water from an adjacent wastewater treatment plant is stored in a one-half million-gallon lined pond (see Figure 2). This water is utilized for dust control at the landfill, water for cattle located at a nearby ranch, and by the quarrying operation utilizes it for dust control when processing rock (the quarrying contractor has their own NPDES permit for this activity).

There are also two potable water tanks (900 and 1,500 gallons, respectively) on-site to address landfill operation needs. No water from these tanks is discharged.

4.7.2 Pollutants

There are no pollutants associated with the adjacent wastewater activity. The effluent water from the wastewater treatment plant has been treated to regulatory standards prior to receipt by the landfill.

4.7.3 Spills and Leaks

Effluent water from the adjacent wastewater treatment plant is stored in an on-site one-half million-gallon pond. Overflow of the effluent pond is unlikely to occur because earthen sideslopes are lined and built above-grade, has a minimum 1-foot of freeboard, is maintained per discharge permit requirements, and inspections performed routinely. In addition, no run-on can occur because the pond is built above-grade. The integrity of the pond structure could be compromised if the liner on the earthen sideslopes fail and berms are eroded, causing cracks and/or gullies to form.

No reportable spills have occurred within the past three years.

Spills and/or leaks from the effluent pond would be directed towards Outfall 001.

4.8 CONDENSATE COLLECTION SYSTEM ASSOCIATED WITH THE LANDFILL GAS COLLECTION AND CONTROL SYSTEM

The GCCS consists of an enclosed flare compound that includes a condensate knockout to drop-out condensate from the landfill gas prior to it being flared, and a 3,000-gallon condensate storage tank which collects condensate form the knockout and GCCS sumps.

4.8.1 Activities in this Area

Landfill gas is collected and combusted in an enclosed flare. Condensate collected during the landfill gas collection is contained in a condensate holding tank and a condensate knockout tank. The flare and condensate knockout tank are located within a fenced compound that contains concrete and gravel surface cover. The condensate piping in this area is primarily underground except for a short piping run (less than 10 feet) that connects the condensate knockout tank to a subsurface condensate sump system located within the blower flare facility. The knockout tank drops the condensate out of the landfill gas and immediately sends the condensate to the below-ground sump system.

The 3,000-gallon condensate tank is located outside the compound. This tank is located within a secondary containment area. Piping from the GCCS to this tank is located underground except when it penetrates at the secondary containment area.

4.8.2 Pollutants

The following list identifies the possible pollutants of this activity:

Water mixed with landfill gas constituents – landfill gas condensate.

4.8.3 Spills and Leaks

Spills and leaks from the condensate holding tank and condensate knockout tank may occur if the tank and/or associated piping are ruptured.

No reportable spills have occurred within the past three years.

Spills and/or leaks from the condensate tanks would be contained in the secondary containment. Any discharges from surface piping entering the containment area would be contained within the secondary containment area.

Spills and/or leaks of the condensate would be directed towards Outfall 001.

4.9 SALT STORAGE (NOT USED)

Salt is not stored at the landfill at this time.

4.10 SAMPLING DATA

No sampling of stormwater discharges has been conducted to date due to lack of rainfall and no discharges having occurred.

5 CONTROL MEASURES AND EFFLUENT LIMITS

This section of the SWPPP describes the pollution prevention measures, best management practices (BMPs), and other technology-based limits and controls that will be implemented at the landfill to reduce the potential for accidental releases and discharges of pollutants to stormwater runoff from the activities described herein. Both structural and non-structural BMPs are presented below. Part 2.1.1 of the MSGP describes what must be considered when selecting and designing control measures.

5.1 NON-NUMERIC TECHNOLOGY-BASED EFFLUENT LIMITS

The following non-numeric effluent limits must be met as well as any sector-specific effluent limits in Part 8, Subpart L of the MSGP.

5.1.1 Minimize Exposure

The Agency must minimize the exposure of petroleum products to rain, snow, snowmelt, and runoff in order to minimize pollutant discharges by protecting them with storm-resistant coverings and secondary containment. Unless infeasible the Agency must also:

- Use grading, berms or curbing to prevent runoff of contaminated flows and to divert run-on away from these areas;
- Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge;
- Clean-up spills and leaks promptly using dry methods (i.e. absorbents) to prevent the discharge of pollutants;
- For leaky vehicles and equipment located outside buildings use drip pans and absorbents to minimize pollutants on the ground:
- Use spill/overflow protection equipment (containment pallets, lined berms, etc.);
- Perform all vehicle and/or equipment cleaning operations in the vehicle wash rack area where
 water drains to the wash-water pond or other bermed areas that prevent runoff and run-on;
 and
- 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 or place drain pans under equipment parts that are leaking.

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

5.1.2 Good Housekeeping

Good housekeeping procedures are practical, cost-effective measures to maintain a clean and orderly operation to minimize the amount of potential sources of pollutants in stormwater discharges.

Protocols for good housekeeping reduce the mishandling of chemicals and equipment and include the following methods:

- Sweep or vacuum at regular intervals or alternatively, wash down the area and collect and/or treat and properly dispose of the wash-down water;
- Store potential pollutant materials in appropriate containers with secondary containment where necessary;
- Keep all dumpsters closed when not in use. For dumpsters without lids, that can leak, ensure that discharges have a control (i.e. secondary containment);
- Minimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such material, or by intercepting them before they are discharged.

5.1.3 Maintenance

Preventative maintenance includes regular and routine review, inspection, and maintenance of stormwater control structures or equipment, as well as other equipment that is exposed to stormwater. The Agency 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.

Below is a list of the equipment and structures on which preventative maintenance is performed:

- Hoses, fuel tanks, and fluid reservoirs on heavy equipment: Check for corrosion, cracks, holes, splitting seams, or damaged or worn connections. As part of their routine activities, operators and mechanics periodically check for corrosion, cracks, holes, or other damage.
- Secondary containment around aboveground fuel or petroleum hydrocarbon tanks: As part of the inspection program, check for erosion, cracks, or other damage.
- Cans, pails or other canisters of fluids used for maintenance: As part of their routine activities, landfill personnel will check for tipped containers, leaking containers, corrosion, and fluids in improper containers.
- Aboveground storage tanks: As part of their routine activities, landfill personnel will check for corrosion, cracks, holes, splitting seams, or damaged or worn connections.
- Perform inspections and preventive maintenance of stormwater drainage, source controls, equipment and systems that could fail and result in contamination of stormwater;
- Diligently maintaining non-structural control measures (e.g. keep spill response supplies available, personnel appropriately trained);
- Cleaning drainage channels and/or culvert inlets or outlets regularly and keeping the debris surface at least six inches below the lowest outlet:
- Ensure that there is no commingling of leachate/condensate with stormwater;

- The integrity of the intermediate and final covers are maintained; and
- Minimize any settlement, sinking, and erosion.

See Part 2.1.2.3 of the MSGP for information on failure of a control measure and immediate response requirements to address the corrective action.

5.1.4 Spill Prevention and Response

The Agency must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effectively responding to such spills if or when they occur. The following BMPs are used at the landfill to address spill prevention and response:

- Instruction of employees on proper fueling, vehicle washing, material storage techniques, and emergency response if a spill and/or leak occurs. In addition, provide training on procedures for expeditiously stopping, containing, and cleaning-up leaks, spills, and other releases.
- Use dry cleanup methods (when possible) to clean spills.
- Perform preventive maintenance on ASTs and piping to detect potential leaks before they
 occur.
- Inspect the landfill regularly for proper implementation of control measures.
- Keep inside and outside floors, pavement, and surfaces clean and dry.
- Dispose of greasy rags, oil filters, air filters, batteries, spent coolant, and degreasers in appropriate containers located inside or under cover.
- Segregate waste materials for easier reuse, disposal, and/or recycling.
- Remove and dispose of waste solvents (if used) using a professional solvent recycler.
- Drain oil filters before disposal or recycling.
- Drain or contain fluids from unused vehicles and "parts" vehicles if stored long term outside in a manner that does not degrade the ability of a vehicle to run, move, or be auctioned in a timely manner.
- Empty and clean drip pans in an appropriate manner.
- When performing outside maintenance, clean area as the maintenance activities are being performed and when finished.
- Store petroleum hydrocarbon materials in covered and designated areas.
- Label all containers and confined areas in which petroleum hydrocarbon or other pollutant materials are stored. This encourages proper handling and facilitates rapid response if spills or leaks occur.

- If petroleum hydrocarbon materials are temporarily stored outside, ensure that the area remains clean and not placed near storm drainage ways.
- Inspect cleaning/wash area(s) regularly to ensure any random spills have been cleaned and removed from the area.
- Use spill control funnels when transferring liquids to tanks, drums, or other containers.
- Use proper equipment to move material containers to different locations.
- Keep absorbent materials and other spill response materials in the vicinity of areas of potential spills.
- Keep spill kits on-site, located near areas where spills may occur, or where rapid response can be made.
- Notify appropriate landfill personnel when a leak, spill, or other release occurs.
- 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 designated to prevent the discharge of pollutants from these areas.

See Part 2.1.2.4 of the MSGP for information on releases containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR Part 302 which occur during a 24-hour period. In addition, a Spill Prevention Control and Countermeasure Plan (SPCC) has been completed for the landfill. The procedures of the SPCC will be followed to address spills and/or leaks, emergency response, and reporting requirements, as applicable. A copy of the SPCC is available on-site.

5.1.5 Erosion and Sediment Controls

The Agency must minimize erosion by stabilizing exposed soils at the landfill to minimize pollutant discharges and by constructing flow velocity dissipation measures at discharge locations to minimize channeling/scouring erosion during storm events. Structural and non-structural control measures will be used to minimize the discharge of sediment. The landfill uses mulch along with multiple water wagons to apply water where appropriate to minimize dust and erosion of the onsite soils.

5.1.6 Salt Storage

There are no salt storage piles located at the landfill.

5.1.7 Employee Training

The Agency 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 meet the conditions of this permit (i.e. inspectors, maintenance personnel, etc.) including all members of the stormwater pollution prevention team. The following personnel are required to understand the requirements of the permit and their specific responsibilities with respect to those requirements (see Part 2.1.2.8 of the MSGP for specific recommendations):

- Personnel who are responsible for the design installation, maintenance and/or repairs of controls (including pollution prevention measures);
- Personnel responsible for the storage and handling of chemicals and materials that could become contaminants in stormwater discharges;
- Personnel who are responsible for conducting and documenting monitoring and inspections as required in Parts 3 and 4 of the MSGP; and
- Personnel who are responsible for taking and documenting corrective actions as required by Part 5 of the MSGP.

Annual training and new employee training should consist of the following items:

- An overview of what is in the SWPPP;
- Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
- The location of all controls on the site required by this permit and how they are maintained;
- The proper procedures to follow with respect to the permit's pollution prevention requirements;
- When and how to conduct inspections, record applicable findings, and take corrective actions;
 and
- The landfill's emergency procedures (see note below).

Note: It is our understanding that the Facility has not experienced a major catastrophic precipitation or flooding event. The 2021 MSGP requires operators that may be located in areas susceptible to or have experienced major storm events to consider implementing enhanced measures, such as structural improvements, additional pollution prevention measures, and other mitigation measures that are complementary to regular stormwater pollution prevention planning. It is our interpretation that the facility is not in an area located in a susceptible area and therefor dare not selecting additional emergency implementation BMP measures.

See Appendix D for an Employee Training Checklist, Site Inspection/SWPPP Evaluation/ Corrective Actions Form, and task checklist. This form will be prepared when training is completed.

5.2 SITE-SPECIFIC BMPS

The following site-specific BMPs have been developed specifically for the landfill to further define practices that will minimize the potential of pollution to enter stormwater. The following are landfill activities that are potential sources of stormwater contamination that require structural and non-structural BMPs:

- Landfill areas/waste, and floatable debris;
- Stockpile/borrow pit and mulch/compost areas;
- Dust generation and vehicle tracking of waste materials;
- Fueling/maintenance areas;

- Non-stormwater discharges; and
- Condensate collection system associated with the GCCS.

5.2.1 Landfill Area/Solid Waste and Floatable Debris

Any exposed landfill materials are contained within a limited area of the working face. Waste is covered on a daily basis. Any stormwater entering this area would be contained within the working face area or seep into the waste and possibly the leachate collection system.

In the event litter escapes from the working face for any reason, it is collected and returned to the working face by personnel on a daily basis. The Pollution Prevention Team will ensure that any litter blown outside of the working face is minimized so that this blowing litter does not come into contact with stormwater. Litter is picked up on a regular basis and as needed.

Sediment control at the landfill slopes is controlled by using mulch from the compost activity and rock riprap in erosion gullies.

5.2.2 Soil Stockpile/Borrow Pit and Mulch/Compost Areas

Sediment and erosion control are managed by watering stockpiles in areas where sediment erosion and dust can occur. A slightly hardened crust typically develops to create a stable stockpile. After storm events, these stockpiles are checked to ensure the surface of the stockpile is stable and any erosion cracks, gullies, etc. are repaired and the stockpile watered as needed.

Additional erosion controls in these areas are further accomplished through armoring with rock riprap and erosion control matting ("silt fence"). In addition, stabilization of haul roads with pavement, and base course is utilized at the landfill.

At the mulch/compost area, windrows will be maintained in neat rows and will be rotated as required to ensure proper composting. Erosion control will be managed via watering and proper placement of mulch. All fresh manure used in the composting operations will be stored at the highest elevation possible to ensure minimal contact with stormwater until composting commences.

Soil stockpile/borrow pit and mulch/compost areas will be part of the routine inspections.

5.2.3 Dust Generation and Vehicle Tracking of Waste Materials

Dry methods of cleaning equipment are utilized at the working face area to prevent waste "track out." In addition, vehicles/equipment are washed periodically to remove any of these materials from the vehicles/equipment. This washwater is directed into the pond located north of the vehicle/maintenance shop. Washwaters from this pond are not discharged. The pond is lined to prevent seepage into the underlying ground.

5.2.4 Fueling/Maintenance Areas

The main structural BMP for storage of petroleum hydrocarbon materials is locating these materials in tanks, with some also being under covered storage areas. The main structural BMP for fueling activities are the secondary containment structures used for each tank.

The main storage areas are the maintenance building, vehicle and equipment, and maintenance areas. These areas are covered to protect them from stormwater. All drums, tanks, and other containment vessels are properly marked and labeled with the appropriate designation(s).

Equipment and vehicle maintenance will mostly be performed in the vehicle and equipment maintenance building under cover and away from the impact of stormwater. At times the exterior of trucks may be washed on-site. This wash water is directed toward the wash-water pond located north of the vehicle maintenance building. Sufficient freeboard is maintained to minimize the possibility of overflow of the wash-water pond. The pond is lined to stop any seepage of water into the ground surface.

Some maintenance may be performed outside on a graveled surface. In this case, the structural BMPs will include drip pans and absorbent materials (if applicable). Spills or leaks are cleaned up with appropriate spill response equipment and recovered with fresh gravel or dirt at the time of the spill, and disposed of in appropriate containers and managed accordingly.

The use of concrete and/or secondary containment barrier around the fuel tanks; drip pans or traps beneath vehicles or parts being cleaned; vehicle positioning to minimize the potential for vehicle impact to container and tanks; the use of absorbents (not water) to mitigate spills; appropriate signage and labeling of designated areas and containers; and proper security and landfill access controls prevent unauthorized discharges, are all utilized.

In addition, the BMPs listed in Section 5.1.4 of the SWPPP are utilized to ensure preventive maintenance is routinely performed, spills and/or leaks are immediately addressed, and good housekeeping protocol is maintained.

5.2.5 Non-Stormwater Discharges

As required, all unauthorized non-stormwater discharges have been eliminated. Any additional non-stormwater discharges that arise will be analyzed and form D-2 in Appendix D will be certified and signed by the Responsible Official.

5.2.6 Condensate Collection System Associated with the Landfill Gas Collection and Control System

Collected condensate is stored in the aboveground condensate holding tank with a concrete secondary containment. The knockout condensate tank drains into a below-ground sump system. Personnel periodically inspect the tanks and associated piping to determine integrity of the structures.

6 SCHEDULES AND PROCEDURES

This section contains the schedules and procedures used to implement the control measures listed in Section 5 above. This section also addresses the inspection and monitoring requirements of the 2021 MSGP. The inspections are to be performed by a member of the Pollution Prevention Team.

6.1 CONTROL MEASURES

6.1.1 Good Housekeeping

Good housekeeping procedures are practical, cost-effective measures to maintain a clean and orderly operation to minimize the amount of potential sources of pollutants in stormwater discharges. Protocols for good housekeeping reduce the mishandling of chemicals and equipment.

Personnel conduct periodic routine inspections for leaks, spills, condition of storage tanks, equipment, stockpiles, drums, containers, and holding ponds and/or impoundments. Good housekeeping practices are employed on a daily basis by personnel. At a minimum, inspection of good housekeeping practices as described in Section 5 of this Plan are performed on a weekly basis by a member of the pollution prevention team.

6.1.2 Maintenance

Preventative maintenance includes regular and routine review, inspection, maintenance and repair of stormwater control structures or equipment, as well as other equipment that is exposed to stormwater. Preventive maintenance is performed to avoid situations that may result in leaks, spills, and other releases. Preventative maintenance is also carried out on a routine basis by performing monthly inspections of equipment and control measures.

6.1.3 Spill Prevention and Response Procedures

Activities related to the prevention of spills and if necessary, response procedures are outlined in the landfill's SPCC Plan. A current copy of the SPCC is stored in the same location as this SWPPP.

6.1.4 Erosion and Sediment Controls

Personnel inspect erosion and sediment control on a monthly basis. The onsite water wagons are used to spray areas that are heavily travelled by vehicles that create dust and erosion of roadways; this is performed daily when the landfill is operating.

6.1.5 Employee Training

The Agency has developed and implemented an initial training program for pollution prevention team members focusing on stormwater issues associated with the landfill operations as described above in Section 5 of this Plan.

An annual employee-training program has been implemented by the Agency to inform personnel of the stormwater pollution prevention measures implemented at the landfill. The Agency provides training for new Pollution Prevention Team members as well as new employees, as needed. Documentation of

employee training regarding the SWPPP will be maintained. Appendix D provides the training documentation form.

6.2 INSPECTIONS

6.2.1 Routine Facility Inspections

Routine inspections are performed on a monthly basis. At least once each calendar year the inspection must be performed when a stormwater discharge is occurring, if possible.

Inspections are performed during normal landfill operating hours and inspections are conducted in areas covered by the 2021 MSGP permit including, but not limited to:

- Areas where industrial material or activities are exposed to stormwater;
- Areas identified in the SWPPP and those that are potential pollutant source;
- Areas where spills and leaks have occurred in the past three years;
- Discharge/Outfall points; and
- Control measures used to comply with the effluent limits contained in this permit.

6.2.1.1 Responsible Person or Position

Routine site inspections shall only be conducted by persons who are qualified as defined in Appendix A of the MSGP. Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the landfill, and who can also evaluate the effectiveness of control measures. The Landfill Manager, or their representative, will be responsible for performing the inspections and collecting quarterly visual samples, as well as any stormwater samples for monitoring.

During the inspection the Landfill Manager, or their representative, must examine or look for the following:

- Industrial materials, residue or trash that may have or could come into contact with stormwater:
- Leaks or spills from industrial equipment, drums tanks and other containers;
- Offsite tracking or waste materials, or sediment where vehicles enter or exit the landfill;
- Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas:
- Control measures needing replacement, maintenance or repair;
- Outfalls are clear of debris and vegetation.

During an inspection occurring during a stormwater event or discharge, control measures implemented to comply with effluent limits must be observed to ensure they are functioning correctly.

Outfall 001 must also be observed during this inspection. If Outfall 001 is inaccessible, nearby downstream discharge locations must be inspected.

6.2.1.2 Schedule

Routine inspections shall be conducted on a monthly basis during operating hours (8:00 am to 5:00 pm). At least once per calendar year, the inspection shall be conducted during a period when a stormwater discharge is occurring. If no discharges occurred at the landfill during operating hours, documentation shall be included in the final Routine Facility Inspection report for the calendar year.

Except as exempted based on adverse weather conditions (see 6.2.2.2 below), visual examinations of stormwater quality must be performed and documented at least once per quarter, if possible. Quarters applicable for visual assessments are defined as the following three-month intervals:

- January 1 March 31;
- April 1 June 30;
- July 1 September 30; and
- October 1 December 31.

6.2.1.3 Inspection Procedures

All areas of the landfill where industrial materials or activities are exposed to stormwater are required to be inspected. This includes the following areas: storage areas for vehicles and equipment awaiting maintenance, fueling areas, vehicle and equipment maintenance areas (outdoor areas only), stockpiles/borrow pit, material storage areas, and the mulch/compost area. These areas will be visually inspected for the presence and cause of sedimentation, erosion, leaks, spilled product, and/or other conditions that may potentially contaminate stormwater discharged from the landfill. Each site inspection will be documented with the following information:

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information;
- All observations relating to the implementation of control measures at the landfill, including:
 - A description of any discharges occurring at the time of the inspection;
 - o Any previously unidentified discharges from and/or pollutants at the site;
 - Any evidence of, or the potential for, pollutants entering the drainage system;
 - Observations regarding the physical condition of and around all outfalls, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
 - o Any control measures needing maintenance, repairs, or replacement;
- Any additional control measures needed to comply with the permit requirements;
- Any incidents of noncompliance; and

A statement signed and certified in accordance with Appendix B, Subsection 11 of the MSGP.

Records from these inspections will be maintained with the SWPPP. Routine inspection reports will not be submitted to EPA; however, the findings will be submitted in the Annual Report.

Conditions that may potentially cause pollutants to encounter stormwater identified during the Routine Facility Inspection will be corrected as required by Part 5 of the MSGP.

6.2.2 Quarterly Visual Assessments of Stormwater Discharges

Once each quarter for the entire permit term, landfill personnel will try to collect a stormwater sample from Outfall 001 (except as noted during adverse weather conditions) and conduct a visual assessment.

The visual assessment must be made:

- Of a sample in a clean, colorless glass or plastic container, and examined in a well-lit area;
- Of samples 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 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
- For storm events, 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 it is documented that less than a 72-hour (three-day) interval is representative for local storm events during the sampling period.

The grab sample will be collected using a clean bottle as described above. The sample will be collected from the middle of the discharge or where turbulence is greatest and the flow well mixed. The visual examination must be conducted in a well-lit area. When possible, the same individual should carry out the collection and examination of discharges for the entire permit term. For this reason, sample collection will be conducted during normal business hours. The examination must document observations of:

- Color:
- Odor;
- Clarity (diminished);
- Floating solids;
- Settled solids:
- Suspended solids;
- Foam:
- Oil sheen; and
- Other obvious indicator of stormwater pollution.

6.2.2.1 Quarterly Visual Assessment Documentation

The results of the visual assessment will be documented, and this documentation maintained in the SWPPP in Appendix I. The documentation of the visual assessment must include, but not limited to:

- Sample location(s);
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the stormwater discharge;
- Probable sources of any observed stormwater contamination;
- If applicable, why it was not possible to take samples within the first 30 minutes; and
- A statement signed and certified in accordance with Appendix B, Subsection 11.

See Appendix D-5 for the quarterly visual assessment form.

6.2.2.2 Exceptions to Quarterly Visual Assessments

<u>Adverse Weather Conditions:</u> When adverse weather conditions prevent the collection of samples during the quarter, a substitute sample should be taken during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included in the SWPPP records as described in Part 6.5 of the MSGP. 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.

<u>Climates with Irregular Stormwater Runoff:</u> Since the landfill is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate), samples for the quarterly visual assessment may be distributed during seasons when precipitation runoff occurs, when possible.

<u>Areas that Receive Snow:</u> Since the landfill is located in an area that typically receives snow at least once over a period of four quarters, at least one quarterly visual assessment must capture snowmelt discharge. However, this assessment must take into account the exception regarding climates with irregular stormwater discharges.

6.3 MONITORING

Landfill personnel must collect and analyze stormwater samples and document monitoring activities consistent with the procedure described herein.

6.3.1 Monitoring Location

Currently, the landfill has one outfall (Outfall 001) with the potential to discharge stormwater that originates in areas of industrial activities at the landfill (see Figure 2).

6.3.2 Monitoring Procedures

On samples 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. The reason for not obtaining a sample within the first 30 minutes must be documented as to why it was not possible to take the sample within the first 30 minutes.

For storm events, 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 documentation shows that less than a 72-hour

(three-day) interval is representative for local storm events during the sampling period. In addition, if the following conditions exist samples will be taken as specified below:

<u>Adverse Weather Conditions:</u> When adverse weather conditions prevent the collection of samples during the relevant monitoring schedule, a substitute sample must be taken during the next qualifying storm event. 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.

<u>Climates with Irregular Stormwater Runoff:</u> Since the landfill is located in an area where limited rainfall occurs during many parts of the year (e.g., arid or semi-arid climate), samples for the quarterly monitoring event may be distributed during seasons when precipitation runoff occurs or when snowmelt results in a measurable discharge.

6.3.2.1 Monitoring Reports

Monitoring data must be reported using EPA's electronic Net-DMR tool at www.epa.gov/netdmr.

6.3.2.2 Frequency of Sampling

Monitoring requirements in the MSGP begin in the third quarter of 2021. For benchmark monitoring, quarters correspond to the following 3-month intervals:

- January 1 March 31;
- April 1 June 30;
- July 1 September 30; and
- October 1 December 31.

The first monitoring quarter would be July 1 – September 30, 2021.

Because the landfill is located in an arid climate, the monitoring schedule may be modified in accordance with "Climates with Irregular Runoff", as described above, if the revised schedule is documented in the SWPPP. However, when using the Net-DMR reporting must use a "no discharge" or "NODI" code for any 3-month interval when a sample was not taken.

6.3.2.3 Monitoring for Allowable Non-Stormwater Discharges

There are no allowable non-stormwater discharges.

6.3.2.4 Required Monitoring

- PFAS Analytes Monitoring;
- Indicator monitoring not applicable;
- Quarterly benchmark monitoring:
- Annual effluent limitations guidelines monitoring;
- State or tribal specific monitoring not applicable;
- Impaired Waters monitoring not applicable; and
- Other monitoring required by EPA none required at this time.

When more than one type of monitoring for the same pollutant at Outfall 001 applies, a single sample can be obtained to satisfy both monitoring requirements. When the effluent limitation is lower than

the benchmark concentration for the same pollutant, the Additional Implementation Measure (AIM) trigger is then based on an exceedance of the effluent limitation threshold. Exceedance of an effluent limitation associated with any analytical monitoring type will subject the landfill to the corrective action requirements of Part 5.1 of the MSGP.

All required monitoring must be conducted in accordance with the procedures described in Appendix B.10 of the MSGP.

6.3.2.5 PFAS Monitoring

In Part 9.6.2 of the MSGP, PFAS monitoring is required in the State of New Mexico, except Indian County, for all 18 PFAS analytes. The required monitoring is during the first year of MSGP coverage, or when the facility discharges if no discharge occurs during the first year. Samples will be analyzed by an accredited lab and the method/analysis will be sufficiently sensitive to evaluate the New Mexico screen levels. If the PFAS results exceed the screen level, sampling and reporting to New Mexico will occur annually until results demonstrate concentrations below the screening level. All PFAS results will be reported to NMED. Also, in the event that the results exceed the New Mexico screening level, the Agency will take corrective action by identifying and implementing ways to minimize, reduce, and eliminated PFAS from the industrial activity through the use of additional BMPs or operational controls.

6.3.2.6 Indicator Monitoring (Not Applicable)

The 2021 MSGP included new Indicator Monitoring for all sectors that do not include benchmark monitoring. Since this landfill is subject to Sector L, Subsector L1, and is subject to benchmark monitoring, the landfill is not subject to indicator monitoring with the exception that any paved surfaces are sealed or re-sealed with a coal-tar based sealcoat. At this time, the landfill does not use a coal-tar based seal coat. In the event that the site begins to use a coal-tar based sealcoat, the Agency will begin the required report-only quarterly indicator monitoring.

All indicator monitoring, if required, is to be monitoring at least bi-annually in the first and fourth years of permit coverage. Indicator monitoring is to provide both the site and EPA with a baseline of the stormwater discharge quality; the parameters are "report-only" and do not have thresholds and will not trigger any follow-up corrective action. Indicator monitoring is neither benchmark monitoring nor an effluent limitation; it is a permit condition and failure to conduct indicator monitoring, if required, would result in a permit violation.

6.3.2.7 Benchmark Monitoring

Benchmark monitoring data are primarily for use in determining the overall effectiveness of the control measures and to assist in determining when additional corrective action(s) may be necessary to comply with the effluent limitations. A benchmark exceedance is not a permit violation; however, if corrective action is required as a result of a benchmark exceedance, failure to conduct required corrective action is a permit violation.

At the discretion of the Agency, more than four samples may be taken during separate runoff events and used to determine the average benchmark parameter concentration for discharges.

6.3.2.8 Benchmark Scheduling

Benchmark monitoring must be conducted quarterly as required and as referenced above. The 2021 MSGP allows facilities in climates with irregular stormwater runoff, as described above, to modify this quarterly schedule, provided that this revised schedule is reported directly to EPA (see Regional EPA

Office Part 7.8.6 of the MSGP) by the due date of the first benchmark sample and that the revised schedule be kept with the landfill's SWPPP. When conditions prevent landfill personnel from obtaining samples in four consecutive quarters, monitoring must continue until the four samples required are obtained for calculating your benchmark average. Net-DMR is used to report the collected data and when no data is collected due to weather conditions, it should be reported to Net-DMR as "no discharge" or NODI code for any 3-month interval that a sample was not taken.

6.3.2.8.1 Data Not Exceeding Benchmark

If the average value of the quarterly benchmark monitoring measurements does not exceed the benchmark during the first four quarters of monitoring, then benchmark monitoring requirements for the permit term will have been met.

6.3.2.8.2 High Benchmark Concentrations

After collection of four quarterly samples, if the average of the four monitoring values for any parameter exceeds the benchmark, landfill personnel must, in accordance with Part 5.2 of the MSGP, implement the Additional Implementation Measure (AIM). The steps required under the AIM are described in detail in Section 7.5. As part of the AIM, there are levels with increasing severity of responses that include: review the SWPPP and control measures; implementation of additional control measures, good housekeeping measures, and permanent controls; and Agency will continue monitoring until the facility returns to baseline status. The AIM are implemented until the benchmark monitoring no longer indicates an exceedance.

6.3.2.9 Natural Background Pollutant Levels

Following the first four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data, see above), if the average concentration of a pollutant exceeds a benchmark value, and it is determined that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, the Agency is not required to perform corrective action or implement AIM provided that:

- The average concentration of the benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background; and
- The supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels is documented. This documentation should be kept with the SWPPP and be available to EPA if requested to review. The documentation must include in the supporting rationale any data previously collected (including literature studies) that describe the levels of natural background pollutants in the stormwater discharge.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on the landfill, or pollutants in run-on from neighboring sources which are not naturally occurring.

6.3.2.10 PFAS Screening Levels

Per 9.6.2 of the MSGP, per NMR050000, the facility is subject to PFAS monitoring. The site personnel will sample from Outfall 001 for the following PFAS screening levels:

Table 1. **PFAS Screenings Requirements**

Parameter	Screening Level for New Mexico	
PFOA + PFOS	0.070 ug/L	

6.3.2.11 Sector-Specific Benchmarks

In addition to quarterly visual monitoring, qualified site personnel will conduct analytical benchmark monitoring stormwater discharges using the same collection point as the Visual Assessment Monitoring (i.e. Outfall 001). Samples collected will be analyzed for the following parameters:

Table 2. Analytical Benchmark Monitoring Requirements

Parameter	Benchmark Concentration ¹ (mg/L unless otherwise noted)
Total Suspended Solids (TSS)	100 mg/L
Total Phosphorus ²	2.0 mg/L
Nitrate and Nitrite Nitrogen ²	0.68 mg/L

¹ More restrictive value per 9.6.2.2 of the MSGP.

6.3.2.12 Monitoring Based on Effluent Limitations Guidelines

The Table 3 below 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 the date of discharge authorization, whichever date comes later, Outfall 001 must be monitored once per year for the following parameters indicated in Table 3:

² Total Phosphorus and Nitrate and Nitrite Nitrogen are not required as part of Sector L, but included due to the manure in the compost operations.

Table 3. Required Monitoring for Effluent Limits

Parameter	Effluent Limitations
Biochemical Oxygen Demand (BODs)	140 mg/L, daily max; 37 mg/L monthly avg.
	max
Total Suspended Solids (TSS)	88 mg/L, daily max; 27 mg/L monthly avg.
	max
Ammonia	10 mg/L, daily max; 4.9 mg/L monthly avg.
	max
Alpha Terpineal	0.033 mg/L, daily max; 0.016 mg/L monthly
	avg. max
Benzoic Acid	0.12 mg/L daily max; 0.071 mg/L monthly
	avg. max
p-Cresol	0.025 mg/L daily max; 0.014 mg/L monthly
	avg. max
Phenol	0.026 mg/L daily max; 0.015 mg/L monthly
	avg. max
Total Zinc	0.20 mg/L daily max; 0.11 mg/L monthly avg.
	max
рН	Within the range of 6-9 standard pH units
	(s.u.)
Total Phosphorus (as P)*	105.0 mg/L, daily maximum

^{*}Total Phosphorus not required as part of Sector L, but included due to the manure in the compost operations; effluent limitations set equivalent from Table 8.C-3.

6.3.2.13 Indicator Monitoring

If the site utilizes a coal-tar sealcoat for the paved surfaces at the landfill, landfill personnel are required to conduct analytical indicator (report-only) monitoring of the stormwater discharges using the Visual Assessment Monitoring (i.e. Outfall 001). Samples collected will be analyzed for the following 16 Polycyclic Aromatic Hydrocarbons (PAHs) parameters:

Naphthalene	Phenanthrene	Benzo[a]anthracene	Benzo[a]pyrene
Acenaphthylene	Anthracene	Chrysene	Benzo[g,h,i]perylene
Acenaphthene	Fluoranthene	Benzo[b]fluoranthene	indeno[1,2,3-c,d]pyrene
Fluorine	Pyrene	Benzo[k]fluoranthene	dibenz[a,h]anthracene

6.3.2.14 Follow-up (Corrective) Actions if Discharge Exceeds Numeric Effluent Limitation

If any monitoring value exceeds a numeric effluent limitation contained in this permit, the Agency must indicate the exceedance on a "Change NOI" form in the NPDES eReporting Tool (Net) and conduct

follow-up monitoring within 30 calendar days (or the next qualifying runoff event, should none occur within 30 days) of implementing corrective action (s) taken as required by Part 5.1 of the MSGP. When follow-up monitoring exceeds the applicable effluent limitation, the Agency must:

- Submit an Exceedance Report no later than 30 days after you received your laboratory results consistent with Part 7.5 of the MSGP; and
- Continue monitoring at least quarterly, until the discharge is in compliance with the effluent limit, or until EPA waives the requirement for additional monitoring. Once the discharge is back in compliance with the effluent limitation, this must be indicated on a "Change NOI" form as required by Part 7.3 of the MSGP.

7 CORRECTIVE ACTIONS

7.1 CONDITIONS REQUIRING SWPPP REVIEW AND REVISION TO ENSURE EFFLUENT LIMITS ARE MET

Corrective action must be initiated when any of the following applies:

- An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs;
- A discharge violates a numeric effluent limit listed in Table 3 above and in the Part 8 sectorspecific requirements;
- Landfill personnel become aware, or EPA determines, that control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in the permit;
- A required control measure was never installed, was installed incorrectly, or not in accordance with Parts 2 and/or 8 of the MSGP, or is not being properly operated or maintained; and
- Whenever a visual assessment shows evidence of stormwater pollution (e.g. color, odor, floating solids, suspended solids, foam).

7.2 CONDITIONS REQUIRING REVIEW TO DETERMINE IF MODIFICATIONS ARE NECESSARY

If any of the following conditions occur, landfill personnel must review the selection, design, installation, and implementation of control measures to determine if modifications are necessary to meet the effluent limits in the MSGP:

• Construction or a change in design, operation, or maintenance at the landfill significantly changes the nature of pollutants discharged in stormwater from the landfill, or significantly increases the quantity of pollutants discharged.

7.3 CORRECTIVE ACTIONS AND DEADLINES

7.3.1 Immediate Actions

If corrective action is needed, landfill personnel must immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. In this context, the term "immediately" requires personnel, on the same day a condition requiring corrective action is found, to take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if a problem is identified at a time in the work day when it is too late to initiate corrective action, the initiation of corrective action must begin no later than the following work day. "All reasonable steps" means that the permittee has undertaken initial actions to assess and address the condition causing the corrective action, including, for example, 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 BMP to be installed at a later date. "All reasonable steps" for purposes of complying with Part 5.1.2 Conditions Requiring SWPPP Review to Determine if Modifications Are Necessary, when it is concluded that a corrective action is, in fact, not necessary, could include documenting why a corrective action is unnecessary.

7.3.2 Subsequent Actions

If it is determined that additional actions are necessary beyond those implemented pursuant to the above, landfill personnel 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 of the corrective action condition. If it infeasible to complete the corrective action within the 14 calendar days, documentation must be provided as to why it is infeasible to complete the corrective action within the 14-day timeframe. A schedule must also be identified for completing the work, which must be done as soon as practicable after the 14-day timeframe, but no longer than 45 days after the discovery. If the completion of corrective action will exceed the 45 day timeframe, the Agency must take the minimum additional time necessary to complete the corrective action, provided to the EPA Regional Office, if notified of the intention to exceed 45 days, the rationale for an extension, and a completion date, which must also include corrective action documentation (see Part 5 of the MSGP). Where corrective actions result in changes to any of the controls or procedures documented in the SWPPP, the Agency must modify the 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 findings and for making repairs and improvements. They were included in the permit to ensure that the conditions prompting the need for these repairs and improvements do not persist indefinitely.

7.4 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 will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

7.4.1 Baseline Status

If corrective action is needed, landfill personnel must immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

7.5 ADDITIONAL IMPLEMENTATION MEASURES (AIM)

Additional Implementation Measures (AIM) must be initiated when certain trigger events occur and the Agency must adhere to the sequential three AIM levels: Level 1, Level 2, and Level 3. Each level has prescribed sequential and increasing robust response when a benchmark exceedance occurs. 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 will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

7.5.1 Baseline Status

Upon authorization for discharge, the landfill will be in baseline status for all applicable benchmark parameters. The landfill is not expected to discharge and historically has not done so. If there is discharge and an AIM triggering event, the landfill may return directly to baseline status from any AIM Level once the corresponding AIM-level response and conditions are met.

7.5.2 AIM Triggering Events

AIM requirements are triggered when an annual average exceed the benchmark thresholds. The Agency must follow the corresponding AIM-level responses and deadlines as described in Parts 5.2.3, 5.2.4, and 5.2.5 unless the landfill qualifies for an exemption under Part 5.2.6 of the MSGP. An annual average exceedance for any parameter can occur if one of the following occur:

- The four-quarterly annual average for any parameter exceeds the benchmark threshold; or
- 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 any applicable parameter demonstrating an exceedance is mathematically certain.

7.5.3 AIM Level 1

The landfill status changes from baseline to AIM Level 1 if quarterly benchmark monitoring results indicate that an AIM trigger event has occurred, unless the landfill qualifies for an exception in Part 5.2.6.

7.5.3.1 AIM 1 Responses

Following the status change, landfill personnel must immediately review the SWPPP and the selection, design, installation, and implementation of the stormwater control measures to ensure the effectiveness of the existing measures and determine if modifications are necessary to meet the benchmark threshold. Once the SWPPP/control measures have been reviewed, the Agency must implement additional control measures that would reasonably be expected to bring the exceedances below the benchmark threshold; or document, per Part 5.3 of the MSGP and include in the annual report, why the existing control measures are expected to bring exceedances below the benchmark thresholds in the next 12-month period with no additional changes in the existing control measures.

7.5.3.2 AIM 1 Deadlines

All modifications or additional control measures are determined as required in response to AIM Level 1 must be implemented within 14 days of receipt of the laboratory results, unless infeasible. If implementation is determined infeasible with the 14-day timeline, the Agency will document why implementation is infeasible per Part 5.3 of the MSGP and implement all modifications within 45 days of the receipt of the laboratory results.

7.5.3.3 Continued Quarterly Benchmark Monitoring

After compliance with AIM Level 1 responses and deadlines, the Agency will 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.

7.5.3.4 AIM 1 Status Update

Once in AIM Level 1 status, the Agency will either:

- Return to baseline status following all AIM Level 1 responses have been met and the continued
 quarterly benchmark monitoring results indicate that an AIM triggering event has not occurred
 after four quarters of monitoring. The Agency will either discontinue benchmark monitoring
 until monitoring resumes in year 4 of the permit coverage or will discontinue all monitoring for
 the remainder of the permit if all benchmark requirements have been fulfilled per Part 4.2.2.3
 of the MSGP; or
- The AIM Level 1 status will advance to AIM Level 2 if the AIM Level 1 responses have been completed and the continued quarterly benchmark monitoring results indicated than an AIM triggering event has occurred.

7.5.4 AIM Level 2

The status changes from AIM Level 1 to AIM Level 2 if the AIM Level 1 responses have been completed and the continued quarterly benchmark monitoring results indicated that an AIM triggering event has occurred.

7.5.4.1 AIM 2 Responses

Following the status change, the Agency must immediately review the SWPPP and implement additional pollution prevention/good housekeeping stormwater control measures (SCMs) beyond what was perform as part of the AIM Level 1 responses that would reasonably be expected to bring the exceedances below the benchmark threshold. Recommended controls can be found in the MSGP sector-specific fact sheets found at www.epa.gov/npdes/stormwater-discharges-industrial-activites-fact-sheets-and-guidance.

7.5.4.2 AIM 2 Deadlines

All modifications or additional control measures determined as required in response to AIM Level 2 must be implemented within 14 days of receipt of the laboratory results, unless infeasible. If implementation is determined infeasible with the 14-day timeline, the Agency will document why implementation is infeasible per Part 5.3 of the MSGP and implement all modifications within 45 days of the receipt of the laboratory results.

7.5.4.3 Continued Quarterly Benchmark Monitoring

After compliance with AIM Level 2 responses and deadlines, quarterly benchmark monitoring will be continued 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.

7.5.4.4 AIM 2 Status Update

Once in AIM Level 2 status, the Agency will either:

Return to baseline status following all AIM Level 2 responses have been met and the continued
quarterly benchmark monitoring results indicate that an AIM triggering event has not occurred
after four quarters of monitoring. The Agency will either discontinue benchmark monitoring
until monitoring resumes in year 4 of the permit coverage or will be discontinue all monitoring

for the remainder of the permit if all benchmark requirements have been fulfilled per Part 4.2.2.3 of the MSGP; or

• The Agency's AIM Level 2 status will advance to AIM Level 3 if the AIM Level 2 responses have been completed and the continued quarterly benchmark monitoring results indicated than an AIM triggering event has occurred.

7.5.5 AIM Level 3

The status changes from AIM Level 2 to AIM Level 3 if the AIM Level 2 responses have been completed and the continued quarterly benchmark monitoring results indicated that an AIM triggering event has occurred.

7.5.5.1 AIM 3 Responses

Following the status change, the Agency must install structural source (permanent) controls and/or treatment controls, except as provided in Part 5.2.6 of the MSGP as related to AIM Exceptions. The controls, treatment technologies, or treatment trail will be appropriate for the pollutants that triggered the AIM Level 3 status and should be more rigorous than the responses implemented under AIM Level 2. Controls will be selected that are sufficient to bring the landfill's exceedances below the benchmark thresholds. Responses will be installed for all discharge point(s) in question.

7.5.5.2 AIM 3 Deadlines

The Agency will identify the schedule for installing the appropriate responses within 14 days and will install all response measures within 60 days of the receipt of laboratory results. If implementation is determined infeasible with the 60-day timeline, the Agency may take up to 90 days and will document why implementation is infeasible to install the responses within 60 days. If the installation of the responses may require more than 90 days, the Agency will request an extension from EPA.

7.5.5.3 Continued Quarterly Benchmark Monitoring

After compliance with AIM Level 3 responses and deadlines, quarterly benchmark monitoring will be continued 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.

7.5.5.4 AIM 3 Status Update

Once in AIM Level 3 status, the Agency will either:

- Return to baseline status following all AIM Level 3 responses have been met and the continued
 quarterly benchmark monitoring results indicate that an AIM triggering event has not occurred
 after four quarters of monitoring. The Agency will either discontinue benchmark monitoring
 until monitoring resumes in year 4 of the permit coverage or will be discontinue all monitoring
 for the remainder of the permit if all benchmark requirements have been fulfilled per Part
 4.2.2.3 of the MSGP; or
- The AIM Level 3 status will remain at Level 3 if the AIM Level 3 responses have been completed
 and the continued quarterly benchmark monitoring results indicated than an AIM triggering
 event has occurred. Quarterly benchmark monitoring will be continued for the next four
 quarters for the parameter(s) that caused the AIM triggering event. The Agency understands

that EPA may require the Agency to apply for an individual permit if the benchmark threshold(s) continue to be exceeded.

7.5.6 AIM Exceptions

A benchmark exceedance does not trigger AIM if the Agency determines that the exceedance is solely attributable to natural background sources. When run-on causes a benchmark exceedance, in addition to reviewing and revising the SWPP, as appropriate, the Agency should notify the other operators contributing run-on to the landfill's discharges to abate their pollutant contribution. Where the other operators fail to take action to address the stormwater run-on, the Agency will contact the EPA Regional Office.

In the event that an abnormal event would result in an exceedance of a benchmark threshold, a description of the abnormal event and the response taken within 14 days to prevent reoccurrence will be documented. A sample will be taken during the next measurable storm event to demonstrate that the result is less than the benchmark threshold and will be reported via NeT-DMR in lieu of the result of the sample that caused the AIM triggering event. This "abnormal" demonstration can be used at any AIM Level, once per parameter per discharge point.

7.6 CORRECTIVE ACTION DOCUMENTATION

Within 24 hours of discovery of any condition listed in Sections 5.1, 5.2.3, 5.2.4, or 5.2.5 of the MSGP the following information must be documented:

- Description of the condition triggering the need for corrective action review. For any spills or leaks, the following information must be included: 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 U.S., through stormwater or otherwise;
- Date the condition was identified;
- Description of immediate actions taken pursuant to Part 5.1.3.1 of the MSGP 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 of the MSGP); and
- A statement signed and certified in accordance with Appendix B, Subsection 11.

The Agency must also document the corrective actions taken or to be taken as a result of the conditions listed in Part 5.1, 5.2.3, 5.2.4, and/or 5.2.5 of the MSGP (or, for triggering events in which the Agency determines that corrective action is not necessary, including the basis for this determination) within 14 days from the time of discovery of any of those conditions. Dates will be provided for when each corrective action was initiated and completed (or is expected to be completed). If applicable, documentation will be provided as to why it is infeasible to complete the necessary installations or repairs within the corrective action/AIM response timeframe, as well as the Agency's schedule for installing the controls and making them operational as soon as practicable after the timeframe. If EPA is notified regarding an extension of any timeframe, the Agency must document the

rationale for an extension. A summary of all corrective actions and/or AIM responses will be included in the Annual Report per Part 7.4 of the MSGP.

8 RECORDKEEPING AND REPORTING

8.1 REPORTING

8.1.1 Submitting Information to EPA

The NOI, Annual Reports, and other reporting information required to be submitted by this permit shall submitted via EPA's electronic **NPDES** eReporting tool (NeT-MSGP) https://cdxnodengn.epa.gov/net-msgp/action/login, unless a waiver has been granted. DMRs shall submitted using EPA's Net-DMR. available at https://netdmr.zendesk.com/hc/enus/articles/360052730771-Reporting-NetDMRs-.

Information required to be submitted to EPA Regional Office (see below for address):

- New Discharges and New Sources to Water Quality-Impaired Waters (see Part 1.1.6.2 of the MSGP);
- Exceedance Report for Numeric Effluent Limitations (see Part 7.5 of the MSGP); and
- Additional reporting (see Part 7.6 of the MSGP).

8.1.2 Additional SWPPP Information Required in the NOI

The Agency does provide a SWPPP URL in the NOI. The Agency performs groundwater monitoring in accordance with the landfill's Operating Permit (inclusive of both upstream and downstream of the landfill activities); this monitoring demonstrates that the groundwater and spring water (no springs located on-site) are not contaminated from landfill operations (per 9.6.2.4 of the MSGP). The Agency confirms that all ponds and detention basins drain, evaporate, and infiltrate within 96 hours (per 9.6.2.5).

8.1.3 Monitoring Data

All monitoring data must be submitted within 30 days of the receipt of analytical data. See Part 7.3 of the MSGP for details regarding the reporting of monitoring data. Reporting of monitoring data must be submitted to EPA using EPA's Net-DMR system. Once monitoring results have been fulfilled, the Agency is no longer required to report monitoring results using Net-DMR (see Part 7.3 of the MSGP for further details).

8.1.4 Annual Report

An annual report must be submitted to the EPA electronically by January 30th for each year of permit coverage containing information generated from the past calendar year (the first Annual Report for the 2021 MSGP will be due January 30·2022). This annual report includes (see Part 7.4 of the MSGP for more details on what should be reported):

A summary of the landfill's past year's routine inspection documentation required (Part 3.1.6 of the MSGP);

- A summary of the past year's quarterly visual assessment documentation (see Part 3.2.3 of the MSGP);
- A summary of the past year's corrective action documentation and any required AIM documentation (see Part 5.3 of the MSGP). If the annual report is due prior to the completion of required corrective action or AIM responses, a description of the status of any outstanding responses will be included; and
- The Annual report must be signed and certified in accordance with Appendix B, Subsection 11 of the MSGP.

8.1.5 Exceedance Report

If follow-up monitoring exceeds a numeric effluent limit, the Agency must submit an exceedance report to EPA no later than 30 days after the receipt of laboratory results. The report must include the following:

- NPDES ID;
- · Facility name; address and location;
- · Name of receiving water;
- Monitoring data from this and the preceding monitoring event(s);
- An explanation of the situation, including what the Agency has done and intend to do to correct the violation; and
- An appropriate contact name and phone number.

The Exceedance Report must be sent to the EPA Regional Office (see below for contact information) and report the monitoring data through Net-DMR.

8.1.6 Additional Reporting

In addition to the above reporting requirements, the landfill is also subject to standard permit reporting provisions of Appendix B, Subsection 12 (also see Part 7.6 of the MSGP) as follows:

- 24-hour reporting (see Appendix B, Subsection 12.F of the MSGP) Report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time the Agency became aware of the circumstances;
- 5-day follow-up reporting to the 24-hour reporting (see Appendix B, Subsection 12.F of the MSGP) – Written submission must be provided within five days of the time the Agency became aware of the circumstances;
- Reportable quantity spills (see Part 2.1.2.4 of the MSGP) Oral Notification must be provided as soon as the Agency has knowledge of a leak, spill, or release containing a hazardous substance or oil in an amount equal or in excess of a reportable quantity;

- Planned changes (see Appendix B, Subsection 12.A of the MSGP) Give notice to EPA as soon as possible of any planned physical alterations or additions to the landfill that qualify the change as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- Anticipated noncompliance (see Appendix B, Subsection 12.B of the MSGP) Give advance
 written notice to EPA of any planned changes in the permitted landfill or activity which the
 Agency anticipates will result in noncompliance with permit requirements;
- Compliance schedules (see Appendix B, Subsection 12.F of the MSGP) 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;
- Other noncompliance (see Appendix B, Subsection 12.G of the MSGP) Report all instances
 of noncompliance not reported in the monitoring report, compliance schedule report, or 24hour report at the time monitoring reports are submitted; and
- Other information (see Appendix B, Subsection 12.H of the MSGP) Promptly submit facts or information if the Agency becomes aware that it failed to submit relevant facts in the NOI, or that the Agency submitted incorrect information in the NOI or in any report.

8.1.7 Addresses for Reports to be Filed With Regional EPA Office

The Regional EPA office (Region 6) for the landfill is:

Via US Mail
U.S. EPA Region 6
Permitting Section (WD-PE)
1201 Elm Street, Suite 500
Dallas, TX 75270
1-800-887-6063

National Response Center (24-hour) 1-800-424-8802

8.2 REPORTING - NMED

The PFAS analytes monitoring information required to be submitted by this permit shall be submitted to NMED at the following address:

Via US Mail
Point Source Program Manager
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469

9 SANTA FE, NM 87502-5469DOCUMENTATION

9.1 ENDANGERED SPECIES

As a part of obtaining the landfill's solid waste facility permit, a thorough review of threatened and endangered species was conducted at the landfill. Any threatened and endangered species located on-site were relocated. Therefore, this landfill is eligible per Appendix E, Criteria A of the MSGP. Documentation of the relocation project is presented in Appendix G of this SWPPP. Appendix G also includes the USFWS Official Species List documentation as required by the MSGP.

9.2 HISTORIC PROPERTIES

Based on a review of the list of historic properties on the NRIS, there are no historic properties included on the NRIS list; thus, stormwater discharges from the landfill will not impact historic properties. Therefore, the landfill is eligible for coverage under Appendix F, Criteria A of the MSGP. A letter from the New Mexico Deputy State Historic Preservation Officer confirming this is presented in Appendix H of the SWPPP.

9.3 NEPA REVIEW

The National Environmental Policy Act (NEPA) is an environmental law that was signed into law on January 1, 1970. The law established a U.S. national policy promoting the enhancement of the environment and to set up procedural requirements for all federal government agencies to prepare environmental assessments (EAs) and Environmental impact statements (EISs).

A NEPA is not applicable for the landfill.

9.4 CHECKLIST OF REQUIRED FORMS AND/OR DOCUMENTATION

The following forms/documents must be kept with the SWPPP:

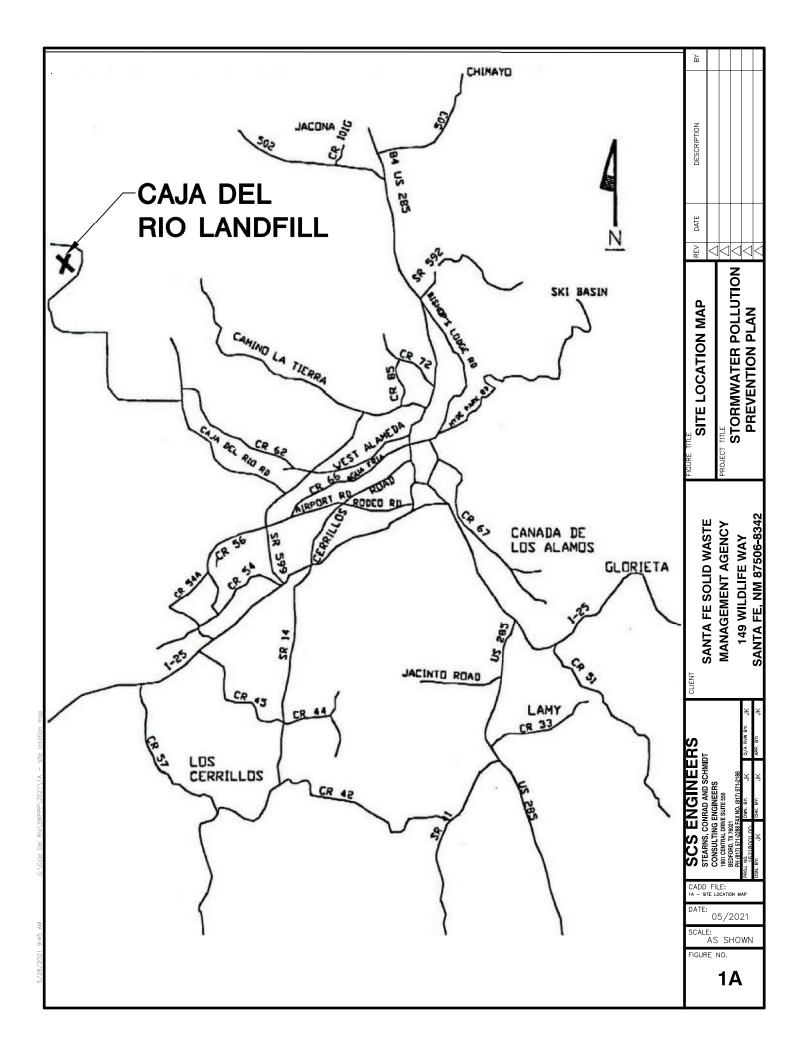
- A copy of the NOI submitted to EPA along with any correspondence exchanged between the Agency and EPA specific to coverage under this permit (Appendix B of the SWPPP);
- A copy of the acknowledgment letter that the Agency receives from the NOI Processing Center or eNOI system assigning the permit tracking number (Appendix B of the SWPPP);
- A copy of the MSGP permit (Appendix A of the SWPPP or an electronic copy easily available to SWPPP personnel is also acceptable);
- Descriptions and dates of any incidences of significant spills, leaks, or other releases that
 resulted in discharges of pollutants to waters of the U.S., through stormwater or otherwise; the
 circumstances leading to the release and actions taken in response to the release; and
 measures taken to prevent the recurrence of such releases (see Part 2.1.2.4 of the MSGP and
 Appendix D for forms);
- Records of employee training, including date training received (use the Employee Training Checklist (see Appendix D of the SWPPP);
- Documentation of maintenance and repairs of 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 of the MSGP Appendix D for forms);

- All inspection reports, including Routine Facility Inspection Forms (see Part 3.1.6 of the MSGP) and Visual Assessment Documentation (See Part 3.2.3 of the MSGP);
- Description of any deviations from the schedule for visual assessments and/or monitoring (see Appendix D for form), 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);
- Description of any corrective action taken, including the triggering event and dates when problems were discovered and modifications occurred (see Appendix D for form); and
- Documentation of any benchmark exceedances, which AIM Level triggering event the exceedance caused, and the AIM response utilized, including either (1) AIM triggering event, (2) AIM response taken, (3) any rational that the SWPPP/SCM required no changes, (4) a finding that the exceedance was due to natural background pollutant levels, or (5) documentation supporting that the landfill is no longer an active site nor staffed with respect to the routine inspections, quarterly visual assessments, or benchmark monitoring.



FIGURE 1 SITE LOCATION MAP



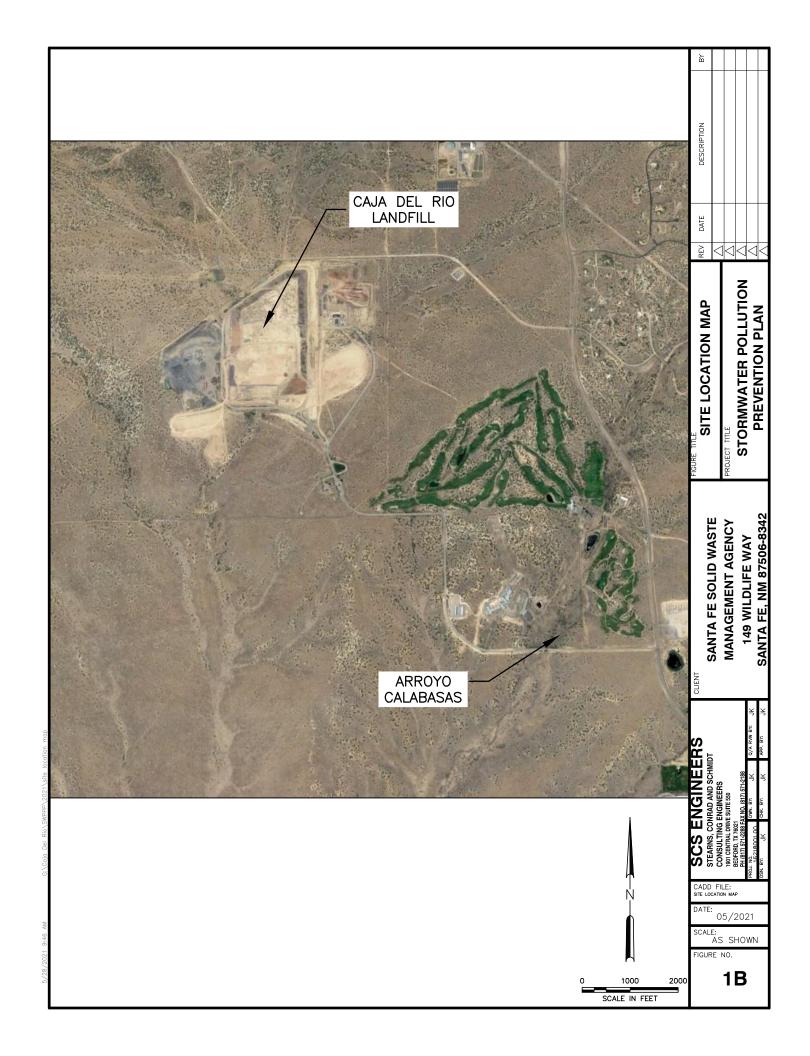
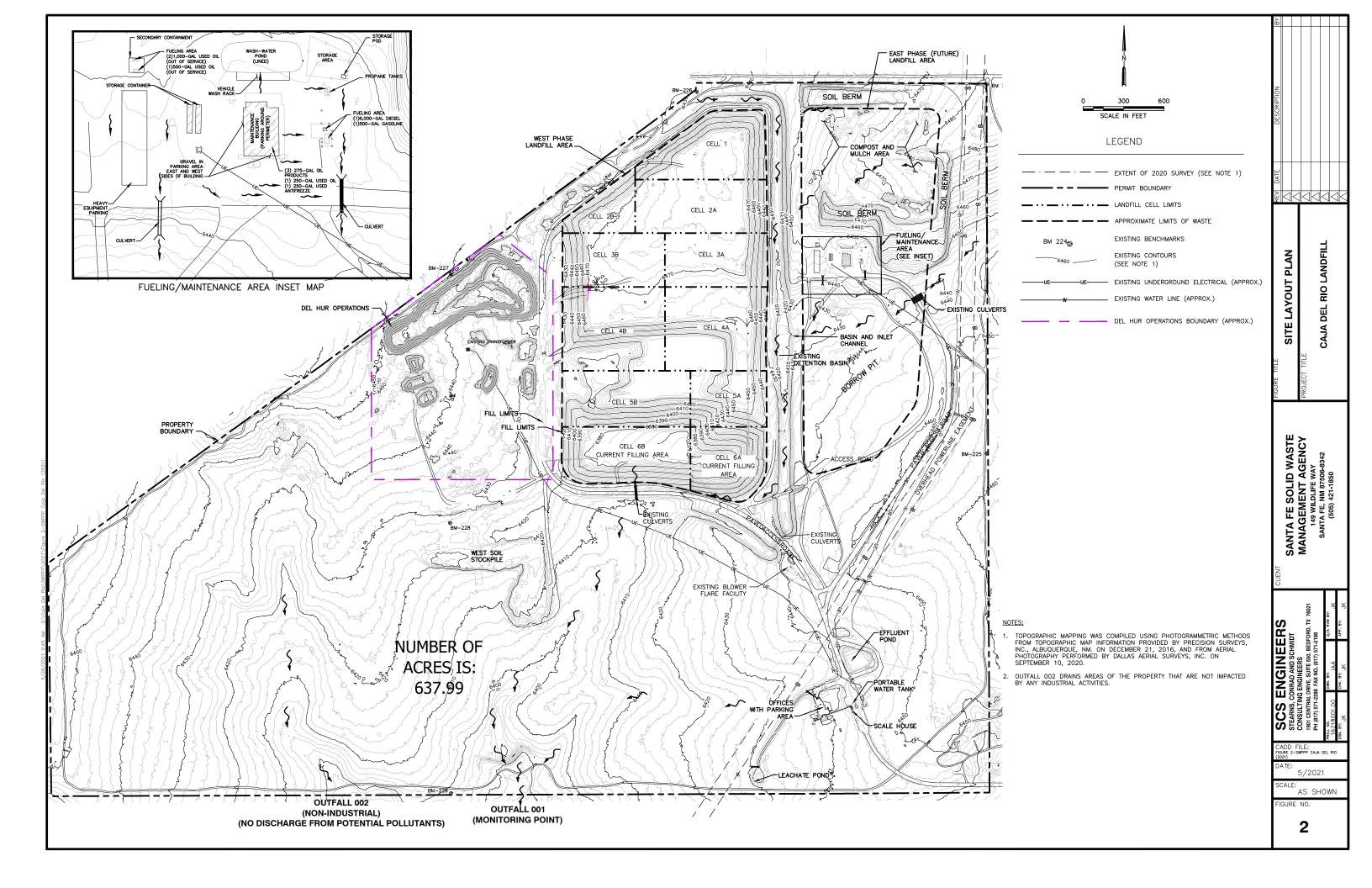
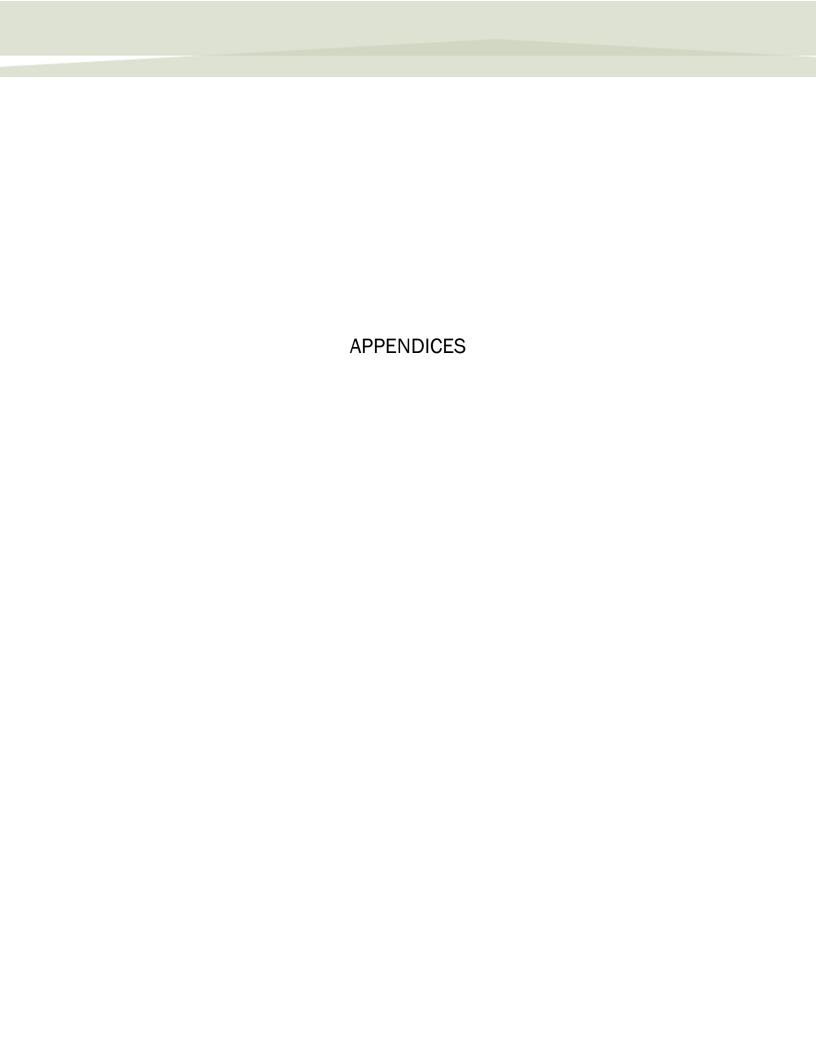


FIGURE 2 SITE PLAN





APPENDIX A MULTI-SECTOR GENERAL PERMIT

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 **March 1**, **2021**. This permit and the authorization to discharge shall expire at 11:59 pm eastern time, **February 28**, **2026**.

Signed and issued this 15th day of January 2021

DENNIS
DEZIEL

Digitally signed by DENNIS DEZIEL

Date: 2021.01.15
11:27:28 -05:00'

Dennis Deziel,

Regional Administrator, EPA Region 1.

Signed and issued this 15th day of January 2021

JEFFREY Digitally signed by JEFFREY GRATZ
GRATZ
Date: 2021.01.15
09:35:36-0500'

Jeffrey Gratz,

Deputy Director, Water Division, EPA Region 2.

Signed and issued this 15th day of January 2021

CARMEN
GUERRERO
PEREZ

Digitally signed by CARMEN
GUERRERO PEREZ
Date: 2021.01.15 11:13:39
-04'00'

Carmen R. Guerrero-Perez.

Director, Caribbean Environmental Protection Division, EPA Region 2.

Signed and issued this 15th day of January 2021

CATHERINE Digitally signed by CATHERINE LIBERTZ Date: 2021.01.15 10:55:42 -05'00'

Catherine A. Libertz,

Director, Water Division, EPA Region 3.

Signed and issued this 15th day of January 2021

JEANEANNE Digitally signed by JEANEANNE GETTLE

Date: 2021.01.15
08:29:14 -05'00'

Jeaneanne Geffle,

Director, Water Division, EPA Region 4.

Signed and issued this 15th day of January 2021

11:31:25 -06'00'

Digitally signed by TERA FONG Date: 2021.01.15

Tera L. Fong,

Director, Water Division, EPA Region 5.

Signed and issued this 15th day of January 2021

CHARLES Digitally signed by CHARLES MAGUIRE DN: 2-US, 2-US,

Charles Maguire,

Director, Water Division, EPA Region 6.

Signed and issued this 15th day of January 2021

JEFFERY Digitally signed by JEFFERY ROBICHAUD Date: 2021.01.15 Date: 2021.

Jeffery Robichaud,

Director, Water Division, EPA Region 7.

Signed and issued this 15th day of January 2021

DARCY
OCONNOR
Date: 2021.01.15
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Darcy O'Connor,

Director, Water Division, EPA Region 8.

Signed and issued this 15th day of January 2021

TOMAS
TORRES
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15:00:36 -08'00'

Tomás Torres,

Director, Water Division, EPA Region 9.

Signed and issued this 15th day of January 2021

DANIEL Digitally signed by DANIEL OPALSKI

OPALSKI

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Daniel D. Opalski,

Director, Water Division, EPA Region 10.

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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 <u>Eligibility Conditions</u>

- **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); 1
- 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** <u>Limitations on Coverage.</u> Discharges from your facility are <u>not</u>:
- 1.1.3.1 <u>Discharges mixed with non-stormwater discharges.</u> 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 <u>Discharges already covered by another NPDES permit.</u> 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).
- **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.

¹ 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.

Page 6

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)² 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

²"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.

[&]quot;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).

You are eligible under Part 1.1.6.2.c if you receive a determination from the applicable EPA Regional Office that your stormwater discharge will be controlled as necessary such that the receiving water of the United States will meet applicable water quality standards and you document the Region's determination in your SWPPP. If the applicable EPA Regional Office fails to respond to you within 30 days after submission of data, you are considered eligible for coverage.

Eligibility for "New Dischargers" and "New Sources" for Waters with High Water Quality 1.1.6.3 (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.
- For new dischargers and new sources to waters designed by a state or tribe as b. Tier 3 waters³ (i.e., outstanding national resource waters) for antidegradation purposes under 40 CFR 131.13(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

³ 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).

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 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 MSGP⁴

- **1.2.1** <u>Authorized Stormwater Discharges.</u> 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

Regulated Discharge	40 CFR Section	MSGP Sector	New Source Performance Standard (NSPS)	New Source Date
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	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	С	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	Е	Yes	2/20/74

⁴ 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
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
Runoff from coal storage piles at steam electric generating facilities	Part 423	0	Yes	11/19/82 (10/8/74) ¹
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

¹ 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 <u>Authorized Non-Stormwater Discharges</u>. 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** <u>Authorized Non-Stormwater Discharges for All Sectors.</u> 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 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. 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 here in Part 1.2.2.3:
 - **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.
- 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#accessingmsap

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

Category of Facility/Operator	NOI Submission Deadline	Discharge Authorization Date ^{1, 2}
Existing MSGP facility. 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.
Operator operating consistent with EPA's No Action Assurance and submitted an Intent to Operate (ITO) form. 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.
New facility without MSGP coverage. Operators of industrial activities that will commence discharging after March 1, 2021. Existing facility covered under an alternative permit. 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. At least 30 calendar days prior to commencing discharge 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.

Category of Facility/Operator	NOI Submission Deadline	Discharge Authorization Date ^{1, 2}
Existing MSGP facility with a new	At least 30 calendar	
operator. New operators of existing	days prior to the	
industrial activities with stormwater	date of transfer of	
discharges previously authorized under	control to the new	
the 2021 MSGP.	operator.	
Existing facility without MSGP coverage.	Immediately; your	
Operators of industrial activities that	stormwater	
commenced discharging prior to	discharges are	
March 1, 2021, but whose stormwater	currently	
discharges were not covered under the	unpermitted.1	
2015 MSGP or another NPDES permit		
and have not been operating		
consistent with EPA's No Action		
Assurance for EPA's NPDES MSGP.		

¹ 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.

- 1.3.4 <u>Modifying your NOI.</u> 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 7.1, 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;

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

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 <u>Conditional Exclusion for No Exposure</u>

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 7.1, 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. <u>Control Measures and Effluent Limits</u>

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 <u>Stormwater Control Measures</u>

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 instream 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) may be 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,⁵ 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,⁶ 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)⁷ 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

⁵ 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.

⁶ 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.

⁷ 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.

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

2.1.2 <u>Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT).</u>

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).

- 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.

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⁸ 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.

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;
 - **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. 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 <u>Maintenance.</u>

- a. <u>Maintenance Activities.</u> 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.*

⁹ 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.

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. <u>Maintenance Deadlines.</u>

- **ii.** If you find that your control measures need routine maintenance, you must conduct the necessary maintenance immediately in order to minimize pollutant discharges.
- 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.

- **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 <u>Management of Stormwater</u>. 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. <u>Types of Personnel Who Require Training.</u> 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 monitoring and inspections 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** <u>Dust Generation and Vehicle Tracking of Industrial Materials.</u> 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 Gu	videlines
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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.7
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.4
Runoff from asphalt emulsion facilities	Part 443, Subpart A	See Part 8.D.4
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Part 8.E.5
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.9
Runoff from hazardous waste landfills	Part 445, Subpart A	See Part 8.K.6
Runoff from non-hazardous waste landfills	Part 445, Subpart B	See Part 8.L.10
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.8

2.2 <u>Water Quality-Based Effluent Limitations</u>

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 <u>Discharges to Water Quality-Impaired Waters.</u> 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 ¹⁰ 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.

- **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.
- **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

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¹⁰ 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.

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.

3. <u>Inspections</u>

3.1 <u>Routine Facility Inspections</u>

- 3.1.1 <u>Inspection Personnel.</u> 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.
- **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 orrepair; 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 <u>Inspection Frequency.</u> 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.8.4, 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;
 - 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.
- **3.2.2** <u>Visual Assessment Procedures.</u> 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 <u>Visual Assessment Documentation.</u> 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.
- **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.8.4, 8.H.9.1, and 8.J.9.1.
- 3.2.4.5 <u>Substantially Identical Discharge Points (SIDP).</u> 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 4.2.2.
- **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 <u>Sample Type.</u> 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 7.4, 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 7.4, 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 <u>Monitoring for Authorized Non-Stormwater Discharges.</u> 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.

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 4.2.1.1.a
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 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 4491), R, and S	Bi-annually (2 times per year)	First year and fourth year	None	Part 4.2.1.1.b
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 Other as required by EPA	Depends on the receiving value Part 4.2.6				

^{*} Monitoring is required for the 16 individual PAHs identified at Appendix A to 40 CFR Part 423: naphthalene, acenaphthylene, acenaphthhene, 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. 11 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.

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 (PAH).

- **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 4491), 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,

¹¹ 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.

after which you may discontinue bi-annual PAH monitoring for the remainder of your permit coverage.

- **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).

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 <u>Part 8.</u> 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 Oxyg	en Demand (5-day)	30 mg/L		
На		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	Freshwater ^a	1.8 µg/L		
Recoverable Cadmium	Saltwater	33 µg/L		
Total	Freshwater	5.19 μg/L		
Recoverable Copper	Saltwater	4.8 µg/L		

Po	llutant	2021 MSGP Benchmark Threshold
Total	Freshwater	22 µg/L
Recoverable Cyanide	Saltwater	1 μg/L
Total	Freshwater	1.4 μg/L
Recoverable Mercury	Saltwater	1.8 µg/L
Total	Freshwater ^a	470 μg/L
Recoverable Nickel	Saltwater	74 µg/L
Total Recoverable	Freshwater	1.5 µg/L for still/standing (lentic) waters 3.1 µg/L for flowing (lotic) waters
Selenium	Saltwater	290 μg/L
Total	Freshwater ^a	3.2 µg/L
Recoverable Silver	Saltwater	1.9 µg/L
Total	Freshwater ^a	120 µg/L
Recoverable Zinc	Saltwater	90 μg/L
Total	Freshwater ^a	150 µg/L
Recoverable Arsenic	Saltwater	69 µg/L
Total	Freshwater ^a	82 µg/L
Recoverable Lead	Saltwater	210 µg/L

^a 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 ¹² 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).

¹² 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.

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.
 - i. If the annual average ¹³ 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

¹³ Ibid.

- 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).

4.2.3 <u>Effluent Limitations Monitoring</u>

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

Regulated Activity	Effluent Limit	Monitoring Frequency	Sample Type
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 <u>Substantially Identical Discharge Points Not Applicable.</u> 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. <u>Submit an Exceedance Report:</u> 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 <u>State or Tribal Required Monitoring</u>

- **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 system¹⁴ 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 <u>Facilities Required to Monitor Stormwater Discharges to Impaired Waters.</u>

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.

¹⁴ 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.

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 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), 15 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, 16 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

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

¹⁶ Ibid.

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), 17 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) 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:

- 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 inyour 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.

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¹⁷ Ibid.

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).

- **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 <u>Corrective Action</u>
- 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, ornot 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 <u>Deadlines for Corrective Actions</u>

- 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 <u>Substantially Identical Discharge Points.</u> 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 5.2.1, 5.2.2, and 5.2.3 unless you qualify for an exception under Part 5.2.6.

5.2.1 <u>Baseline Status</u>

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.

- **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). 18

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:
 - **a. 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 determine if modifications are necessary to meet the benchmark threshold for the applicable parameter, ¹⁹ and
 - b. 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.
- **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

¹⁹ 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.

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

- 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.

- 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 <u>AIM Level 3</u>

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.

- **S.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 Tier 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.
- **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 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** <u>Due to Run-On:</u> 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 <u>Due to an abnormal event:</u> 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:

- 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;
- 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. ²⁰ 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.

²⁰ 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.

- https://www.epa.gov/sites/production/files/2015-11/documents/msgp monitoring guide.pdf;
- 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 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 90th 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 <u>Corrective Action and AIM Documentation</u>

- **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 Part 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. <u>Stormwater Pollution Prevention Plan (SWPPP)</u>

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.

- **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.
- **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.
- **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;
 - **I.** 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:

- ii. fueling stations;
- iii. vehicle and equipment maintenance and/or cleaning areas;
- iv. loading/unloading areas;
- v. locations used for the treatment, storage, or disposal of wastes;
- vi. liquid storage tanks;
- vii. processing and storage areas;
- **viii.** 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;
- ix. transfer areas for substances in bulk;
- x. machinery;
- **xi.** 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, byproducts, 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:

- **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.
- **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.
- **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 <u>Description of Stormwater Control Measures to Meet Technology-Based and Water</u>

 <u>Quality-Based Effluent Limits.</u> 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/orfederal 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 <u>Pertaining to Monitoring</u>

- 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 Part 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** <u>Documentation Regarding National Historic Preservation Act Historic Properties.</u> You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.5.
- **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 <u>SWPPP Availability</u>

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 SWPP, 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 Part 2.1.2 and Part 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 <u>Additional Documentation Requirements</u>

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:

- 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);
- 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 4.2.2.4), and/or impaired waters monitoring (see Part 4.2.5.2).

7. Reporting and Recordkeeping

7.1 <u>Electronic Reporting Requirement</u>

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 wavier 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 7.9. 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/npdesereporting (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 permitterm;
- **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 <u>Annual Report</u>

You must submit an Annual Report to EPA via NeT-MSGP, per Part 7.2, by January 30th 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.8.1 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.8.1 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 <u>Numeric Effluent Limitations Exceedance Report</u>

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.F) 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 <u>Record Retention Requirements</u>

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

D	EPA	A	Addison
Permit Part	Region	Areas Covered	Address
7.8.1	1	Connecticut	U.S. EPA Region 1
		Massachusetts	Water Division
		New Hampshire	Stormwater and Construction Permits
		Rhode Island	Section
		Vermont	5 Post Office Square, Ste. 100 (06-1)
			Boston, MA 02109-3912
7.8.2	2	New Jersey	U.S. EPA Region 2
		New York	NPDES Stormwater Program
			290 Broadway, 24th Floor
			New York, NY 10007-1866
		Puerto Rico	U.S. EPA Region 2
		Virgin Islands	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	U.S. EPA Region 3
		District of Columbia	NPDES Permits Section, MC 3WD41
		Maryland	1650 Arch Street
		Pennsylvania	Philadelphia, PA 19103
		Virginia	
		West Virginia	
7.8.4	4	Alabama	U.S. EPA Region 4
		Florida	Water Division
		Georgia	NPDES Stormwater Program
		Kentucky	Atlanta Federal Center
		Mississippi	61 Forsyth Street SW
		North Carolina	Atlanta, GA 30303-3104

	EPA		
Permit Part	Region	Areas Covered	Address
		South Carolina	
	_	Tennessee	
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	lowa Kansas Missouri Nebraska	U.S. EPA Region 7 NPDES Stormwater Program 11201 Renner Blvd 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

	EPA			
Permit Part	Region	Areas Covered	Address	
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 Tr	ibal Addresses	See Part 9 (states and tribes) for the addresses of applicable states or tribes that require submission of information to their agencies.	

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart L – Sector L – Landfills, Land Application Sites, and Open Dumps

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity <u>and</u> any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.L.1 Covered Stormwater Discharges

The requirements in Subpart L apply to stormwater discharges associated with industrial activity from Landfills and Land Application Sites as identified by the Activity Code specified under Sector L in Table D-1 of Appendix D of the permit.

8.L.2 Industrial Activities Covered by Sector L

This permit may authorize stormwater discharges for Sector L facilities associated with waste disposal at landfills, land application sites that receive or have received industrial waste, including sites subject to regulation under Subtitle D of RCRA. This permit does not cover discharges from landfills that receive only municipal wastes.

8.L.3 <u>Limitations on Coverage</u>

- 8.L.3.1 Prohibition of Non-Stormwater Discharges. (See also Part 1.1.3) The following discharges are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory wastewater, and contact wash water from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility. (EPA includes these prohibited non-stormwater discharges here solely as a helpful reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2.)
- **8.L.3.2 Prohibition Stormwater Discharges from Open Dumps.** Discharges from open dumps as defined under RCRA are also not authorized under this permit.

8.L.4 <u>Definitions</u>

- **8.1.4.1 Contaminated stormwater** stormwater that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated stormwater include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.
- **8.L.4.2 Drained free liquids** aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.
- 8.L.4.3 Landfill wastewater as defined in 40 CFR Part 445 (Landfills Point Source Category) all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated stormwater, contaminated ground water, and wastewater from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate; gas collection condensate; drained free liquids; laboratory- derived wastewater; contaminated stormwater; and contact wash water

- from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.
- **8.L.4.4 Leachate** liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.
- **8.L.4.5 Non-contaminated stormwater** stormwater that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater.
- 8.L.5 Additional Technology-Based Effluent Limits
- **8.L.5.1 Preventive Maintenance Program.** (See also Part 2.1.2.3) As part of your preventive maintenance program, maintain the following: all elements of leachate collection and treatment systems, to prevent commingling of leachate with stormwater; the integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), to minimize the effects of settlement, sinking, and erosion.
- 8.1.5.2 Erosion and Sedimentation Control. (See also Part 2.1.2.5) Provide temporary stabilization (e.g., temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following in order to minimize discharges of pollutants in stormwater: materials stockpiled for daily, intermediate, and final cover; inactive areas of the landfill or open dump; landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and land application sites where waste application has been completed but final vegetation has not yet been established.

8.L.6 Additional SWPPP Requirements

- **8.L.6.1 Drainage Area Site Map.** (See also Part 6.2.2) Document in your SWPPP where any of the following may be exposed to precipitation or stormwater: active and closed landfill cells or trenches, active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with stormwater, and leachate collection and handling systems.
- 8.1.6.2 Summary of Potential Pollutant Sources. (See also Part 6.2.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading or unloading; outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.

8.L.7 <u>Additional Inspection Requirements (See also Part 3)</u>

Inspections of Active Sites. Except in arid and semi-arid climates, inspect operating landfills, open dumps, and land application sites at least once every 7 days. Focus on areas of landfills that have not yet been finally stabilized; active land application areas, areas used for storage of material and wastes that are exposed to precipitation, stabilization, and structural control measures; leachate collection and treatment systems; and locations where equipment and waste trucks enter and exit the site. Ensure that sediment and erosion control measures are operating properly. For stabilized sites and areas where land application has been completed, or where the climate is arid or semi-arid, conduct inspections at least once everymonth.

8.L.7.2 Inspections of Inactive Sites. Inspect inactive landfills, open dumps, and land application sites at least quarterly. Qualified personnel must inspect landfill (or open dump) stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed land application areas.

8.L.8 <u>Additional Post-Authorization Documentation Requirements</u>

8.L.8.1 Recordkeeping and Internal Reporting. Keep records with your SWPPP of the types of wastes disposed of in each cell or trench of a landfill or open dump. For land application sites, track the types and quantities of wastes applied in specific areas.

8.L.9 <u>Indicator Monitoring (See also Part 4.2.1)</u>

Table 8.L-1 identifies indicator monitoring that applies to the specific subsectors of Sector L. This indicator monitoring applies to both your primary industrial activity and any co-located industrial activities.

Table 8.L-1						
Subsector (You may be subject to requirements for more than one sector/subsector)	Indicator Monitoring Parameter	Indicator Monitoring Threshold				
Applies to all Sector L (Subsectors L1 and L2) facilities with 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	Polycyclic Aromatic Hydrocarbons (PAHs)*	Report Only/ No thresholds or baseline values				
Subsector L2. All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed	Chemical Oxygen Demand (COD)	Report Only/ No thresholds or baseline values				
in Accordance with 40 CFR 258.60 (Activity Code LF)	Total Suspended Solids (TSS)	Report Only/ No thresholds or baseline values				
	На	Report Only/ No thresholds or baseline values				

^{*}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.

8.L.10 <u>Sector-Specific Benchmarks (See also Part 4.2.2)</u>

Table 8.L-2 identifies benchmarks that apply to the specific subsectors of Sector L. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.L-2.		
Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration1
Subsector L1. All Landfill, Land Application Sites and Open Dumps (Industrial Activity Code "LF")	Total Suspended Solids (TSS)	100 mg/L

¹Benchmark monitoring required only for discharges not subject to effluent limitations in 40 CFR Part 445 Subpart B (see Table L-3 below).

8.L.11 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 4.2.3.1)

Table 8.L-3 identifies effluent limitations that apply to the industrial activities described below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

	Table 8.L-3 ¹						
Industrial Activity	Parameter	Effluent Limitation					
Discharges from non-	Biochemical Oxygen Demand	140 mg/L, daily maximum					
hazardous waste landfills	(BOD ₅)	37 mg/L, monthly avg. maximum					
subject to effluent limitations	Total Suspended Solids (TSS)	88 mg/L, daily maximum					
in 40 CFR Part 445 Subpart B.		27 mg/L, monthly avg. maximum					
	Ammonia	10 mg/L, daily maximum					
		4.9 mg/L, monthly avg. maximum					
	Alpha Terpineol	0.033 mg/L, daily maximum					
		0.016 mg/L monthly avg.					
		maximum					
	Benzoic Acid	0.12 mg/L, daily maximum					
		0.071 mg/L, monthly avg.					
		maximum					
	p-Cresol	0.025 mg/L, daily maximum					
		0.014 mg/L, monthly avg.					
ļ .		maximum					
	Phenol	0.026 mg/L, daily maximum					
		0.015 mg/L, monthly avg.					
		maximum					
	Total Zinc	0.20 mg/L, daily maximum					
		0.11 mg/L, monthly avg. maximum					
	На	Within the range of 6-9 standard					
	10 CER Bart 115 Subpart R. those numeric	pH units (s.u.)					

¹ Monitor annually. As set forth at 40 CFR Part 445 Subpart B, these numeric limitations apply to contaminated stormwater discharges from MSWLFs that have not been closed in accordance with 40 CFR 258.60, and to contaminated stormwater discharges from those landfills that are subject to the provisions of 40 CFR Part 257 except for discharges from any of the following facilities:

- (a) landfills operated in conjunction with other industrial or commercial operations, when the landfill receives only
 wastes generated by the industrial or commercial operation directly associated with the landfill;
- (b) landfills operated in conjunction with other industrial or commercial operations, when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation, or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
- (c) landfills operated in conjunction with CWT facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly

- associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only withwastewater from other landfills; or
- (d) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

9 Permit Conditions Applicable to Specific States, Indian Country Lands, or Territories

Section 401 of the CWA (see also 40 CFR §122.44(d)(3) and §124.53(a)) provides that no federal license or permit, including NPDES permits, to conduct any activity that may result in any discharge to waters of the United States shall be granted until the state/tribe in which the discharge originates certifies that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the CWA. The requirements under this Part of the permit provide state, U.S. territory, and tribal requirements that these entities certify are necessary in order for the permit to comply with applicable water quality requirements.

The conditions below have been incorporated into the 2021 MSGP based on the certifications granted for the 2021 MSGP. These conditions apply for activities conducted under this permit that occur within the jurisdiction that established the condition. Any references below to the "2020 MSGP," "MSGP 2020," "2020 proposed MSGP," "proposed permit," or similar refer to the final 2021 MSGP.

9.1 EPA Region 1: Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont

9.1.1 CTR051000: Indian Country within the State of Connecticut

No additional requirements.

9.1.2 MAR050000: Commonwealth of Massachusetts, except Indian country

Operators in the Commonwealth of Massachusetts must meet the following conditions (see certification provided by the Commonwealth of Massachusetts, CWA401Cert_MA_2021 MSGP):

9.1.2.1 Additional conditions required by the Commonwealth of Massachusetts.

Discharges covered by the general permit must comply with the provisions of 314 CMR 3.00, 314 CMR 4.00, 314 CMR 9.00, and 310 CMR 10.00. New facilities or redevelopment of existing facilities subject to this permit must comply with applicable stormwater performance standards prescribed by state regulation. A permit under 314 CMR 3.04 is not required for existing facilities that meet state stormwater performance standards. An application for a permit under 314 CMR 3.00 is required only when required under 314 CMR 3.04(2)(b) (designation of a discharge on a case-by-case basis) or is otherwise identified in 314 CMR 3.00 as a discharge requiring a permit application. See *id.* at 1-2.

9.1.2.2 SWPPP Availability.

MassDEP may request a copy of the Stormwater Pollution Prevention Plan (SWPPP) at any time, and the permittee is required to submit the SWPPP to MassDEP within 14 days of such a request. MassDEP may conduct an inspection of any facility covered by this permit to ensure compliance with state law requirements, including state water quality standards. MassDEP may enforce its certification conditions. See *id*.

9.1.2.3 New Dischargers.

For new dischargers applying to be covered under the MSGP and proposing to discharge to Outstanding Resource Waters as identified in 314 CMR 4.00, MassDEP will require applicants to submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) for review. For purposes of this review the applicant is required to submit a copy of the EPA NOI and SWPPP to MassDEP at the same time they are submitted to EPA. Instructions on how to submit these documents to MassDEP can be found here: https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of-intent. See id.

9.1.2.4 Submission of Monitoring Data.

The results of any monitoring required by this permit that identify violations of any effluent limits or benchmarks for any parameter for which monitoring is required shall be sent to the appropriate Regional Office of MassDEP (attention: Bureau of Air and Waste). In addition, any follow-up monitoring and a description of the corrective actions required and undertaken to meet the effluent limits or benchmarks shall be sent to the appropriate MassDEP Regional Office. See *id*.

9.1.2.5 Sector-Specific Requirements.

The Massachusetts Coastal Zone Management Program submitted the following conditions to be included in the WQC for the 2015 permit in order to meet the Program's Consistency Review, and to remain consistent, these same requirements are included in this WQC:

- a. In Sector Q [Water Transportation] add copper to the required monitoring parameters with a benchmark monitoring concentration as is included in the MSGP 2020 Table 1 of Appendix J.
- b. In Sector R [Ship and Boat Building and Repair Yards] add aluminum, lead, and copper to the list of required monitoring parameters with a benchmark monitoring concentration as included in the MSGP 2020 Table 1 of Appendix J.
- c. Modify the monitoring requirements for Sectors Q and R such that all four of the quarterly monitoring samples must meet the benchmarks rather than the average of the four before no further monitoring is required. See *id.* at 2.

9.1.3 MAR051000: Indian country within the Commonwealth of Massachusetts

No additional requirements.

9.1.4 NHR050000: State of New Hampshire

Operators in New Hampshire must also meet the following conditions (see certification provided by the State of New Hampshire, CWA410Cert_NH_2021 MSGP):

9.1.4.1 Consider Opportunities for on-site infiltration of stormwater.

In Part 2.1.1 Control Measure Selection and Design Considerations, you are required to consider opportunities for infiltrating runoff onsite. This is encouraged, but it should only be done if consistent with the statutes and rules of the Department of Environmental Services written to protect groundwater. Infiltration best management practices are not recommended at industrial sites except in areas where industrial activities do not occur, such as at office buildings and their associated parking facilities, or in drainage areas at the facility where a certification of no exposure will always be possible [see 40CFR122.26(g)]. Other justifiable reasons for not using on-site infiltration BMP include the following:

- a. The facility is located in a wellhead protection area as defined in RSA 485-C:2; or
- b. The facility is located in an area where groundwater has been reclassified to GAA, GA1 or GA2 pursuant to RSA 485-C and Env-Dw 901; and
- c. Any areas that would be exempt from the groundwater recharge requirements contained in Env-Wq 402, Groundwater Discharge Permit and Registration Rules (formerly Env-Ws1500), including all land uses or activities considered to be a "High-load site." See *id.at 1-5*

9.1.4.2 Maintenance of Infiltration Best Management Practices.

In Part 2.1.2.3 you are required to maintain control measures. In Parts 6.2.2, 6.2.5.1 and 6.5 you are required to document the location of control measures, perform

inspections and maintenance, and keep records. Accordingly, the SWPPP must contain the following:

- a. A description of and the location of each on-site infiltration BMP installed;
- b. The maintenance procedures that will be followed to ensure proper operation, including the removal of sediment from pretreatment devices;
- c. The inspection procedures that will be followed at least annually. These should include the procedures for ensuring that the stormwater being infiltrated is not exposed to industrial pollutants and the procedures for ensuring proper drainage to prevent mosquito breeding;
- d. The employee name (or title of the position) who is a member of the stormwater pollution prevention team (see Part 6.2.1) who will be responsible for the maintenance required in Part 9.1.4.2.b, the inspection required in Part 9.1.4.c and any necessary corrective actions or additional implementation measures required in Part 5; and
- e. Records for all maintenance performed, inspections conducted, and corrective actions taken. See id.

9.1.4.3 Discontinue, Permit or Register On-site Infiltration BMP if Necessary.

If at any time a certification of no exposure can no longer be made for any of the stormwater to be infiltrated, then the infiltration BMP must cease for that portion of the runoff or the discharge must be permitted or registered as appropriate. The following may be required:

- a. Infiltration BMP that meet the definition of a Class V well or that infiltrates stormwater via a subsurface structure (i.e. concrete chambers, dry well, leach field, etcetera) will need an underground injection control (UIC) registration from NHDES; and
- b. Permitting as a groundwater discharge as required in Env-Wq 402, if the stormwater will or may contain regulated contaminants.

The SWPPP must be modified immediately if new infiltration BMP are proposed or if existing infiltration BMP will cease. See id.

9.1.4.4 Required NHDES notification.

- a. Notify the NHDES Groundwater Discharge Permit Coordinator immediately if you believe that any infiltration BMP may need to be permitted or registered (see Part 9.1.4.3) during the permit term.
- b. Notify the NHDES Wastewater Engineering Bureau immediately of any plans to discharge any new non-stormwater discharges during the permit term. This does not include the allowable non-stormwater discharges listed in Part 1.1.3
- c. Immediately notify the NHDES Drinking Water and Groundwater Bureau at (603) 271-2513 of reportable releases (e.g., spills) of extremely hazardous, hazardous substance or oil as defined in accordance with the Emergency Planning and Community Right-to-Know Act (EPCRA) that are discharged into a source of drinking water or within a source protection area. This is in addition to immediately contacting local and state emergency responders through calling 911 and (603) 271-3899 during business hours and the state police at 800 525-5555 after hours or on weekends. See id.

9.1.4.5 Information That May Be Requested by NHDES.

To ensure compliance with RSA 485-C, RSA 485-A, RSA 485-A:13, I(a), Env-Wa 400 and Env-Wq 401 the following information may be requested by NHDES. This information

must be kept on site unless you receive a written request from NHDES that it be sent to the address shown in Part 9.1.4.6.

- a. The site map required in Part 6.2.2, showing the type and location of all onsite infiltration BMP utilized at the facility or the reason(s) why none were installed.
- b. A list of all non-stormwater discharges that occur at the facility, including their source locations and the control measures being used (see Parts 1.2.2 and 6.2.3.4).
- c. A copy of the Annual Reports required in Part 7.4. See id.

9.1.4.6 Where to Submit Information.

Information submitted to NHDES must be sent to the following address:

NH Department of Environmental Services
Wastewater Engineering Bureau
Permits & Compliance Section
P.O. Box 95
Concord, NH 03302-0095

9.1.4.7 Modification of Clean Water Act Section 401 Water Quality Certification.

When NHDES determines that additional water quality certification requirements are necessary to the protect water quality, it may require individual dischargers to meet additional conditions to obtain or continue coverage under the MSGP. Any such conditions shall be supplied to the permittee in writing. Any required pollutant loading analyses and any designs for structural best management practices necessary to protect water quality must be prepared by a professional engineer (civil or sanitary) licensed in New Hampshire. See id.

9.1.5 RIR051000: Indian country within the State of Rhode Island

No additional requirements.

9.1.6 <u>VTR05F000</u>: Areas in the State of Vermont subject to industrial activity by a Federal Operator No additional requirements.

9.2 EPA Region 2: New Jersey, New York, Puerto Rico, Virgin Islands

9.2.1 PRR050000: Commonwealth of Puerto Rico

No additional requirements.

9.2.2 NYR051000: Indian country within the State of New York, except the lands of the St. Regis Mohawk Tribe

No additional requirements.

9.3 <u>EPA Region 3: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.</u>

9.3.1 DCR050000: District of Columbia

Operators in the District of Columbia must also meet the following conditions (see certification provided by the District of Columbia, CWA410Cert DC 2021 MSGP):

9.3.1.1 Compliance with District of Columbia Laws and Regulations.

Discharges covered by the MSGP must comply with the District of Columbia Water Pollution Control Act of 1984, as amended, D.C. Official Code § 8-103.01 et seq.; and its implementing regulations in Title 21 Chapters 11 and 19 of the District of Columbia Municipal Regulations. See *id.* at 1-3

9.3.1.2 No Preclusion of Responsibilities.

Nothing in this permit will be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to District of Columbia laws and regulations. See *id*.

9.3.1.3 Additional Reporting.

The permittee shall report to the Associate Director, Inspection and Enforcement Division any noncompliance which may endanger health or the environment. All information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. See *id*.

9.3.2 <u>DER05F000: Areas in the State of Delaware subject to industrial activity by a Federal Operator</u>

No additional requirements.

9.4 <u>EPA Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South</u> Carolina, Tennessee

9.4.1 ALR051000: Indian country within the State of Alabama

No additional requirements.

9.4.2 FLROR1000: Indian country within the State of Florida

9.4.2.1 Miccosukee Tribe of Indians

Industrial stormwater discharges on the Miccosukee Tribe lands are not eligible for permit coverage under this permit. Contact the EPA Region 4 office for additional information, including available permits.

9.4.2.2 Seminole Tribe of Florida

Industrial stormwater discharges on the Seminole Tribe lands are not eligible for permit coverage under this permit. Contact the EPA Region 4 office for additional information, including available permits.

9.4.3 MSR051000: Indian country within the State of Mississippi

No additional requirements.

9.4.4 NCR051000: Indian country within the State of North Carolina

No additional requirements.

9.4.5 SCR051000: Indian country within the State of South Carolina

No additional requirements.

9.5 EPA Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

9.5.1 MIR051000: Indian country within the State of Michigan

No additional requirements.

9.5.2 MNR051000: Indian country within the State of Minnesota

9.5.2.1 Fond du Lac Reservation

Operators in the Fond du Lac Reservation must also meet the following conditions (see certification provided by the Fond du Lac Reservation, CWA410Cert_Fond du Lac_2021 MSGP):

9.5.2.1.1 Submission of SWPPP.

A copy of the Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Office of Water Protection at least fifteen (15) days in advance of sending the Notice of Intent to EPA. The SWPPP can be submitted electronically to richardgitar@FDLREZ.com or by hardcopy sent to:

Fond du Lac Reservation Office of Water Protection 1720 Big Lake Road Cloquet, MN 55720

MSGP applicants are encouraged to work with the FDL Office of Water Protection in the identification of all proposed receiving waters and selection of appropriate Best Management Practices (BMPs). See id. at 2-4.

9.5.2.1.2 Submission of NOI and NOT.

Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the Fond du Lac Office of Water Protection at the same time they are submitted to EPA. See *id*.

9.5.2.1.3 Benchmark Monitoring for Turbidity.

The Benchmark Monitoring Concentration (BMC) for Turbidity shall NOT exceed 10% of natural background as determined by the Office of Water Protection staff as measured in NTU. See *id*.

9.5.2.1.4 Effluent Limitations.

The Effluent Limitations for ALL sectors shall NOT exceed more than two times (2x) Fond du Lac's ambient concentrations (based upon more than 20 years of monitoring data) for the following (See id.):

a) Ammonia
Ambient =<0.3mg/l
b) Arsenic
Ambien =< 3.0 µg/l
c) Chromium
Ambient =< 0.8 µg/l
d) Total Phosphorus
Ambient =< 0.09 mg/l
e) Total Suspended Solids
Ambient =< 16 mg/l
Ambient =< 24 mg/l

9.5.2.1.5 Water Quality Criteria.

All industrial activities shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Fond du Lac Reservation, Ordinance 12/98, as amended. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Fond du Lac Reservation for any of the uses designated in the Water Quality Standards of the Fond du Lac Reservation. These uses include wildlife, aquatic life, warm water fisheries, cold water fisheries, subsistence fishing (netting), primary contact recreation, secondary contact recreation, cultural, wild rice areas, aesthetic waters, agriculture, navigation, and commercial. See id.

9.5.2.1.6 Impacts to cultural sites.

This certification does not authorize impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for such listing. See *id*.

9.5.2.2 Grand Portage Band of the Minnesota Chippewa Tribe

The following conditions apply to industrial storm water discharges into Waters of the Grand Portage Reservation (see certification provided by the Grand Portage Reservation, CWA410Cert_Fond du Lac_2021 MSGP):

9.5.2.2.1 Definitions.

The definitions set forth in the Grand Portage Water Resources Ordinance, as amended, ("Water Resources Ordinance") govern these certification conditions. See id. at 1.4.

9.5.2.2.2 Water Quality Standards.

All industrial storm water discharges authorized by this permit must comply with the Grand Portage Water Quality Standards, Applicable Federal Standards, and the Water Resources Ordinance. See id.

9.5.2.2.3 Additional Monitoring.

Grand Portage reserves the right to require additional monitoring of storm water discharges as determined on a case-by-case basis. If the Board determines that additional monitoring is necessary, the monitoring plan must be supplemented and incorporated into the Storm Water Pollution Prevention Plan ("SWPPP") before the SWPPP is submitted to the USEPA. Accordingly, the Board must be contacted, at the address listed below, at the onset of writing the SWPPP. See id. at 1,4.

9.5.2.2.4 Submission of SWPPP, NOI, and NOT.

In addition, a copy of the SWPPP, Notice of Intent ("NOI"), and Notice of Termination (NOT) (collectively the "application") must be submitted to the Board at least 30 days before submitting the NOI to USEPA. Applications should be sent to the following address:

Grand Portage Environmental Resources Board P.O. Box 428 Grand Portage, MN 55605

9.5.2.2.5 Additional information.

Upon receipt of the application, the Board shall order the Grand Portage Environmental Department (Department) to conduct a technical review of the application materials. If necessary, Department staff will send a request for additional information to the applicant within 30 days of receipt of the application. See *id.* at 1,5.

9.5.2.2.6 Preliminary coverage determination.

After considering the application and such other information and data as the Department staff deems relevant, the Department Director will evaluate whether there is a reasonable probability that the proposed activity will violate the Grand Portage Water Quality Standards or any Applicable Federal Standards and recommend one of the following preliminary determinations:

- (a) Unconditionally grant coverage under the MSGP;
- (b) Grant coverage under the MSGP subject to certain conditions; or
- (c) Deny coverage under the MSGP.

9.5.2.2.7 Final coverage determination.

Within 30 days of the Department Director's recommendation, the Board will provide public notice of the application for coverage under the MSGP and the Department Director's recommendations. Upon request, the Department will

schedule a hearing as provided in 40 CFR Part 25. If, after considering the evidence provided at the hearing and the entire record, the Board determines by a preponderance of the evidence that the proposed activity will violate the Grand Portage Water Quality Standards or any Applicable Federal Standards, the Board shall deny eligibility for coverage under the MSGP, unless there is a reasonable certainty that compliance can be achieved by the applicant's adherence to reasonable conditions. If the Board finds insufficient evidence to show that the proposed activity will violate the Grand Portage Water Quality Standards or any Applicable Federal Standards, it shall approve coverage under the MSGP. See id.

9.5.2.2.8 Appeals.

Appeals related to water quality certification decisions or permits will be heard by the Grand Portage Tribal Court. See id.

9.5.2.2.9 Prohibition of Discharge.

The applicant is prohibited from discharging into the Waters of the Reservation pursuant to the MSGP unless the Board has granted coverage under the MSGP, or until the applicant has adhered to conditions required by the Board's conditional grant of coverage. See *id*.

9.5.2.2.10 Compliance.

The Board retains full authority provided by the Water Resources Ordinance to ensure compliance with and enforce the provisions of the Water Resource Ordinance, the Grand Portage Water Quality Standards, Applicable Federal Standards, and these certification conditions." See *id*.

9.5.3 <u>WIR051000: Indian country within the State of Wisconsin, except those on Bad River Band of Lake Superior Tribe of Chippewa Indians lands and on Sokaogon Chippewa Community lands</u>

No additional requirements.

- 9.6 <u>EPA Region 6: Arkansas, Louisiana, Oklahoma, Texas, and New Mexico (exceptsee Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands).</u>
- 9.6.1 LAR051000: Indian country within the State of Louisiana

No additional requirements.

9.6.2 NMR050000: The State of New Mexico, except Indian country

Operators in New Mexico must also meet the following conditions (see certification provided by the State of New Mexico, CWA410Cert_NM_2021 MSGP):

9.6.2.1 PFAS Analytes Monitoring.

Except as specified below, all NAICS codes listed in the December 4, 2019 Advanced Notice of Proposed Rulemaking for TRI Reporting¹ and covered under this MSGP shall monitor and report PFAS in effluent once during the first year of MSGP coverage, or when the facility discharges if no discharge occurs during the first year. Samples shall be analyzed by an accredited lab for all 18 PFAS analytes using EPA Method 537.1 (EPA 2018), and the DoD Quality Systems Manual Method 5.3 (2019) as guidance. Method and analysis shall be sufficiently sensitive to evaluate the New Mexico screening level for PFOA and PFOS.

The PFAS screening level in New Mexico is indicated below. The screening level is not a standard of quality and purity for the surface waters of New Mexico but

¹ https://www.federalregister.gov/documents/2019/12/04/2019-26034/addition-of-certain-per--and-polyfluoroalkyl-substances-community-right-to-know-toxic-chemical

allows detection and further evaluation of the existence of PFAS in stormwater discharges to determine if more attention is warranted.

PFAS Screening Level for New Mexico*		
PFOA + PFOS	0.070 μg/L	

^{*}Concentrations of PFOA and PFOS are summed before being compared to the screening level.

If PFOA and/or PFOS are detected above the New Mexico screening level, additional monitoring and reporting shall occur annually and in accordance with the same parameters and methods as required for the first sampling event. In addition, the permittee should take corrective action and identify ways to minimize, reduce, and eliminate PFAS from the industrial activity through product substitution and/or additional best management practices and operational controls. Results of past monitoring and any corrective actions taken should be included in the Stormwater Pollution Prevention Plan (SWPPP).

The permittee shall submit monitoring results for all 18 PFAS analytes under EPA Method 537.1, as required, to NMED at the following address:

Point Source Program Manager Surface Water Quality Bureau New Mexico Environment Department P.O. Box 5469 Santa Fe, NM 87502-5469

NMED may suspend the requirement to monitor and report PFAS under the following circumstances:

- If the permittee determines it is not technically practicable to measure PFAS in their stormwater discharge; or
- If additional sampling determines that it is unlikely that PFAS exist in a permittee's stormwater discharge, if the permittee provides facility data that demonstrate PFAS are unlikely to be present in the stormwater discharge, or there are no available, accredited laboratories capable of performing the required PFAS analysis; or
- If additional sampling demonstrates that the pollutant concentration is lower than the screening level or the permittee is subject to duplicative or more stringent PFAS requirements.

However, to be exempted for these reasons, the permittee must submit documentation to NMED for approval. See *id*. At 4-6.

9.6.2.2 Benchmark Monitoring Concentrations

The benchmark values for pollutants must be modified to reflect New Mexico WQS for the facilities in New Mexico based on water quality criteria approved in the Standards for Interstate and Intrastate Surface Waters, 20.6.4.900 NMAC. Consistent with the language in this permit, exceedances of a benchmark value, even if that value is based on New Mexico WQS, are not immediately a violation of the permit unless the permittee does not take appropriate action to improve best management practices or otherwise mitigate the discharge of the detected pollutant. A full Tier 2 Antidegradation Review (significant degradation analysis; reasonable alternatives identification; economic and social importance; etc.) does not translate to projects covered under this general permit. Therefore, this condition is necessary to ensure that New Mexico's antidegradation policy is upheld and surface waters of the state are protected from degradation. See id.

The following tables lay out the benchmark values that should be used for sector-specific monitoring in the MSGP.

MSGP Benchmark Values and Sources						
Most restrictive value (highlighted below) must be chosen						
Pollutant	2020 proposed MSGP Benchmark	New Mexico MSGP Benchmark				
Total Recoverable Beryllium	130 µg/L					
Biochemical Oxygen Demand (5-day)	30 mg/L					
рН	6.0 – 9.0 s.u.	6.6 – 9.0 s.u.				
Chemical Oxygen Demand	120 mg/L					
Total Phosphorus	2.0 mg/L					
Total Suspended Solids (TSS)	100 mg/L					
Ammonia	2.14 mg/L					
Nitrate and Nitrite Nitrogen	0.68 mg/L					
Turbidity	50 NTU					
Total Recoverable Antimony	640 µg/L	640 µg/L (dissolved)				
Total Recoverable Arsenic	150 µg/L	9 µg/L (dissolved)				
Total Recoverable Cadmium	1.8 µg/L	See below				
Chromium (III)	570 μg/L	See below				
Chromium (VI)	16 µg/L	16 µg/L (dissolved)				
Total Recoverable Copper	14 μg/L	See below				
Total Recoverable Cyanide	22 µg/L	5.2 μg/L				
Total Recoverable Lead	8.2 µg/L	14 µg/L (dissolved)				
Total Recoverable Mercury	1.4 μg/L	0.77 µg/L				
Total Recoverable Nickel	47 µg/L	See below				
Total Recoverable Selenium	5 μg/L	5 μg/L				
Total Recoverable Silver	3.8 µg/L	See below				
Total Recoverable Zinc	120 μg/L	See below				

		Hardness dependent criteria - Dissolved (µg/L)					
Concurrent Hardness as CaCO ₃ , dissolved (mg/L)	Cd	Cr III	Cu	Pb	Ni	Ag	Zn
25	0.51	180	4	14	140	0.3	45
30	0.59	210	4	17	170	0.4	54
40	0.76	270	6	24	220	0.7	70

50	0.91	320	7	30	260	1.0	85
60	1.07	370	8	37	300	1.3	101
70	1.22	430	10	44	350	1.7	116
80	1.37	470	11	51	390	2.2	131
90	1.51	520	12	58	430	2.7	145
100	1.65	570	13	65	470	3.2	160
200	2.98	1,010	26	140	840	11	301
220	3.23	1,087	28	151	912	13	328
300	4.21	1,400	38	210	1190	21	435
400 and above	5.38	1,770	50	280	1510	35	564

9.6.2.3 Outstanding National Resource Waters.

Operators are not eligible to obtain authorization under this permit for stormwater discharges to outstanding national resource waters (ONRWs, also referred to as "Tier 3" waters). Although State WQS provide for temporary and short-term degradation of water quality in an ONRW under very limited circumstances, if approved by the New Mexico Water Quality Control Commission as specified at 20.6.4.8. ANMAC, the approval process required for these activities does not translate to projects covered under this general permit. This condition is necessary to ensure that no degradation is allowed in ONRWs by requiring proposed stormwater discharges to be reviewed under the individual permit process. Tier 3 waters are defined in Appendix F of the proposed permit. See *id*.

9.6.2.4 Additional SWPPP Requirements.

Information on how the permittee knows the groundwater or spring water is uncontaminated must be documented in the facility SWPPP.

EPA must amend the NOI to include a question for the permittee to indicate whether they anticipate to discharge groundwater or spring water from their site. The permittee must be able to indicate on the NOI: flow rate, whether the ground or spring water source is nearby potential pollutant sources, and if the ground or spring water has been tested and is not contaminated by the potential pollutant source.

If discharge of groundwater or spring water is anticipated at a facility, permittees must complete the following steps to determine if it is potentially contaminated:

- Indicate on the NOI that dewatering activities are anticipated. Provide information on flow and potential to encounter impacted ground or spring water.
- b. Refer to the Mapper tool at https://gis.web.env.nm.gov/oem and check if the following groundwater pollutant sources are located nearby the anticipated source of groundwater or spring water such that there is a potential for contamination:

Project Location Relative to a Source of Potential Groundwater Contamination	Constituents likely to be required for testing
Within 0.5 mile of an open Leaking Tank site	BTEX (Benzene, Toluene, Ethylbenzene, and Xylene) plus additional parameters depending on site conditions.

Within 0.5 mile of an open Voluntary Remediation site	All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB)			
Within 0.5 mile of an open RCRA Corrective Action Site	All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB)			
Within 0.5 mile of an open Abatement Site	All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB)			
Within 0.5 mile of an open Brownfield Site	All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB)			
Within 1.0 mile of a Superfund site with associated groundwater contamination.	All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB)			
EPA approved-sufficiently sensitive methods must be used – approved methods are listed in 40 C.F.R. 136.3.				

- c. If within the distances listed above, Permittee must provide test data indicating the quality of the groundwater or spring water to be discharged according to the table above.
- d. Permittee must send test result data to EPA Region 6 and the NMED Surface Water Quality Bureau. If the test data exceed State WQS, the ground or spring water cannot be discharged from the facility into surface waters under this permit. Discharge to surface waters must be conducted under a separate NPDES individual permit to ensure proper treatment and disposal. If disposal will be to the ground surface or in an unlined pond, the permittee must submit a Notice of Intent to Discharge (NOI) to the NMED Ground Water Quality Bureau. For further assistance determining whether your facility may encounter impacted groundwater, the permittee may contact the NMED Ground Water Quality Bureau at (505) 827-2965.
- e. Investigative information and data demonstrating that water is not contaminated must be documented in the facility SWPPP. See *id*.

9.6.2.5 Ponds and Other Impoundments.

Per the New Mexico Office of the State Engineer requirements², impoundments must drain or infiltrate within 96 hours. The facility must transfer a valid water right to impound and retain the stormwater longer than 96 hours or request a variance from the State Engineer.

If the facility intends to discharge stormwater that contains a "water contaminant" as defined in 20.6.2.7 NMAC, a State of New Mexico Notice of Intent to Discharge must

² 19.26.2.15.B NMAC PONDS AND OTHER IMPOUNDMENTS: A permit is required to capture or store surface water in an impoundment. An application to capture and store surface water shall be filed pursuant to 19.26.2.10 NMAC or 19.26.2.11 NMAC unless the impoundment of water is authorized as a livestock watering impoundment under 19.26.2.14 NMAC.

B. Flood control: No permit to appropriate water is required for an impoundment when the primary purpose of the impoundment is flood control, provided the outlet drains the impoundment (from the spillway crest) in 96 hours. The water shall not be detained in the impoundment in excess of 96 hours unless the state engineer has issued a waiver to the owner of the impoundment.

be submitted to NMED in accordance with 20.6.2.1201 NMAC **prior to discharge**. This includes infiltration of stormwater or a discharge to the ground surface that may move directly or indirectly into groundwater.

In the event impounded stormwater contains a "water contaminant" as defined in 20.6.2.7 NMAC, the stormwater must meet benchmark values in order to be discharged to a surface water of the State. See *id*.

9.6.3 NMR051000: Indian country within the State of New Mexico, except Ute Mountain Reservation lands that are covered under Colorado permit COR051000 and Navajo Reservation lands that are covered under Arizona permit AZR051000

9.6.3.1 Ohkay Owingeh

Permittees in the tribe of Ohkay Owingeh must also meet the following conditions (see certification provided by the Tribe of Ohkay Owingeh, CWA410Cert_Ohkay Owingeh_2021 MSGP):

9.6.3.1.1 Submission of NOI and NOT.

The operator(s) must provide a copy of the Notice of Intent (NOI) to the Ohkay Owingeh Office of Environmental Affairs the same day electronic confirmation is received from the U.S. Environmental Protection Agency (EPA) that the submitted NOI was certified and is undergoing its 30-day review period . Additionally, a copy of the Notice of Termination (NOT) must be provided the same day electronic confirmation is received from the EPA that the NOT has been accepted. The NOI and NOT should be provided to the address below. See *id.* at 1-2.

9.6.3.1.2 Where to Submit Information.

Ron Lovato, Governor P.O. Box 1099 Ohkay Owingeh, NM 87566

governor@ohkay.org

Naomi L. Archuleta Environmental Programs Manager Office of Environmental Affairs, NRD Division P.O. Box 717 Ohkay Owingeh, NM 87566

naomi.archuleta@ohkay.org

9.6.3.1.3 SWPPP Availability.

The operator(s) must provide an electronic copy of the Storm Water Pollution Prevention Plan(s) to the Office of Environmental Affairs by email to naomi.archuleta@ohkay.org at least 30 days prior to submitting the NOI to EPA and Ohkay Owingeh. See *id*.

9.6.3.2 Pueblo of Isleta

Permittees in the Pueblo of Isleta must also meet the following conditions (see certification provided by the Pueblo of Isleta, CWA410Cert_Pueblo of Isleta_2021 MSGP):

9.6.3.2.1 Water Quality Standards.

Impacts to waters of the Pueblo of Isleta are prohibited. All lakes, rivers, streams, ditches, springs and wetlands shall be fully protected. See *id*. at 1-2.

9.6.3.2.2 Submission of NOI.

All discharges made pursuant to the MSGP shall be conducted in conformance with the requirements of Permit No. NMR05000, and in such a manner as will prevent violations of the Pueblo's Surface Water Quality Standards. See id.

9.6.3.2.3 Submission of NOI.

The operator(s) must provide a copy of the Notice of Intent ("NOI") to the Governor and Water Quality Control Officer the same day electronic confirmation is received by the EPA that the submitted NOI was certified and is undergoing its 30-day review period. See id. Additionally, a copy of the Notice of Termination ("NOT") must be provided the same day electronic confirmation is received from the EPA that the NOT has been accepted. A paper copy of the NOI and NOT should be provided to the Governor; electronic copy or URL is acceptable for submittal to the Pueblo of Isleta Water Quality Control Officer:

Governor Pueblo of Isleta PO Box 1270 Isleta NM 87022

Water Quality Control Officer Pueblo of Isleta Environment Department PO Box 1270 Isleta NM 87022 Ramona.Montoya @isletapueblo.com

9.6.3.2.4 SWPPP Availability.

The operator(s) must provide an electronic copy of its Storm Water Pollution Prevention Plan(s) ("SWPP") to the Pueblo of Isleta Environment Department by email to Ramona. Montoya@isletapueblo.com at least 30 days p1ior to submitting the NOI to EPA and the Pueblo. The Pueblo may use the EPA 30-day waiting period to determine whether any additional measures are necessary to meet applicable Tribal surface water quality standards or to comply with Tribal antidegradation requirements. See id.

9.6.3.3 Pueblo of Laguna

The following condition applies only to discharges on the Santa Ana Indian Pueblo (see certification provided by the Pueblo of Isleta, CWA410Cert Pueblo of Laguna 2021 MSGP):

9.6.3.3.1 Submission of NOI.

The operator(s) must provide a copy of the Notice of Intent (NOI) to the Pueblo of Laguna's Environmental & Natural Resources Department the same day electronic confirmation is received from the U.S. Environmental Protection Agency (EPA) that the submitted NOI was certified and is undergoing its 30-day review period. Additionally, a copy of the Notice of Termination (NOT) must be provided the same day electronic confirmation is received from the EPA that the NOT has been accepted. See id. 1-2.

The NOI and NOT should be provided to the following address:

Pueblo of Laguna, Office of the Governor Attn: Environmental & Natural Resources Department P.O. Box 194 Laguna, NM 87026

Email: setter@pol-nsn.gov, cc: gjojola@pol-nsn.gov, ewoodward@pol-nsn.gov

9.6.3.3.2 SWPPP Availability.

The operator(s) must provide an electronic copy of the Storm Water Pollution Prevention Plan(s) to Pueblo of Laguna Environmental Program at the same time the NOI is submitted to the listed email addresses above. See id.

9.6.3.3.3 Additional Correspondence.

The Pueblo of Laguna Environmental Program shall be included on any correspondences between the applicant and the EPA related to analytical data, written reports, corrective action, enforcement, monitoring, or incident reports. See *id*.

9.6.3.3.4 Additional Consultation.

Immediate initiation of consultation with the Pueblo of Laguna is required should any human remains or artifacts be unearthed that fall under the Native American Graves Protection and Repatriation Act guidelines during the span of the project. If human remains are unearthed, contact the Pueblo of Laguna Police Department at 505-552-6666. If artifacts are unearthed, contact the Pueblo of Laguna Tribal Historic Preservation Office at 505-552-5033. See *id*.

9.6.3.4 Pueblo of Santa Ana

The following condition applies only to discharges on the Santa Ana Indian Pueblo (see certification provided by the Pueblo of Isleta, CWA410Cert_Pueblo of Santa Ana_2021 MSGP):

9.6.3.4.1 Submission of NOI.

The permittee shall provide a copy of the Notice of Intent (NOI) to the Pueblo of Santa Ana (the Pueblo), at the same time it is submitted to the U.S. Environmental Protection Agency (EPA), for projects with discharges onto the lands of the Pueblo as defined in the Pueblo's antidegradation policy within the Pueblo of Santa Ana Water Quality Standards. See *id.* at 2-3.

9.6.3.4.2 SWPPP Availability.

The permittee shall provide a final copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo that is associated with any project identified in the NOI, at the same time that an NOI is submitted to the EPA. The SWPP should include any projects with discharges onto the lands of the Pueblo as defined in the antidegradation policy within the Pueblo of Santa Ana Water Quality Standards. See *id*.

9.6.3.4.3 Additional Reporting.

The permittee shall provide copies of inspections reports and of corrective action reports to the Pueblo at the address below for review, upon request. See *id*.

9.6.3.4.4 Submission of NOT.

Upon completion of the project identified in the NOI, the permittee will submit a Notice of Termination (NOT) to the Pueblo. See id.

9.6.3.4.5 Where to Submit Information.

All required or requested permittee specific information identified above shall be submitted to the following address:

Pueblo of Santa Ana Department of Natural Resources, Attention: Water Resources Division 2 Dove Road Santa Ana Pueblo, NM, 87004

9.6.3.4.6 Additional Reporting to the Pueblo.

Discharges are not authorized by the permittee unless an accurate and complete NOI and SWPPP have been submitted to the Pueblo. Failure to

provide an accurate and complete NOI and SWPPP may result in a denial of the discharge permit, or a delay in groundbreaking or construction. See *id*.

9.6.3.4.7 Start Work Authorization.

The permittee will not proceed with site work until authorized by the Pueblo. The Pueblo requires review of the complete and final SWPP before authorization to proceed. The Pueblo will provide and "Authorization to Process" notice after review and approval of the SWPPP. See *id*.

9.6.3.4.8 Additional Monitoring.

The permittee could be required to perform water quality monitoring, sampling or analysis during the active permit dates for constituents determined by the Pueblo. See *id*.

9.6.3.4.9 Site Stabilization.

Before submitting a NOT, permittees must certify to the Pueblo's Department of Natural Resources in writing that requirements for site stabilization have been met, and any temporary erosion control structures have been removed. Documentation of the Pueblo's review that such requirements have been reviewed and met will be provided for the permittee to add to the permittee's NOT submission to EPA. Copies of all NOT submitted to the EPA must also be sent to the Pueblo at the address provided above. See id.

9.6.3.4.10 Additional Correspondence.

Copies of all Notifications (Notice of Intent, Notice of Termination, or other communications), associated analytical data, and written reports for actions covered under this permit occurring on Pueblo of Santa Ana lands or within five river miles of the northern exterior boundary of Pueblo of Santa Ana lands shall be provided to the Pueblo of Santa Ana Department of Natural Resources at same time they are provided to the U.S. Environmental Protection Agency.

Any correspondence between the applicant and EPA related to corrective action, enforcement, monitoring, or adverse incident written reports should likewise be routed to the Pueblo of Santa Ana Department of Natural Resources. The Pueblo of Santa Ana reserves the right to request additional information or study and may delay or deny a permit for cause. All requested materials shall be sent to: Pueblo of Santa Ana Department of Natural Resources, 2 Dove Road, Santa Ana Pueblo, NM. 87004. See *id*.

9.6.3.5 Pueblo of Santa Clara.

The following condition applies only to discharges on the Santa Clara Indian Pueblo (see certification provided by the Pueblo of Isleta, CWA410Cert_Pueblo of Santa Clara_2021 MSGP):

9.6.3.5.1 Submission of NOI, NOT and SWPPP.

The operator(s) provide an electronic copy of Notice of Intent (NOI) to the Santa Clara Pueblo Office of Environmental Affairs within 7 business days after electronic confirmation is received from the U.S. Environmental Protection Agency (EPA) that the submitted NOI was certified and is undergoing its 30-day review period. An electronic copy of the Notice of Termination (NOT) shall be provided to the Santa Clara Pueblo Office of Environmental Affairs within 5 calendar days after electronic confirmation is received from the EPA that the NOT has been accepted. A copy of the Storm Water Pollution Prevention Plan

shall be made available to the Pueblo of Santa Clara staff upon request. See id. 1-4

9.6.3.5.2 Where to Submit Information.

Electronic copies of all required or requested documents shall be emailed to the Santa Clara Pueblo Office of Environmental Affairs at dinoc@santaclarapueblo.org. If an electronic copy can't be provided, a hard copy may be mailed to:

Santa Clara Pueblo Governor's Office P.O. Box 580 Espanola, NM 87532

9.6.4 OKR051000: Indian country within the State of Oklahoma

9.6.4.1 Pawnee Nation

The following condition applies only to discharges in Pawnee Nation (see certification provided by the Pueblo of Isleta, CWA410Cert_Pawnee Nation of Oklahoma_2021 MSGP):

9.6.4.1.1 Submission of NOI and NOT.

The operator(s) must provide a copy of the Notice of Intent (NOI) to the Pawnee Nation the same day electronic confirmation is received from the U.S. Environmental Protection Agency (EPA) that the submitted NOI was certified and is undergoing its 30-day review period. Additionally, a copy of the Notice of Termination (NOT) must be provided the same day electronic confirmation is received from the EPA that the NOT has been accepted. Electronic copies of the NOI and NOT shall be submitted to the Pawnee Nation Department of Environmental Conservation and Safety by email to: dnrs@pawneenation.org. See id.

9.6.4.1.2 SWPPP Availability.

The operator(s) must provide an electronic copy of the Storm Water Pollution Prevention Plan(s) to the Pawnee Nation by email to Pawnee Nation Department of Environmental Conservation and Safety, dnrs@pawneenation .org at least 30 days prior to submitting the NOI to EPA and the Pawnee Nation. See id.

9.6.4.1.3 Additional Reporting.

The Pawnee Nation must be notified at 918.762.3655 immediately upon discovery of any non-compliance with any provision of the permit conditions. See *id*.

9.6.5 OKR05F000: Facilities in the State of Oklahoma not under the jurisdiction of the Oklahoma

Department of Environmental Quality or the Oklahoma Department of Agriculture, Food and

Forestry, except those on Indian Country. EPA jurisdiction facilities include SIC Codes 1311,

1381, 1382, 1389, and 5171

No additional requirements.

9.6.6 TXR05F000: Facilities in the State of Texas not under the jurisdiction of the Texas Commission on Environmental Quality, except those on Indian Country. EPA- jurisdiction facilities include SIC Codes 1311, 1321, 1381, 1382, and 1389 (other than oil field service company "home base" facilities)

No additional requirements.

9.6.7 TXR051000: Indian country within the State of Texas

No additional requirements.

9.7 <u>EPA Region 7: Iowa, Kansas, Missouri, Nebraska (except see Region 8 for Pine Ridge Reservation Lands)</u>

9.7.1 <u>IAR051000: Indian country within the State of Iowa</u>

9.7.1.1 Meskwaki Nation

The following condition applies only to discharges on the Meskwaki Nation (see certification provided by the Pueblo of Isleta, CWA410Cert_Meskwaki Nation_2021 MSGP):

9.7.1.1.1 Document Submission.

All original and revised documents required by this permit, including SWPPP, NOI, Change NOI, and NOT, must be submitted electronically to MNRD 30 calendar days prior to the submission deadline to EPA. Incidental reporting, such as AIM documentation and plans, must be submitted to the MNRD at the same time that they are submitted to EPA. See id. at 1-3.

9.7.1.1.2 Monitoring Data Submission.

All discharge monitoring data required by this permit should be submitted electronically to the Meskwaki Natural Resources Department (MNRD) at the time of submission to EPA in the same form as it is submitted to EPA. See *id*.

9.7.1.1.3 Where to Submit Information.

Contact the MNRD office by phone at 641-484-3511 to gather submission details.

9.7.2 KSR051000: Indian country within the State of Kansas

No additional requirements.

9.7.3 <u>NER051000: Indian country within the State of Nebraska, except Pine Ridge Reservation lands</u> (see Region 8)

No additional requirements.

9.8 <u>EPA Region 8: Colorado, Montana, North Dakota, South Dakota, Wyoming, Utah (except see Region 9 for Goshute Reservation and Navajo Reservation Lands), the Ute Mountain Reservation in NM, and the Pine Ridge Reservation in NE</u>

9.8.1 COR05F000: Areas in the State of Colorado, except those located on Indian country, subject to industrial activity by a Federal Operator

No additional requirements.

9.8.2 COR051000: Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico

9.8.2.1 <u>Southern Ute Indian Tribe</u>

The following condition applies only to discharges within the Southern Ute Indian Reservation (see certification provided by the Southern Ute Indian Tribe, CWA410Cert_Southern Ute Indian Tribe_2021 MSGP):

9.8.2.1.1 Submission of SWPPP.

The applicant must submit its Stormwater Pollution Prevention Plan (SWPPP) to the Tribe's Environmental Programs Division at the same time or

immediately after the applicant submits its Notice of Intent (NOI) to EPA. At the applicant's option, the submittal may be made electronically.

This condition must be met to give the Tribe an opportunity, in consultation with EPA, to ensure that the permittee has developed an adequate SWPPP for the facility. This

is a minimum requirement for the proposed permit and a less stringent condition does not exist for the Tribe's certification. See *id.* at 1, 4-7.

9.8.2.1.2 Submission of NOI and NOT.

The applicant must send a copy of its Notice of Intent (NOI) and Notice of Termination (NOT) to the Tribe's Environmental Programs Division at the same time or immediately after the applicant sends those documents to EPA. At the applicant's option, the submittal may be made electronically. See *id*.

9.8.2.1.3 Authorization to Inspect.

The permittee shall allow employees of the Tribe's Environmental Programs Division access to inspect any facility, equipment, practices, or operations regulated or required under this permit and to access records maintained under the conditions of this permit. See *id*.

9.8.2.1.4 Where to Submit Information

Information submitted to the Tribe's Environmental Programs Division must be sent to the following address:

Environmental Programs Division P.O. Box 737 MS#81 Ignacio, CO 81137 iseebach@southernute-nsn.gov

9.8.3 MTR051000: Indian country within the State of Montana

No additional requirements.

9.8.4 NDR051000: Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under South Dakota permit SDR051000 listed below)

No additional requirements.

9.8.5 SDR051000: Indian country within the State of South Dakota, as well as the portion of the Pine
Ridge Reservation located in Nebraska and the portion of the lands within the former
boundaries of the Lake Traverse Reservation located in North Dakota(except for the
Standing Rock Reservation which is covered under North Dakota permit NDR051000 listed
above)

No additional requirements.

9.8.6 <u>UTR051000: Indian country within the State of Utah, except Goshute and Navajo Reservation</u> lands (see Region 9)

No additional requirements.

9.8.7 WYR051000: Indian country within the State of Wyoming

No additional requirements.

9.9 EPA Region 9: California, Hawaii, Nevada, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Confederated Tribes of the Goshute Reservation in Utah and Nevada, Indian Country within the State of Arizona including the Navajo Reservation in Utah and New Mexico and Arizona, the Duck Valley Reservation in Idaho, and the Fort McDermitt Reservation in Oregon.

9.9.1 ASR050000: American Samoa

No additional requirements.

9.9.2 <u>AZR051000: Indian country within the State of Arizona, including Navajo Reservation lands in</u> New Mexico and Utah

No additional requirements.

9.9.3 CAR051000: Indian country within the State of California

9.9.3.1 Hoopa Valley Tribe

Facilities in the Hoopa Valley Tribe lands are not eligible for stormwater discharge coverage under this permit. Contact the EPA Region 9 office for an individual permit application.

9.9.3.2 Morongo Band of Mission Indians

The following condition applies only to discharges in the Indian country of the Morongo Band of Mission Indians (see certification provided by the Morongo Band of Mission Indian, CWA410Cert_Morongo Band of Mission Indians_2021 MSGP):

9.9.3.2.1 Compliance with Local Law.

This certification does not exempt, and is provisional upon compliance with, other applicable statutes and codes administered by Federal and Tribal agencies. Pursuant to the Morongo Band of Mission Indians Surface Water Quality Protection Ordinance (Ordinance 39), all unpermitted discharges must be reported to the Morongo Band of Mission Indians Environmental Protection Department within 24 hours of the incident. See *id.* at 1.

9.9.3.2.2 Submission of NOI and SWPPP.

Each operator shall submit copies of the Notices of Intent (NOI) and Stormwater Water Pollution Plans (SWPPPs) to the Morongo Environmental Protection Department at the same time they are submitted to EPA. See *id*.

9.9.3.2.3 Additional Reporting.

All monitoring data and exceedance reports shall be provided to the Morongo Environmental Protection Department. See *id*.

9.9.3.2.4 Where to Send Information.

All required or requested documents should be submitted to:

Morongo Band of Mission Indians Environmental Protection Department 12700 Pumarra Road Banning, CA 92220 Or electronically at epd@morongo-nsn.gov

9.9.3.3 <u>Twenty-Nine Palms Band of Mission Indians</u>

The following condition applies only to discharges in the Indian country of the Twenty-Nine Palms Band of Mission Indians (see certification provided by the Twenty-Nine Palms Band of Mission Indians, CWA410Cert_Twenty-Nine Palms Band of Mission Indians_2021 MSGP):

9.9.3.3.1 Submission of NOI

Tribal EPA must receive written notification of the intent to discharge, and must be afforded the opportunity to evaluate whether the specific pollutant discharge proposed will violate TWQS prior to EPA granting the permit. See *id.* at 1-2

9.9.3.3.2 Reporting

Permitted entities under the MSGP must keep Tribal EPA informed of authorized discharges under the MSGP by submitting written information about the type, quantity, frequency and location, intended purpose, and potential human health

and/or environmental effects of their activities. These requirements are pursuant to Article 4 of the Twenty-Nine Palms Band of Mission Indians Water Pollution Control Ordinance {022405A}. This information may be submitted to Tribal EPA in the form of Storm Water Pollution Prevention Plans (SWPPPs}, monitoring reports, or other reports as required under the MSGP. Spills, leaks, or unpermitted discharges must be reported in writing to Tribal EPA within 24 hours of the incident. See *id*.

9.9.4 **GUR050000: Island of Guam**

The following condition applies only to discharges in Guam (see certification provided by the Island of Guam, CWA410Cert_Guam_2021 MSGP):

9.9.4.1 General Conditions

- a. A1. For purposes of this Order, the term "Applicant" shall mean U.S. Environmental Protection Agency, and its agents, assignees, and contractors.
- b. A2. For purposes of this Order, the permit "Permittee" shall mean any facility granted coverage under EPA's 2020 Multi-Sector General Permit.
- c. A3. The Applicant shall enforce the proposed 2020 MSGP and ensure that the Permittee complies with the conditions of the permit at all times.
- d. A4. Nothing in this Order waives Guam EPA's authority to issue additional orders if Guam EPA determines that further actions are necessary to implement Guam water quality laws, or if additional conditions are necessary to further protect water quality.
- e. A5. In the event of changes or amendments to GWQS, or changes in or amendments to the Guam Water Pollution Control Act or the federal Clean Water Act, Guam EPA may issue an amendment to this Order to incorporate any such changes or amendments applicable to the proposed 2020 MSGP.
- f. A6. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.
- g. A7. All submittals required by this Order shall be sent to the Guam Environmental Protection Agency Attn: 401 Federal Permit Manager, Non-Point Source Program, EMAS Division, 3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913, AND via email to jesse.cruz@epa.guam.gov. The submittals shall be identified with WQC Order #2020-10 and include the MSGP Permit Number, certifying representative's name, title, mailing address and phone number.
- h. A8. This condition is specific to Sector J. Mineral Mining and Dressing covered by the proposed 2020 MSGP: Prior to any earth moving activities, a Clearing and Grading or Building Permit, shall be approved by Guam EPA. Sediment control designs and erosion control Best Management Practices (BMPs) must meet the design standard criteria required in the CNMI and Guam Stormwater Management Manual (October 2006) and in the Guam Soil Erosion and Sediment Control Regulations.
- i. A9. This condition is specific to section 2.1 Control Measures of the proposed 2020 MSGP: The selection and installation of stormwater control measures shall meet the design criteria and standards in the CNMI and Guam Stormwater Management Manual (October 2006) and the Guam Soil Erosion and Sediment Control Regulations.
- j. AIO. A signed copy of the Notice of Intent (NOi), Stormwater Pollution Prevention Plan (SWPPP), and Notice of Termination (NOT) shall be submitted to Guam EPA, consistent with condition A7, at the same time it is submitted to U.S. EPA for review and approval. Coordination with Guam EPA is encouraged

- when the receiving water(s) for the proposed stormwater discharge is/are being identified.
- k. All. The coordinates and location of any proposed discharge outfall(s) shall be submitted to Guam EPA for review and approval, consistent with condition A7. Specific discharge information shall also be submitted.
- I. Al2. The NOT application shall be submitted to Guam EPA for review and approval prior to submittal to U.S. EPA, consistent with condition A7. Guam EPA may conduct inspections to ensure that conditions of termination have been met and sources of pollutants have been removed or adequately mitigated. Guam EPA may advise U.S. EPA as to findings and recommendations concerning the Permittee's proposed termination of permit coverage.
- m. A13. A copy of all final and local permits shall be provided to Guam EPA within two weeks of receipt, consistent with condition A7.
- n. A14. Reports, monitoring and analytical data (e.g. Discharge Monito ring Reports (DMRs), follow-up monitoring reports, Exceedance Reports for Numerical Effluent Limits. etc.) submitted to EPA shall be concurrently submitted to Guam EPA, consistent with condition A7.
- o. A 15. A copy of the MSGP, SWPPP, and NOI shall be on file at the Permittee and readily accessible.
- p. A16. Guam EPA shall be allowed access to any MSGP industrial facility and mitigation sites at any reasonable time to perform compliance inspections, monitoring, necessary data collection, and/or to ensure that discharge is not in violation of permit conditions, the Guam Water Pollution Control Act, GWQS, or any applicable Guam laws and/or regulations.
- q. A17. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters under Guam EPA's jurisdiction (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.
- r. A18. A signed Statement of Understanding of Water Quality Certification Conditions shall be submitted to Guam EPA (see Attachment A for an example) per condition A7. See *id.* at 1-3.

9.9.4.2 Water Quality Conditions

- a. Stormwater discharges to waterbodies under the jurisdiction of Guam EPA must be consistent with the antidegradation policy in 22GAR §510l(b).
- b. B2. All discharges shall comply with the Guam Water Pollution Control Act (10 GCA Chapter 47) and implementing regulations at 22 GAR Chapter 5 (GWQS) and 22 GAR Chapter 10 (Guam Soil Erosion and Sediment Control (SESC) Regulations). Furthermore, nothing in this Order shall absolve the Permittee from liability for contamination and any subsequent cleanup of marine waters, surface waters, ground waters, or sediments occurring as a result of proposed 2020 MSGP stormwater discharges.
- c. B3. 2020 MSGP industrial stormwater discharges are prohibited as follows:
 - In Marine Waters, Category M-1 Excellent (22 GAR Chapter 5 §5102(b)(1));
 and
 - ii. In Surface Waters, Category S-1 High (22 GAR Chapter 5 §5102(c)(I)).
- d. B4. All point source discharges to Guam's waters will be controlled (permitted) through the Federal NPDES, or through the Guam Environmental Protection Agency's local permit program, consistent with the requirements of these programs. 22 GAR Chapter 5 §5104(a)(l2)

- e. B5. Dewatering is not permitted under this certification. Dewatering activities shall require a separate Dewatering Permit from the Agency prior to any dewatering activity.
- f. B6. Mitigation and/or additional monitoring may be required if site inspections indicate water quality standards have not been met. See *id*.

EMERGENCY/CONTINGENCY MEASURES:

- g. B7. The Permittee shall develop and implement a Spill Prevention and Containment Plan.
- h. B8. The Permittee shall have adequate and appropriate spill response materials on hand to respond to emergency release of oil, petroleum or any other material into waters of the territory.
- i. B9. Any unpermitted discharge into territorial waters or onto land with a potential for entry into territorial waters, is prohibited. If this occurs, the Permittee shall immediately take the following actions:
 - i. Cease operations at the location of the violation or spill.
 - ii. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - iii. Notify Guam EPA of the failure to comply. All petroleum spills shall be reported immediately to:
 - 1) Guam's Emergency 911 system
 - 2) Guam EPA's 24-Hour Spill Response Team at (67 I) 888-6488 or during working hours (67 J) 300-475I
 - 3) U.S. Coast Guard Sector Guam (671) 355-4824
 - 4) National Response Center 1-800-424-8802
 - iv. Submit a detailed written report to Guam EPA within five days of noncompliance that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information. See id.
- j. B10. Compliance with this condition does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply. See *id*.
- k. B11. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States. See *id*.

9.9.4.3 Timing Requirements

- a. CI. This Order is valid for five (5) Years from Date of Certification, unless otherwise approved by the Guam EPA Administrator. See *id*.
- b. C2. The Permittee shall be required to adhere to the current Guam Coral Spawning Moratorium dates for both hard and so ft corals where in-water activities may impair water quality. These dates can be obtained from the Guam Department of Agriculture, Division of Aquatic and Wildlife Resources, or the NOAA NMFS Pacific Islands Regional Office Habitat Conservation Division. See id.

9.9.4.4 Reporting and Notification Requirement Conditions

- a. DI. The Permittee shall provide notice to Guam EPA consistent with Condition A7: Immediately upon discovery of noncompliance with the provisions of this Order.
- b. D2. A Notice of Violation/Work Stop Order will be issued if certification conditions are not adhered to or when significant or sustained water quality degradation occurs. Work or discharge shall be suspended or halted until the Permittee addresses environmental problems/concerns to Guam EPA's satisfaction. Guam EPA may also levy penalties and fines (IO GCA §47111). Invalidity or enforceability of one or more provisions of this certification shall not affect any other provision of this certification. See id.

9.9.4.5 Right to Appeal

You have a right to appeal this Order to the Guam EPA Board of Directors, or request a hearing within 30 days of the date of receipt of this Order. Failure to appeal this Order constitutes a waiver of your right to a hearing. Any appeal will proceed pursuant to the provisions of 5 GCA Chapter 9, as provided by 22 GAR §5 106(i)(7). Unless a written request for a hearing, signed by or on behalf of the person named as Applicant in the accompanying order, is delivered or mailed to the agency within 30 days after this order is signed, Guam EPA may proceed upon the Notice of Intent to Appeal without a hearing. The request for hearing may be made by delivering or mailing the enclosed form entitled Notice of Intent to Appeal (Appendix B) as provided in §9205 to the address below.

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- a. File your appeal and a copy of this Order with the Guam EPA Board of Directors (see address below). Filing means actual receipt by the Guam EPA Board of Directors during regular business hours.
- b. Serve a copy of your appeal and this Order to the Administrator in paper form by mail or in person at the address below. Email or facsimile is not accepted. See id.

9.9.4.6 Address Information

GUAM EPA Board of Directors 3304 Mariner Avenue, Bldg. 17 - 33 04, Barrigada, Guam 96913

9.9.5 JAR050000: Johnston Atoll

No additional requirements.

9.9.6 MWR050000: Midway Island and Wake Island

No additional requirements.

9.9.7 MPR050000: Commonwealth of the Northern Mariana Islands

No additional requirements.

9.9.8 NVR051000: Indian country within the State of Nevada, including the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Confederated Tribes of the Goshute Reservation in Utah

No additional requirements.

9.10 Region 10: Alaska, Idaho (except see Region 9 for Duck Valley Reservation lands), Oregon (except see Region 9 for Fort McDermitt Reservation), Washington

9.10.1 AKR05F000: Areas in the Denali National Park and Preserve subject to industrial activity by a Federal Operator

No additional requirements.

9.10.2 AKR051000: Indian country lands as defined in 18 U.S.C 1151 within the State of Alaska

No additional requirements.

9.10.3 IDR050000: The State of Idaho, except Indian country lands

Operators in the State of Idaho must meet the following conditions (see certification provided by the State of Idaho, CWA410Cert_ID_2021 MSGP).

9.10.3.1 Numeric Benchmarks and Effluent Limitations

Due to the discrete and relatively short duration of storm events that would result in discharges under this MSGP, DEQ believes it is appropriate to set numeric benchmarks and effluent limits based on acute aquatic life criteria rather than chronic aquatic life criteria or human health criteria, which are based on longer-term exposures. See *id*. at 1-7.

pH - The 2020 MSGP proposes a universal pH benchmark range of 6.0-9.0 standard units, which does not comply with Idaho WQS (IDAPA 58.01.02.250.01.a). Therefore, numeric effluent limitations and benchmark monitoring cutoff concentrations for pH shall be 6.5-9.0 standard units.

Total Arsenic - The 2020 MSGP proposes a total arsenic effluent limitation (Subsector G & Sector K) of 1.1 mg/L, which exceeds Idaho's acute and chronic criteria of 0.34 mg/L and 0.15 mg/L, respectively. Given that storms are discrete events of relatively short duration, DEQ believes it is more appropriate to use the acute water quality criteria as benchmark values; therefore, DEQ will require the total arsenic effluent limit to be set equal to Idaho's acute criterion of 0.34 mg/L.

Total Zinc - The 2020 MSGP proposes a monthly average maximum numeric effluent limit for zinc of 0.535 mg/L for Sector K, which will only comply with water quality standards when hardness is greater than 535 mg/L. Similarly, the proposed maximum daily limit and the monthly average maximum limit for zinc is 0.2 mg/L and 0.11 mg/L, respectively for Sector L; these limits do not generally comply with WQS when hardness values for the receiving water are less than 130 mg/L and 85 mg/L, respectively. Therefore, DEQ will require that the total zinc effluent limit be hardness based for all sectors requiring zinc effluent limits, including Sectors K and L.

Cadmium – The 2020 MSGP proposes hardness-based numeric benchmarks for cadmium based on EPA's 2016 Aquatic Life Ambient Water Quality Criteria for Cadmium. Idaho adopted state-specific cadmium criteria different from EPA's recommended national criteria; therefore, DEQ will require that cadmium benchmarks for all sectors subject to cadmium benchmarks be based on Idaho's hardness-based acute cadmium criterion, using the following table:

Freshwater Hardness Range (mg/L)	Cadmium Benchmark (µg/L)
0-24.99	0.20
25-49.99	0.42

50-74.99	0.75
75-99.99	1.05
100-124.99	1.34
125-149.99	1.62
150-174.99	1.88
175-199.99	2.14
200-224.99	2.39
225-249.99	2.64
>250	2.89

Chromium III – The 2020 MSGP proposes a benchmark Chromium III concentration of 570 μ g/L. However, this concentration will only comply with Idaho WQS when hardness is 100 mg/L or greater. Therefore, DEQ will require that Chromium III benchmarks be based on the hardness-based acute Chromium III criterion, using the following table:

Freshwater Hardness Range (mg/L)	Chromium III Benchmark (µg/L)
0-49.99	183
50-74.99	323
75-99.99	450
100-124.99	570
125-149.99	684
150-174.99	794
175-199.99	901
200-224.99	1005
225-249.99	1107
>250	1207

Total Recoverable Copper – The 2020 MSGP proposes hardness-based numeric benchmarks for copper. However, Idaho water quality standards require that copper criteria be derived using the Biotic Ligand Model (BLM). In order to ensure compliance with the copper BLM criteria, the permittee for each facility subject to copper benchmarks in the 2020 MSGP must implement one of the following options:

- a. Utilize a numeric benchmark for copper that corresponds to the most conservative estimate of acute copper criteria for Idaho waters: 1.0 µg/L; or
- b. Collect BLM input parameters as described in IDAPA 58.01.02.210.03.c concurrent with quarterly benchmark monitoring, use the BLM to derive an acute copper criterion based on these data, and apply that BLM-derived criterion as the numeric copper benchmark; or
- c. Make a written application for, and obtain DEQ approval of, a numeric copper benchmark that is protective of aquatic life in the receiving waters before discharging under the 2020 MSGP. See *id*.

9.10.3.2 Monitoring of Discharges to Impaired Waters

The proposed 2020 MSGP does not require monitoring on impaired waters where no pollutant has been identified as the cause of impairment. For water bodies included on the state's 303(d) list (Category 5 of the Integrated Report) as "cause unknown," or "combined biota/habitat assessments" the permittee must monitor for suspected pollutants listed in the cause comments section of the integrated report (e.g., nutrients, metals, pesticides). See *id*.

9.10.3.3 New or Expanding Discharges

New dischargers or existing dischargers wishing to expand their discharge to high-quality waters are only eligible for coverage under the MSGP if the discharger establishes, to the satisfaction of EPA and DEQ, that the new or expanded discharge will not result in an increase in the concentration of pollutants relevant to the use for which the water is considered high quality, or that the increase constitutes insignificant degradation as defined in the WQS (IDAPA 58.01.02.052.08.a).

A new discharger or an existing discharger wishing to expand must include an analysis regarding whether the new or expanded discharge will cause an increase in the pollutants relevant to the use for which the water is considered high quality. If there is an increase, the permittee must identify whether that increase constitutes insignificant degradation in the NOI, or in the planned changes report. These NOIs and planned changes reports must be submitted to both EPA and DEQ.

If DEQ determines the new discharge or planned changes of an existing discharger will result in significant degradation, the permittee must provide to DEQ an alternatives analysis (IDAPA 58.01.02.052.08.c), a socioeconomic justification (IDAPA 58.01.02.052.08.d) and information regarding other source controls (IDAPA 58.01.02.052.08.b), and obtain DEQ's approval in accordance with Idaho's antidegradation implementation process (IDAPA 58.01.02.052.08.e). See *id*.

9.10.3.4 Outstanding Resource Waters.

Any permittee proposing to discharge to an outstanding resource water shall not be covered under this General Permit (Permit Part I.E.8) and is required to apply for an individual IPDES permit from DEQ (IDAPA 58.01.02.052.09). See id.

9.10.3.5 Sector L – Stormwater and Leachate

Stormwater entering a landfill, including runoff from areas that have received

daily cover which may have contacted waste material, must be managed as leachate and is thus not eligible for coverage under the MSGP (40 CFR 258.26(a)(2); Municipal Solid Waste Landfill Criteria Technical Manual, EPA 530-R-93-017, 1998). Stormwater from a closed landfill or from areas of the landfill that have received final cover is not leachate and may be covered under the MSGP. See *id*.

9.10.3.6 Stormwater Pollution Prevention Plan (SWPPP) Availability.

If requested by DEQ, the permittee must submit a copy of the SWPPP to DEQ within 14 days of the request. See *id*.

9.10.3.7 Reporting of Discharges Containing Hazardous Materials or Petroleum Products.

Any spill of hazardous materials must be immediately reported to the State Communications Center by calling 1-800-632-8000 or 208-846-7610.

Spills must also be reported to the appropriate DEQ Regional Office (Table 1). Spills of petroleum products that exceed 25 gallons or that cause a visible sheen on surface waters should be reported to DEQ within 24-hours. Petroleum product spills of less than 25 gallons or spills that do not cause sheen on surface waters must only be reported to DEQ if clean-up cannot be accomplished within 24-hours (IDAPA 58.01.02.850, 58.01.02.851, 58.01.02.852). See id.

9.10.3.8 Other Reporting Requirements

Copies of the following information must be sent to the appropriate DEQ Regional Office:

- a. Notices of Intent and Termination (NOIs and NOTs), as required by Permit Part 7.2.1
- b. Monitoring data collected pursuant to Permit Part 4 of the MSGP, as well as any additional monitoring required by this § 401 water quality certification
- c. Exceedance Reports, as required by Permit Part 7.5
- d. Planned Changes Reports, as required by Permit Parts 7.6.4 and 7.6.5

Both monitoring data and exceedance reports must be sent to the appropriate DEQ Regional Office within 30 days of receipt of the analytical results. DEQ Regional Office contact information is listed in Table 1. See *id*.

9.10.3.9 Material Modifications

Pursuant to 33 U.S.C. § 1341, this certification is conditioned upon the requirement that any material modification of the permit or the permitted activities—including without limitation, significant changes to the MSGP, any modifications of the permit to reflect new or modified TMDLs, wasteload allocations, site-specific criteria, variances, or other new information—shall first be provided to DEQ for review to determine compliance with Idaho WQS and to provide additional certification pursuant to Section 401. See *id*.

9.10.3.10 Alternative Limitations

The following condition in the MSGP can be made less stringent and still comply with WQS:

Benchmark Values

The benchmark value for arsenic is $150 \,\mu g/L$. This value is equivalent to Idaho's chronic water quality criterion. Given that storms are discrete events of relatively short duration, DEQ believes it is more appropriate to use the acute water quality

criterion as a benchmark value. Therefore, the benchmark value for arsenic can be set equal to 340 µg/L, and still comply with Idaho WQS. See *id*.

9.10.3.11 Idaho DEQ Regional and State Office Contacts.

Table 1. Idaho DEQ regional and state office contacts.

Regional and State Office	Address	Phone Number	Email
Boise	1145 N. Orchard St., Boise 83706	208-373-0550	kati.carberry@deq.idaho.gov
Coeur d'Alene	2110 Ironwood Parkway, Coeur d'Alene 83814	208-769-1422	chantilly.higbee@deq.idaho.gov
Idaho Falls	900 N. Skyline Dr., Suite B, Idaho Falls 83402	208-528-2650	troy.saffle@deq.idaho.gov
Lewiston	1118 F St., Lewiston 83501	208-799-4370	sujata.connell@deq.idaho.gov
Pocatello	444 Hospital Way, #300, Pocatello 83201	208-236-6160	lynn.vanevery@deq.idaho.gov
Twin Falls	650 Addison Avenue West, Suite 110, Twin Falls 83301	208-736-2190	sean.woodhead@deq.idaho.gov
State Office	1410 North Hilton St., Boise 83706	208-373-0502	jason.pappani@deq.idaho.gov

9.10.4 <u>IDR051000: Indian country lands within the State of Idaho, except Duck Valley Reservation</u> lands, which are covered under Nevada permit NVR051000

9.10.4.1 Shoshone-Bannock Tribes

The following conditions apply only to discharges to waters of the Shoshone-Bannock Tribes (see certification provided by the Shoshone-Bannock Tribes, CWA410Cert_Shoshone-Bannock Tribes_2021 MSGP):

9.10.4.1.1 Submission of NOI, Monitoring Data, and Reports.

Copies of the following information must be sent to the SBT-WRD:

- Notice of Intents (NOI)
- Monitoring data collected pursuant to section 4.2 of the MSGP
- Exceedance Reports

The monitoring data and exceedance reports must be sent to the SBT-WRD within thirty (30) days of receipt of analytical results. See *id* at 1-3.

Contact information for SBT-WRD:

Shoshone-Bannock Tribes Water Resources Department PO Box 306 Pima Drive Fort Hall, ID 83203 Phone: (208) 239-4582 Fax:(208)239-4592

9.10.4.1.2 SWPPP Availability.

If requested by the SBT-WRD, the permittee must submit a copy of the SW PPP to SBT-WRD within fourteen (14) days of the request. See id.

9.10.5 ORR051000: Indian country lands within the State of Oregon, except Fort McDermitt Reservation lands, which are covered under Nevada permit NVR051000

No additional requirements.

9.10.6 WAR051000: Indian country lands within the State of Washington

9.10.6.1 Confederated Tribes of the Colville Reservation

No additional requirements.

9.10.6.2 <u>Lummi Nation</u>

No additional requirements.

9.10.6.3 Puyallup Tribe of Indians

No additional requirements.

9.10.6.4 Port Gamble S'Klallam Tribe

The following conditions apply only to discharges to waters of the Port Gamble S'Klallam Tribal Land (see certification provided by the Port Gamble S'Klallam Tribe, CWA410Cert_Port Gamble S'Klallam Tribe_2021 MSGP):

9.10.6.4.1 Compliance with Port Gamble S'Klallam Tribe Water Quality Standards.

Each operator shall be responsible for achieving compliance with the Port Gamble S'Klallam Tribe Water Quality Standards for Surface Waters. Please see the PGST website (pgst.nsn.us) to review a copy of the Port Gamble S'Klallam Tribe Water Quality Standards for Surface Waters See *id.* at 1.

9.10.6.4.2 Submission of SWPPP

Each operator shall develop and submit a Storm Water Pollution Prevention Plan to the Port Gamble S'Klallam Natural Resources Department for review and approval by the Tribe prior to beginning any discharge activities. See *id*.

9.10.6.4.3 Submission of NOI, Reports, and NOT

Each operator shall submit a copy of the Notice of Intent, analytical monitoring results, any Exceedance Reports, Annual Reports, and Notice of Termination to the PGST Natural Resources Department at the same time it is submitted to the Environmental Protection Agency (EPA). See *id*.

9.10.6.5 Spokane Tribe of Indians

The following conditions apply only to discharges to waters of the Spokane Tribal Land (see certification provided by the Spokane Tribe of Indians, CWA410Cert_Spokane Tribe of Indians_2021 MSGP):

9.10.6.5.1 Compliance with Water Quality Standards.

The permitee shall be responsible for achieving compliance with the Spokane Tribal Water Quality Standards. See *id.* at 1.

9.10.6.5.2 Submission of SWPPP

The permitee shall submit all Pollution Prevention Plans to the Spokane Tribal Water Control Board for review and approval at the same time they are submitted to EPA and prior to any discharge activities. See id.

9.10.6.5.3 Compliance with IRMP

The permitee shall comply with all Spokane Tribal Integrated Resource Management Plan (IRMP) guidelines for land use activities and disturbances. See id.

9.10.6.5.4 Inspection.

The permitee shall allow the Tribal Water Control Board to inspect the storm water management system and adopt recommendations made anytime throughout its operation. See *id*.

9.10.6.5.5 Monitoring,

Monitoring of the discharge shall occur at a level indicated by EPA, the Tribe, are subject to change, and shall be submitted to both entities. See *id*.

9.10.6.5.6 Where to send information.

Water Control Board c/o Brian Crossley PO Box 480 Wellpinit, WA 99040

9.10.6.6 Swinomish Indian Tribal Community

Facilities in the Swinomish Indian Tribal lands and are not eligible for stormwater discharge coverage under this permit. Contact the EPA Region 10 office for an individual permit application.

9.10.6.7 Tulalip Tribes

The following conditions apply only to discharges to waters of the Tulalip Tribes (see certification provided by the Tulalip Tribes, CWA410Cert_Tulalip Tribes_2021 MSGP):

9.10.6.7.1 Submission of NOI, NOT and No Exposure.

Copies of the Notice of Intent (NOI), Notice of Termination (NOT), and No Exposure Certification shall be submitted to the Tribe's Natural Resources Department. See *id*. at 1-2.

9.10.6.7.2 Submission of SWPPP.

A copy of the Stormwater Pollution Plans (SWPPPs) shall be submitted to the Tribe's Natural Resources Department at least thirty (30) days in advance of submitting the NOI to EPA. See *id*.

9.10.6.7.3 Compliance with Tribe's Water Quality Standards:

Each permittee shall be responsible for achieving compliance with the Tribe's Water Quality Standards. See id.

9.10.6.7.4 Submission and approval of Monitoring Plans.

A monitoring plan, if applicable, shall be submitted to the Tribe's Natural Resources Department and approved by the Tribe prior to initiation of monitoring required under Part 6 of this permit. See *id*.

9.10.6.7.5 Submission of Monitoring Data and Reports:

The results of any monitoring required by this permit and reports must be sent to the Tribe's Natural Resources Department, including a description of the corrective

actions required and undertaken to meet effluent limits or benchmarks (as applicable). See id.

9.10.6.7.6 Authorization to Inspect.

The Natural Resources Department staff may conduct an inspection of any facility covered by this permit to ensure compliance with tribal water quality standards. The Department may enforce its certification conditions.

The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott. See *id*.

9.10.6.7.7 Incorporation by reference.

This certification does not exempt the applicant from compliance with other statues and codes administered by the Tribes, county, state and federal agencies. See id.

9.10.6.7.8 Invalidation.

This certification will cease to be valid if the project is constructed and/or operated in a manner not consistent with the project description contained in the permit. This certification will also cease to be valid and the applicant must reapply with an updated application if information contained in the permit is voided by subsequent submittals. See *id*.

9.10.6.7.9 Modification.

Nothing in this certification waives the Tulalip Tribes of Washington's authority to issue modifications to this certification if additional impacts due to operational changes are identified, or if additional conditions are necessary to protect water quality or further protect the Tribal Communities interest. See *id*.

9.10.6.7.10Permits on-site.

A copy of the permit shall be kept on the job site and readily available for reference by the construction supervisor, construction managers and site foreman, and Tribal inspectors. In addition, a sign of permit coverage needs to be posted at a safe, publicly accessible location. See *id*.

9.10.6.7.11Project Management.

The applicant shall ensure that project or site managers, construction managers and site foreman, and other responsible parties have read and understand conditions of the permit, this certification, and other relevant documents, to avoid violations or noncompliance with this certification. See *id*.

9.10.6.7.12 Emergencies/Contingency Measures.

In the event the operator or applicant is unable to comply with the permit terms and conditions due to any cause, the operator or applicant shall immediately take action to stop the violation and correct the problem, and immediately report spill events to EPA's 24-hour Spill Response Team at (206) 553-1263 and the Tulalip Tribes Police Department (360) 716-5959. Compliance with this condition does not relieve the applicant from responsibility to maintain continuous compliance with the terms and conditions of this certification or the resulting liability from failure to comply. See id.

9.10.6.7.13 Tribal ESA Consultation.

Consultation with the Tribes is required when permitted actions may effect federally-listed threatened or endangered species and designated critical habitat. Information required as part of the consultation shall include:

- a. Basis of the determination that permit actions will not adversely affect federally-listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) and will not result in the adverse modification or destruction of designated critical habitat including appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects (under Criterion E in Section 1.1.4.5); and
- b. Notice of Intent form complete with extent of action area, list of federally-listed threatened or endangered species or designated critical habitat likely to occur in action area, list of potential pollutants (if you are a new discharger) or list of pollutants for which you have ever exceeded an applicable benchmark or effluent limitations guideline, or for which your discharge has ever been found to cause or contribute to an exceedance of an applicable water quality standard (if you are an existing discharger). See id.

9.10.6.7.14 Discharges to CERCLA Sites:

This permit does not authorize direct discharges to certain sites undergoing remedial cleanup actions pursuant to the Comprehensive Environmental Response,

Compensation and Liability Act (CERCLA) unless first approved by the appropriate EPA Regional office. In the case of the Tulalip Landfill site, the Tulalip Tribes also requests notification by the facility and consultation with EPA prior to discharge. Contaminants at this site may include but are not limited to: dioxins, furans, arsenic, copper, lead, zinc, 4-methyl-phenol, Hex-CB, HPAHs, PCBs, PCE, cadmium, mercury, and LPAHs. See *id*.

9.10.6.7.15 Discharge-related Activities that have Potential to Cause an Adverse Effect on Historic Properties:

Installation of stormwater controls that involve subsurface disturbances may potentially have an adverse impact on historic properties. Procedures detailed in Appendix F of the permit shall be completed. Richard Young, of the Tulalip Tribe's Cultural Resources Department shall be contacted prior to initiating discharge-related activities that may have an impact on historic properties. His contact information is (360) 716-2652 and ryoung@tulaliptribes-nsn.gov. See id.

9.10.6.7.16 Where to Submit Information:

All required or requested documents shall be sent to the:

Tulalip Tribes

Natural Resources Environmental Division c/o Kurt Nelson and Valerie Streeter 6704 Marine Drive

Tulalip, Washington 98271

9.10.7 WAR05F000: Areas in the State of Washington, except those located on Indian Country lands, subject to industrial activity by a Federal Operator

Permittees in the State of Washington must meet the following conditions (see certification provided by the State of Washington, CWA410Cert_WA_2021 MSGP):

9.10.7.1 General Conditions.

- a. For purposes of this Order, the term "Applicant" shall mean U.S. Environmental Protection Agency, and its agents, assignees and contractors.
- b. For Purposes of this Order, the Permit "Permittee" shall mean any facility granted coverage under EPA's Multi Sector General Permit.
- c. The Applicant shall enforce the permit and ensure that the Permittee complies with

the conditions of the permits at all times.

- d. Nothing in the Certification waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental orders, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
- e. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the state Water Pollution Control Act (RCW 90.48) or the federal Clean Water Act, Ecology may issue an amendment to this Certification to incorporate any such changes or amendments applicable to this project.
- Failure of any person or entity to comply with this Certification may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of the Certification. See id. at 3.

9.10.7.2 Water Quality.

- a. This Certification does not authorize exceedances of water quality standards established in chapter 173-201A WAC.
- b. Discharges shall not cause or contribute to a violation of surface water quality standards (chapter 173-201A WAC), ground water quality standards (chapter 173-200 WAV), sediment management standards (chapter 173-204 WAC), and human health based criteria in the National Toxics Rule (40 CRF Part 131.36). Discharges that are not in compliance with these standards are not authorized.
- c. Prior to the discharge of stormwater and non-stormwater to waters of the state, the Permittee shall apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate best management practices (BMPs) installed and maintained in accordance with the SWPPP and the terms and conditions of this permit. The Permittee shall include each of the following mandatory BMPs in the SWPPP and implement the BMPs. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary or infeasible and the Permittee provides alternative and equally effective BMPs. The Permittee must justify each BMP omission in the SWPPP. BMPs shall be consistent with:
 - 2019 Stormwater Management Manual for Western Washington, for sites i. west of the crest of the Cascade mountains; or
 - 2019 Stormwater Management Manual for Eastern Washington, for sites east of the crest of the Cascade Mountains; or
 - Revisions to the manuals in S3.A.3. a & b., or other stormwater iii. management guidance documents or manuals which provide an equivalent level of pollution prevention, that are approved by Ecology and incorporated into this permit in accordance with the permit modification requirements of WAC 173-226-230. For purposes of this section, the documents listed in Appendix 10 of the August 1, 2019 Phase I Municipal Stormwater Permit are hereby incorporated into this permit; or
 - iv. Documentation in the SWPPP that the BMPs selected are demonstrably equivalent to practices contained in stormwater technical manuals approved by Ecology, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control.

- d. Additional Sampling Requirements and Effluent Limits for Discharges to Certain Impaired Waters and Puget Sound Sediment Cleanup Sites.
 - i. Permittees discharging to a 303(d)-listed waterbody (Category 5), either directly or indirectly through a stormwater drainage system, shall comply with the applicable sampling requirements and numeric effluent limits in Table 1.

For purposes of this condition, "applicable sampling requirements and effluent limits" means the sampling and effluent limits in Table 1 that correspond to the specific parameter(s) the receiving water is 303(d)-listed for at the time of permit coverage, or Total Suspended Solids (TSS) if the waterbody is 303(d)-listed (Category 5) for sediment quality at the time of MSGP coverage.

If a discharge point is subject to an impaired waterbody effluent limit for a parameter that also has a benchmark, the effluent limit supersedes the benchmark. All references to Category 5 pertain to the 2012 EPA-approved Water Quality Assessment.

The 2012 EPA-approved Water Quality Assessment may be viewed online at: http://www.ecy.wa.gov/programs/wq/links/wq assessments.html. See id

Table 1: Sampling and Effluent Limits Applicable to Discharges to 303(d)-listed Waters

		Maximur	n Dailyª		Laboratory	
Parameter	Units	Freshwater	Marine	Analytical Method ^b	Quantitation Level ^c	Sampling Frequency ^d
Turbidity	NTUs	25	25	EPA 180.1 Meter	0.5	1/quarter
рН	SU	j	Between 7.0 and 8.5	Meter	±0.1	1/quarter
Fecal Coliform	#	i	i	SM 9222D	20 CFU/	1/quarter
Bacteria	colonies/				100 mL	
	100 mL					
TSS f	mg/L	30	30	SM2540-D	5	1/quarter
Phosphorus, Total	mg/L	g	g	EPA 365.1	0.01	1/quarter
Total Ammonia (as N)	mg/L	g	g	SM 4500 NH ³ - GH	0.3	1/quarter
Copper, Total	μg/L	g	g	EPA 200.8	2.0	1/quarter
Lead, Total	μg/L	g	g	EPA 200.8	0.5	1/quarter
Mercury, Total	μg/L	2.1	1.8	EPA1631E	0.0005	1/quarter
Zinc, Total	μg/L	g	g	EPA 200.8	2.5	1/quarter
Pentachlorophenol	μg/L	9 ^h	g	EPA 625	1.0	1/quarter

Maximum daily effluent limit means the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. The daily discharge is the average measurement of the pollutant over the day; this does not apply to pH.

b. Or other equivalent method with the same reporting level.

- The Permittee shall ensure laboratory results comply with the quantitation level (QL) specified in the table. However, if an alternate method from 40 CFR Part 136 is sufficient to produce measurable results in the sample, the Permittee may use that method for analysis. If the Permittee uses an alternative method it must report the test method and QL on the DMR. If the Permittee is unable to obtain the required QL due to matrix effects, the Permittee must report the matrix-specific method detection level (MDL) and QL on the DMR.
- d. 1/quarter means at least one sample taken each quarter, e.g., Q1 = Jan 1 March 31, Q2 = April 1 June 30.
- e Permittees shall use either a calibrated pH meter consistent with EPA 9040 or an approved state method.
- f. Permittees who discharge to a waterbody 303(d)-listed (Category 5) for sediment quality shall sample the discharge for TSS.
- g. Site-specific effluent limitation will be assigned at the time of permit coverage.
- h. Based on a pH of 7.0.
- A numeric effluent limit does not apply, but Permittees must sample according to Table 1. In addition, the following mandatory BMPs shall be incorporated into the SWPPP and implemented; the Permittee must:
 - Use all known, available and reasonable methods to prevent rodents, birds, and other animals from feeding/nesting/roosting at the facility. Nothing in this section shall be construed as allowing violations of any applicable federal, state or local statutes, ordinances, or regulations including the Migratory Bird Treaty Act.
 - Perform at least one annual dry weather inspection of the stormwater system to identify and eliminate sanitary sewer cross-connections.
 - Install structural source control BMPs to address on-site activities and sources that could cause bacterial contamination (e.g., dumpsters, compost piles, food waste, and animal products).
 - 4) Implement operational source control BMPs to prevent bacterial contamination from any known sources of fecal coliform bacteria (e.g., animal waste).
 - 5) Conduct additional bacteria-related sampling and/or BMPs, if ordered by Ecology on a case-bycase basis.
- The effluent limit for a Permittee who discharges to a freshwater body 303(d)-listed for pH is: Between 6.0 and 8.5, if the 303(d)-listing is for high pH only; Between 6.5 and 9.0, if the 303(d)-listing is for low pH only; and Between 6.5 and 8.5 if the 303(d)-listing is for both low and high pH. All pH effluent limits are applied end-of-pipe.
 - ii. Permittees discharging to a Puget Sound Sediment Cleanup Site³, either directly or indirectly through a stormwater drainage system, shall comply with this section:
 - 1) Permittees shall sample the discharge for Total Suspended Solids (TSS) in accordance with Table 2.
 - 2) If the waterbody is listed within Category 5 (sediment medium) where the *outfall* discharges to the waterbody, the discharge is subject to the TSS numeric effluent limit in Attachment A, Table 1.

All references to Category 4B and 5 pertain to the 2012 EPA-approved Water Quality Assessment, available online at: http://www.ecy.wa.gov/programs/wq/links/wq assessments.html.

³ **Puget Sound Sediment Cleanup Site**: means Category 4B (Sediment) portions of Budd Inlet (Inner), Commencement Bay (Inner), Commencement Bay (Outer), Dalco Passage and East Passage, Duwamish Waterway (including East and West Waterway), Eagle Harbor, Elliot Bay, Hood Canal (North), Liberty Bay, Rosario Strait, Sinclair Inlet, and Thea Foss Waterway; Category 5 (Sediment) portions of the Duwamish Waterway; Category 4A (Sediment) portions of Bellingham Bay (Inner); and the Everett/Port Gardener, Oakland Bay/Shelton Harbor, and Port Angeles Harbor sediment cleanup areas, as mapped on Ecology's ISGP website. All references to Category 4A, 4B and 5 pertain to the 2012 EPA-approved Water Quality Assessment

- 3) If the waterbody is not listed within Category 5 (sediment medium) where the outfall discharges to the waterbody (e.g., Category 4B, etc.), the discharge is subject to the TSS benchmark in Attachment A, Table 2. If the discharge is subject to more than one TSS benchmark value (i.e., two different benchmarks), the lower benchmark supersedes the higher one. If a discharge exceeds the TSS benchmark, the Permittee shall implement corrective actions in accordance with the MSGP.
- 4) Permittees shall remove accumulated solids from storm drain lines (including inlets, catch basins, sumps, conveyance lines, and oil/water separators) owned or controlled by the Permittee at least once during the term of the MSGP.

Permittees shall conduct line cleaning operations (e.g., jetting, vacuuming, removal, loading, storage, and/or transport) using BMPs to prevent discharges of storm drain solids to surface waters of the state.

Removed storm drain solids and liquids shall be disposed of in accordance with applicable laws and regulations and documented in the SWPPP.

5) Prior to removing storm drain solids according to Attachment A. Condition 2.D, Permittees shall sample and analyze storm drain solids in accordance with Table 3. Storm drain solids must be collected/sampled from a representative catch basin, sump, pipe, or other feature within the storm drain system that corresponds to the discharge point where Total Suspended Solids (TSS) samples are collected per Attachment A. Samples may be either a single grab sample or a composite sample. Samples must be representative of the storm drain solids generated and accumulated in the facility's drainage system. To the extent possible, sample locations must exclude portions of the drainage system affected by water from off-site sources (e.g., run-on from off-site properties, tidal influence, backflow). See id.

Table 2: Benchmarks and Sampling Requirements Applicable to Discharges to Puget Sound Sediment Cleanup Sites that are not Category 5 for Sediment Quality

Parameter	Units	Benchmark Value ^a	Analytical Method	Laboratory Quantitation Level ^b	Minimum Sampling Frequency ^c
TSS	mg/L	30	SM2540-D	5	1/quarter

- a. Permittees sampling more than once per quarter shall average the sample results and compare the average value to the benchmark to determine if it the discharge has exceeded the benchmark value. However, if Permittees collect more than one sample during a 24-hour period, they must first calculate the daily average of the individual grab sample results collected during that 24-hour period; then use the daily average to calculate a quarterly average.
- b. The Permittee shall ensure laboratory results comply with the quantitation level (QL) specified in the table. However, if an alternate method from 40 CFR Part 136 is sufficient to produce measurable results in the sample, the Permittee may use that method for analysis. If the Permittee uses an alternative method it must report the test method and QL on the DMR. If the Permittee is unable to obtain the required QL due to matrix effects, the Permittee must report the matrix-specific method detection level (MDL) and QL on the DMR.
- c. 1/quarter means at least one sample taken each quarter, year-round.

Table 3: Sampling and Analytical Procedures for Storm Drain Solids

Analyte	Method in Sediment	Quantitation Level ^a			
Conventional Parameters					
Percent total solids	SM 2540G, or ASTM Method D 2216	NA			
Total organic carbon	Puget Sound Estuary Protocols (PSEP 1997), or EPA 9060	0.1%			
Grain size	Ecology Method Sieve and Pipette (ASTM 1997), ASTMD422, or PSEP 1986/2003	NA			
Metals		•			
Antimony, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.2 mg/kg dw ^b			
Arsenic, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.1 mg/kg dw			
Beryllium, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.2 mg/kg dw			
Cadmium, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.2 mg/kg dw			
Chromium, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.5 mg/kg dw			
Copper, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.2 mg/kg dw			
Lead, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.2 mg/kg dw			
Mercury, Total	EPA Method 1631E, or EPA Method 7471B	0.005 mg/kg dw			
Nickel, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.1 mg/kg dw			
Selenium, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.5 mg/kg dw			
Silver, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.1 mg/kg dw			
Thallium, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	0.2 mg/kg dw			
Zinc, Total	EPA Method 200.8 (ICP/MS) , EPA Method 6010 or EPA Method 6020	5.0 mg/kg dw			
Organics		•			
PAH compounds ^c	EPA Method 8270 D	70 µg/kg dw			

PCBs (aroclors), Total ^d	EPA Method 8082	10 μg/kg dw
Petroleum Hydrocarbons		
NWTPH-Dx	NWTPH-Dx	25.0-100.0 mg/kg dw

- The Permittee shall ensure laboratory results comply with the quantitation level (QL) specified in the table. However, if an alternate method is sufficient to produce measurable results in the sample, the Permittee may use that method for analysis. If the Permittee uses an alternative method, it must report the test method and QL on the sediment monitoring report. All results shall be reported. For values below the QL, or where a QL is not specified, report results at the method detection level (MDL) from the lab and the qualifier of "U" for undetected at that concentration. If the Permittee is unable to obtain the required QL due to matrix effects, the Permittee must report the matrix-specific MDL and QL on the DMR.
- dw = dry weight.
- PAH compounds include: 1-methylnaphthalene, 2-methylnaphthalene, 2-chloronaphthalene, acenaphthylene, acenaphthene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b, k)fluoranthene, benzo(ghi)perylene, dibenzo(a,h)anthracene, dibenzofuran, carbazole, chrysene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene.
- Total = sum of PCB aroclors 1016+1221+1232+1242+1248+1254+1260.
 - 6) All storm drain solids sampling data shall be reported to EPA no later than the DMR due date for the reporting period in which the solids were sampled. A copy of the lab report shall be submitted to EPA. See id.
 - Requirements for Discharges to Waters with Applicable TMDLs
 - i. The Permittee shall comply with applicable TMDL determinations. Applicable TMDLs or TMDL determinations are TMDLs which have been completed by the issuance date of this permit, or which have been completed prior to the date that the Permittee's NOI is received by EPA, whichever is later. EPA will list the Permittee's requirements to comply with this condition on the letter of permit coverage.
 - ii. TMDL requirements associated with TMDLs completed after the issuance date of this permit only become effective if they are imposed through an administrative order issued by EPA.
 - iii. Where Ecology has established a TMDL wasteload allocation and sampling requirements for the Permittee's discharge, the Permittee shall comply with all requirements of the TMDL.
 - 1) If a discharge point is subject to a TMDL-related effluent limit for a parameter that also has a benchmark, the effluent limit supersedes the benchmark.
 - iv. Where Ecology has established a TMDL general wasteload allocation for industrial stormwater discharges for a parameter present in the Permittee's discharge, but has not identified specific requirements, EPA will assume the Permittee's compliance with the terms and conditions of the permit complies with the approved TMDL.
 - Where Ecology has not established a TMDL wasteload allocation for ٧. industrial stormwater discharges for a parameter present in the Permittee's discharge, but has not excluded these discharges, EPA will assume the Permittee's compliance with the terms and conditions of this permit complies with the approved TMDL.

vi. Where a TMDL for a parameter present in the Permittee's discharge specifically precludes or prohibits discharges of stormwater associated with industrial activity, the Permittee is not eligible for coverage under the MSGP. See id.

Appendix A - Definitions, Abbreviations, and Acronyms (for the purposes of the 2021 MSGP)

A.1. DEFINITIONS

Action Area – all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. See 50 CFR 402. For the purposes of this permit and for application of Endangered Species Act requirements, the following areas are included in the definition of action area:

- The areas where stormwater discharges originate and flow from the industrial facility to the point of discharge into receiving waters. (Example: Where stormwater flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as listed amphibians) are found in the ditch, swale, or gully.)
- The areas where stormwater from industrial activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where stormwater from industrial activities discharges into a stream segment that is known to harbor listed aquatic species.)
- The areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls. (Example: Where a stormwater retention pond would be built.)
- The areas upstream and/or downstream from the stormwater discharge into a stream segment that may be affected by these discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

Antidegradation Policy or Antidegradation Requirements – the water quality standards regulation that requires States and Tribes to establish a three-tiered antidegradation program:

- 1. Tier 1 maintains and protects existing uses and water quality conditions necessary to support such uses. An existing use can be established by demonstrating that fishing, swimming, or other uses have actually occurred since November 28, 1975, or that the water quality is suitable to allow such uses to occur. Where an existing use is established, it must be protected even if it is not listed in the water quality standards as a designated use. Tier 1 requirements are applicable to all surface waters.
- 2. Tier 2 maintains and protects "high quality" waters -- water bodies where existing conditions are better than necessary to support CWA § 101(a)(2) "fishable/swimmable" uses. Water quality can be lowered in such waters. However, state and tribal Tier 2 programs identify procedures that must be followed and questions that must be answered before a reduction in water quality can be allowed. In no case may water quality be lowered to a level which would interfere with existing or designated uses.
- 3. Tier 3 maintains and protects water quality in outstanding national resource waters (ONRWs). Except for certain temporary changes, water quality cannot be lowered in such waters. ONRWs generally include the highest quality waters of the United States. However, the ONRW classification also offers special protection for waters of exceptional ecological significance, i.e., those which are important, unique, or sensitive ecologically. Decisions regarding which water bodies qualify to be ONRWs are made by States and authorized Indian Tribes.

Arid Areas – areas where annual rainfall averages from 0 to 10 inches.

Best Available Technology Economically Achievable (BAT) – defined in CWA section 304(b)(2).

Best Conventional Pollutant Control Technology (BCT) – defined in CWA section 304(b)(4).

Best Practicable Control Technology Currently Available (BPT) – defined in CWA section 304(b)(1).

Bypass – the intentional diversion of waste streams from any portion of a treatment facility. See 40 CFR 122.41(m)(1)(i).

CERCLA Site (i.e., Superfund Site) – for the purposes of this permit, a site as defined in Section 101(9) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601(9), that is undergoing a remedial investigation and feasibility study, or for which a Record of Decision for remedial action has been issued in accordance with the National Contingency Plan, 40 CFR Part 300.

Co-located Industrial Activities – any industrial activities, excluding your primary industrial activity (ies), located on-site that are defined by the stormwater regulations at 122.26(b)(14)(i)-and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the stormwater regulations or identified by the SIC code list in Appendix D.

Confidential Business Information (CBI) – see 40 CFR Part 2 for relevant definitions of CBI: http://www.gpo.gov/fdsys/pkg/CFR-2013-title40-vol1/pdf/CFR-2013-title40-vol1-part2-subpartB.pdf.

Control Measures – refers to any stormwater control or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

Corrective Action – for the purposes of the permit, any action taken, or required to be taken, to repair, modify, or replace any stormwater control used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; and (3) remedy a permit violation.

Critical Habitat – as defined in the Endangered Species Act at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Director – a Regional Administrator of the Environmental Protection Agency or an authorized representative. See 40 CFR 122.2.

Discharge – when used without qualification, means the "discharge of a pollutant." See 40 CFR 122.2.

Discharge of a Pollutant – any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

Discharge Point – for the purposes of this permit, the location where collected and concentrated stormwater flows are discharged from the facility such that the first receiving waterbody into which the discharge flows, either directly or through a separate storm sewer system, is a water of the U.S.

Discharge-Related Activity – activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction and operation of stormwater controls to control, reduce, or prevent pollution in the discharges.

Discharge to an Impaired Water – for the purposes of this permit, a discharge to an impaired water occurs if the first water of the U.S. to which you discharge is identified by a state, tribe, or EPA as not meeting an applicable water quality standard, and requires development of a total maximum daily load (TMDL) (pursuant to Section 303(d) of the Clean Water Act), or is addressed by an EPA-approved or established TMDL, or is not in either of the above categories but the waterbody is covered by pollution control requirements that meet the requirements of 40 CFR 130.7(b)(1). For discharges that enter a separate storm sewer system prior to discharge, the water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

Drought-Stricken Area – for the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration's U.S. Seasonal Drought Outlook indicates for the period that any of the following conditions are likely: (1) "Drought to persist or intensify", (2) "Drought ongoing, some improvement", (3) "Drought likely to improve, impacts ease", or (4) "Drought development likely". See

http://www.cpc.ncep.noaa.gov/products/expert assessment/season drought.gif.

Effective Operating Condition – for the purposes of this permit, a stormwater control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

Effluent Limitations – for the purposes of this permit, any of the Part 2requirements.

Effluent Limitations Guideline (ELG) – defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

Eligible – for the purposes of this permit, refers to stormwater and allowable non-stormwater discharges that are authorized for coverage under this general permit.

Endangered Species – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

Existing Discharger – an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

Facility or Activity – any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See 40 CFR 122.2.

Feasible – for the purposes of this permit, feasible means technologically possible and 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.

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.

Green Infrastructure – the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters. See Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

Hazardous Waste – for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

Hazardous Substance – defined in CERCLA section 101(14) to include: a) any substance designated pursuant to the CWA section 311(b)(2)(A); b) any element, compound, mixture, solution or substance designated pursuant to section 102 of CERCLA; c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Resource Conservation and Recovery Act (RCRA); d) any toxic pollutant listed under CWA section 307(a); e) any hazardous air pollutant listed under section 112 of the Clean Air Act; and f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. See 40 CFR 302.4 for the list of such hazardous substances.

Historic Property – as defined in the National Historic Preservation Act regulations means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

Impaired Water (or "Water Quality Impaired Water" or "Water Quality Limited Segment") – for the purposes of this permit, waters identified by a state, tribe, or EPA as not meeting an applicable water quality standard, and require development of a total maximum daily load (TMDL) (pursuant to Section 303(d) of the CWA), or are addressed by an EPA-approved or established TMDL, or are covered by pollution controls requirements that meet the requirements of 40 FR 130.7(b)(1). For discharges that enter a separate storm sewer system prior to discharge, the first water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

Indian Country or Indian Country Lands – defined at 40 CFR 122.2 as:

- 1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;
- All dependent Indian communities within the borders of the United States, whether within
 the original or subsequently acquired territory thereof, and whether within or without the
 limits of a State: and
- 3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe. (18 U.S.C. 1151)

Infeasible – for the purposes of this permit, 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.

Industrial Activity – the 10 categories of industrial activities included in the definition of "stormwater discharges associated with industrial activity" as defined in 40 CFR 122.26(b)(14)(i)-and (xi).

Industrial Stormwater – stormwater runoff from industrial activity.

Measurable Storm Event – a precipitation event that results in a measurable amount of precipitation (i.e., a storm event that results in an actual discharge) and that follows the preceding storm event by at least 72 hours (3-days). The 72-hour storm interval does not apply if you document that less than a 72-hour interval is representative for local storm events.

Minimize – for the purposes of this permit, minimize means to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer (MS4) – defined at 40 CFR §122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- 2. Designed or used for collecting or conveying stormwater;
- 3. Which is not a combined sewer; and
- 4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. See 40 CFR 122.26(b)(4) and (b)(7).

National Pollutant Discharge Elimination System (NPDES) – defined at 40 CFR § 122.2 as the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an 'approved program.'

New Discharger – 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 – any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

 after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or • 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.

New Source Performance Standards (NSPS) – technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

No Exposure – all industrial materials or activities protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. See 40 CFR 122.26(g).

Non-Stormwater Discharges – discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, pavement wash water, external building washdown, irrigation water, or uncontaminated ground water or spring water.

Notice of Intent (NOI) – the form (electronic or paper) required for authorization of coverage under the Multi-Sector General Permit.

Notice of Termination (NOT) – the form (electronic or paper) required for terminating coverage under the Multi-Sector General Permit.

Operator – any entity with a stormwater discharge associated with industrial activity that meets either of the following two criteria:

- 1. The entity has operational control over industrial activities, including the ability to make modifications to those activities; or
- 2. The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

Outfall - see "Discharge Point."

Permitting Authority – for the purposes of this permit, EPA, a Regional Administrator of EPA, or an authorized representative.

Person – an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. See 40 CFR 122.2.

Point Source – any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. See 40 CFR 122.2.

Pollutant – defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. See 40 CFR 122.2.

Pollutant of Concern – a pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a state's 303(d) list.

Primary Industrial Activity – includes any activities performed on-site which are (1) identified by the facility's primary SIC code and included in the descriptions of 122.26(b)(14)(ii), (iii), (vii), (viii),

or (xi); or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), (vii), or (ix). [For colocated activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] Narrative descriptions in 40 CFR 122.26(b)(14) identified above include: (i) activities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

Qualified Personnel – qualified personnel are those who are knowledgeable in the principles and practices of industrial stormwater controls and pollution prevention, and who possess 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.

Reportable Quantity Release – a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 117, and 302 for complete definitions and reportable quantities for which notification is required.

Restricted Information – for the purposes of this permit, information that is privileged or that is otherwise protected from disclosure pursuant to applicable statutes, Executive Orders, or regulations. Such information includes, but is not limited to: classified national security information, protected critical infrastructure information, sensitive security information, and proprietary business information.

Runoff Coefficient – the fraction of total rainfall that will appear at the conveyance as runoff. See 40 CFR 122.26(b)(11).

Run-On – sources of stormwater that drain from land located upslope or upstream from the regulated facility in question.

Saline Water or Saltwater – for the purposes of this permit, a waterbody with salinity that is equal to or exceeds 10 parts per thousand 95 percent or more of the time, unless otherwise defined as a coastal or marine water by the applicable state or tribal surface water quality standards.

Semi-Arid Areas – areas where annual rainfall averages from 10 to 20 inches.

Significant Materials – includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges. See 40 CFR 122.26(b)(12).

Special Aquatic Sites – sites identified in 40 CFR 230 Subpart E. These are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized

as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.

Spill – for the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

Stormwater – stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b) (13).

Stormwater Controls – see "Control Measures."

Stormwater Discharges Associated with Construction Activity – as used in this permit, a discharge of pollutants in stormwater runoff from areas where land-disturbing activities (e.g., clearing, grading, or excavating) occur, or where construction materials or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

Stormwater Discharges Associated with Industrial Activity – the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; 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; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, state, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14). The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v). See 40 CFR 122.26(b)(14).

Stormwater Pollution Prevention Team – the stormwater pollution prevention team is responsible for overseeing development of the SWPPP, any modifications to it, and for implementing and maintaining stormwater control measures and taking corrective actions 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. The individuals on the "Stormwater Team" must be identified in the SWPPP.

Storm Event – a precipitation event that results in a measurable amount of precipitation.

Threatened Species – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Tier 2 Waters – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(2), Tier 2 waters are characterized as having water quality that exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

Tier 2.5 Waters – for antidegradation purposes, Tier 2.5 waters are those waters designated by States or Tribes as requiring a level of protection equal to and above that given to Tier 2 waters, but less than that given Tier 3 waters. States have special requirements for these waters.

Tier 3 Waters – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Tier 3 waters are identified by states as having high quality waters constituting an Outstanding National Resource Water (ONRW), such as waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance.

Total Maximum Daily Loads (TMDLs) – the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

Toxic Waste - see "Hazardous Materials."

Uncontaminated Discharge – a discharge that does not cause or contribute to an exceedance of applicable water quality standards.

Upset – upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

Water Quality Impaired – see "Impaired Water."

Water Quality Standards – defined in 40 CFR § 131.3, and are provisions of State or Federal law which consist of a designated use or uses for the waters of the United States, water quality criteria for such waters based upon such uses, and an antidegradation policy to protect high-quality waters. Water quality standards protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.

Waters of the United States – see definition at 40 CFR §122.2.

A.2. ABBREVIATIONS AND ACRONYMS

AIM – Advanced Implementation Measures

BAT – Best Available Technology Economically Achievable

BOD5 – Biochemical Oxygen Demand (5-day test)

BMP - Best Management Practice

BPJ – Best Professional Judgment

CERCLA - Comprehensive Environmental Response, Compensation and Liability Act

CGP - Construction General Permit

CFR – Code of Federal Regulations

COD - Chemical Oxygen Demand

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)

CWT - Centralized Waste Treatment

DMR – Discharge Monitoring Report

ELG - Effluent Limitations Guideline

EPA – U. S. Environmental Protection Agency

ESA – Endangered Species Act

FWS - U. S. Fish and Wildlife Service

LA – Load Allocations

MGD - Million Gallons per Day

MOS – Margin of Safety

MS4 – Municipal Separate Storm Sewer System

MSGP - Multi-Sector General Permit

NAICS – North American Industry Classification System

NEPA – National Environmental Policy Act

NET – NPDES eReporting Tool

NHPA – National Historic Preservation Act

NMFS - U. S. National Marine Fisheries Service

NOI - Notice of Intent

NOE - No Exposure

NOT - Notice of Termination

NPDES – National Pollutant Discharge Elimination System

NRC – National Response Center

NRHP – National Register of Historic Places

NSPS - New Source Performance Standard

NTU - Nephelometric Turbidity Unit

OMB – U. S. Office of Management and Budget

ORW – Outstanding Resource Water

OSM – U. S. Office of Surface Mining

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

RQ – Reportable Quantity

SARA – Superfund Amendments and Reauthorization Act

SDS – Safety Data Sheet

SHPO - State Historic Preservation Officer

SIC – Standard Industrial Classification

SMCRA – Surface Mining Control and Reclamation Act

SPCC - Spill Prevention, Control, and Countermeasures

SWPPP – Stormwater Pollution Prevention Plan

THPO – Tribal Historic Preservation Officer

TMDL – Total Maximum Daily Load

TSDF – Treatment, Storage, or Disposal Facility

TSS – Total Suspended Solids

USGS – United States Geological Survey

WLA – Wasteload Allocation

WQS – Water Quality Standard

Appendix B - Standard Permit Conditions

Standard permit conditions in Appendix B are consistent with the general permit provisions required under 40 CFR 122.41.

B.1. Duty To Comply.

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- A. You must comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement.
- B. Penalties for Violations of Permit Conditions: EPA and other federal agencies are required to adjust their maximum and minimum statutory civil penalty amounts through rulemaking by January 15 each year to account for inflation. EPA's annual rulemaking adjustments, codified in 40 C.F.R. § 19.4, are mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note). As such, the civil penalty amounts below may change in the future due to inflation. See 40 C.F.R. § 19.4 for the most up-to-date civil penalty amounts.

1. Criminal Penalties.

- 1.1. Negligent Violations. The CWA provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of not less than \$2,500 nor more than \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both.
- 1.2. Knowing Violations. The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- 1.3. Knowing Endangerment. The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury shall upon conviction be subject to a fine of not more than \$250,000 or by imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not more than \$1,000,000 and can fined up to \$2,000,000 for second or subsequent convictions.

- 1.4. False Statement. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- 2. Civil Penalties. The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.
- 3. Administrative Penalties. The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows
 - 3.1 Class I Penalty. Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.
 - 3.2 Class II Penalty. Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

B.2. Duty to Reapply.

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain authorization as required by the new permit once EPA issues it.

B.3. Need to Halt or Reduce Activity Not a Defense.

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

B.4. Duty to Mitigate.

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

B.5. Proper Operation and Maintenance.

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

B.6. Permit Actions.

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B.7. Property Rights.

This permit does not convey any property rights of any sort, or any exclusive privileges.

B.8. Duty to Provide Information.

You must furnish to EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), within a reasonable time, any information which EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to EPA or an authorized representative upon request, copies of records required to be kept by this permit.

B.9. Inspection and Entry.

You must allow EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of credentials and other documents as may be required by law, to:

- A. Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B.10. Monitoring and Records.

- A. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
- B. You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date the permit expires or the date the permittee's authorization is terminated. This period may be extended by request of EPA at any time.
- C. Records of monitoring information must include:

- 1. The date, exact place, and time of sampling or measurements;
- 2. The individual(s) who performed the sampling or measurements;
- 3. The date(s) analyses were performed
- 4. The individual(s) who performed the analyses;
- 5. The analytical techniques or methods used; and
- 6. The results of such analyses.
- D. Monitoring must be conducted according to test procedures approved under 40 CFRPart 136, unless other test procedures have been specified in the permit.
- E. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

B.11. Signatory Requirements.

- A. NOIs, NOTs, and NOEs must be signed as follows:
 - 1. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - 2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 - 3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).
- B. Your SWPPP, including changes to your SWPPP to document any corrective actions or advanced implementation measures taken as required by Part 5, and any other compliance documentation required under this permit, including the Annual Report, DMRs, and inspection reports, must be signed by a person described in Appendix B, Subsection 11.A above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- 1. The authorization is made in writing by a person described in Appendix B, Subsection 11.A:
- 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- 3. The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.
- C. All other changes to your SWPPP, and other compliance documentation required under Part 5.3, must be signed and dated by the person preparing the change or documentation.
- D. Changes to Authorization. If an authorization under this permit is no longer accurate because the industrial facility has been purchased by a different entity, a new NOI satisfying the requirements of Part 1.3 must be submitted to EPA. See Table 1-2 in Part 1.3.3 of the permit. However, if the only change that is occurring is a change in contact information or a change in the facility's address, the operator need only make a modification to the existing NOI submitted for authorization.
- E. Any person signing documents in accordance with Appendix B, Subsections 11.A or 11.B above must include the following 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 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."
- F. For persons signing documents electronically, in addition to meeting other applicable requirements in Appendix I, Subsection B.11, such signatures must be legally dependable with no less evidentiary value than their paper equivalent.
- G. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

B.12. Reporting Requirements.

- A. Planned changes. You must give notice to EPA as soon as possible, but no fewer than 30 days, of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - 1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - 2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

- B. Anticipated noncompliance. You must give advance notice to EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Transfers. This permit is not transferable to any person except after notice to EPA. Where a facility wants to change the name of the permittee, the original permittee (the first owner or operators) must submit a Notice of Termination pursuant to Part 1.4. The new owner or operator must submit a Notice of Intent in accordance with Part 1.3.3 and Table 1-2. See also requirements in Appendix B, Subsections 11.B and 11.D.
- D. Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.
 - 1. Pursuant to Part 7.1, all monitoring data collected pursuant to Part 4 must be submitted to EPA using EPA's online DMR system (http://www.epa.gov/netdmr/).
 - 2. If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR.
 - 3. Calculations for all limitations which require averaging of measurements must use an arithmetic mean. For averaging purposes, 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 level 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.
- E. Compliance schedules. 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.
- F. Twenty-four hour reporting.
 - 1. 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. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - 2. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(m)(3)(ii))
 - b. Any upset which exceeds any effluent limitation in the permit
 - c. Violation of a maximum daily discharge limit for any numeric effluent limitation. (See 40 CFR 122.44(g).)
 - 3. EPA may waive the written report on a case-by-case basis for reports under Appendix B, Subsection 12.F.2 if the oral report has been received within 24hours.

- G. Other noncompliance. You must report all instances of noncompliance not reported under Appendix B, Subsections 12.D, 12.E, and 12.F, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix B, Subsection 12.F.
- H. Other information. Where you become aware that you failed to submit any relevant facts in your NOI, or submitted incorrect information in your NOI or in any report to the Permitting Authority, you must promptly submit such facts or information.

B.13. Bypass.

- A. Definitions.
 - 1. Bypass means the intentional diversion of waste streams from any portion of a treatment facility See 40 CFR 122.41(m)(1)(i).
 - 2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. See 40 CFR 122.41 (m) (1) (ii).
- B. Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix B, Subsections 13.C and 13.D. See 40 CFR 122.41(m)(2).
- C. Notice.
 - 1. Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass. See 40 CFR 122.41(m)(3)(i).
 - 2. Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix B, Subsection 12.F (24-hour notice). See 40 CFR 122.41(m)(3)(ii).
- D. Prohibition of bypass. See 40 CFR 122.41(m)(4).
 - 1. Bypass is prohibited, and EPA may take enforcement action against you for bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. You submitted notices as required under Appendix B, Subsection 13.C.
 - 2. EPA may approve an anticipated bypass, after considering its adverse effects, if EPA determines that it will meet the three conditions listed above in Appendix B, Subsection 13.D.1.

B.14. Upset.

- A. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).
- B. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix B, Subsection 14.C are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. See 40 CFR 122.41(n)(2).
- C. Conditions necessary for a demonstration of upset. See 40 CFR 122.41(n)(3). A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and that you can identify the cause(s) of the upset;
 - 2. The permitted facility was at the time being properly operated; and
 - 3. You submitted notice of the upset as required in Appendix B, Subsection 12.F.2.b (24 hour notice).
 - 4. You complied with any remedial measures required under Appendix B, Subsection 4.
- D. Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, have the burden of proof. See 40 CFR 122.41(n)(4).

B.15. Retention of Records.

Copies of the SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

B.16. Reopener Clause.

- A. Procedures for modification or revocation. Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5. This includes reasons such as new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance, including but not limited to any Reasonable and Prudent Alternatives or Reasonable and Prudent Measures developed in Endangered Species Act consultation, and/or future monitoring results.
- B. Water quality protection. If there is evidence indicating that the stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit, or the permit may be modified to include different limitations and/or requirements.
- C. Timing of permit modification. EPA may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current permit cycle.

Appendix C - Areas Eligible for Permit Coverage

EPA can only provide permit coverage in these areas and for classes of discharges that are outside the scope of a state's NPDES program authorization.

C.1 EPA Region 1: Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont.

This permit offers NPDES permit coverage for stormwater discharges associated with industrial activity from the following areas in EPA Region 1:

Master Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
CTR051000	Indian Country within the State of Connecticut
MAR050000	Commonwealth of Massachusetts, except Indian country
MAR051000	Indian country within the Commonwealth of Massachusetts
NHR050000	State of New Hampshire
RIR051000	Indian country within the State of Rhode Island
VTR05F000	Areas in the State of Vermont subject to industrial activity by a Federal Operator

For stormwater discharges in EPA Region 1 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

C.2 EPA Region 2: New Jersey, New York, Puerto Rico, Virgin Islands.

This permit offers NPDES permit coverage for stormwater discharges associated with industrial activity from the following areas in EPA Region 2:

Master Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
PRR050000	Commonwealth of Puerto Rico
INTYRUSION	Indian country within the State of New York, except the lands of the St. Regis Mohawk Tribe

For stormwater discharges in EPA Region 2 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

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

This permit offers NPDES permit coverage for stormwater discharges associated with industrial activity from the following areas in EPA Region 3:

Master Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
DCR050000	District of Columbia
DER05F000	Areas in the State of Delaware subject to industrial activity by a Federal Operator
VAR051000	Indian country within the State of Virginia

For stormwater discharges in EPA Region 3 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

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

This permit offers NPDES permit coverage for stormwater discharges associated with industrial activity from the following areas in EPA Region 4:

Master Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
ALR051000	Indian country within the State of Alabama
FLR051000	Indian country within the State of Florida (except for facilities on the Miccosukee and Seminole Tribe lands, contact EPA Region 4 for an individual permit application)
MSR051000	Indian country within the State of Mississippi
NCR051000	Indian country within the State of North Carolina
SCR051000	Indian country within the State of South Carolina

For stormwater discharges in EPA Region 4 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

C.5 EPA Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

This permit offers NPDES permit coverage for stormwater discharges associated with industrial activity from the following areas in EPA Region 5:

Master Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
MIR051000	Indian country within the State of Michigan
MNR051000	Indian country within the State of Minnesota
WIR051000	Indian country within the State of Wisconsin (except for facilities on Sokaogon Chippewa Community lands and Bad River Band of Lake Superior Tribe of Chippewa Indians lands, see EPA Region 5 for an individual permit application).

For stormwater discharges in EPA Region 5 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

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

This permit offers NPDES permit coverage for stormwater discharges associated with industrial activity from the following areas in EPA Region 6:

Master Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
LAR051000	Indian country within the State of Louisiana
NMR050000	The State of New Mexico, except Indian country

Master Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
NMR051000	Indian country within the State of New Mexico, except Ute Mountain Reservation lands that are covered under Colorado permit COR051000 and Navajo Reservation lands that are covered under Arizona permit AZR051000
OKR051000	Indian country within the State of Oklahoma
OKR05F000	Facilities in the State of Oklahoma not under the jurisdiction of the Oklahoma Department of Environmental Quality or the Oklahoma Department of Agriculture, Food and Forestry, except those on Indian Country. EPA jurisdiction facilities include SIC Codes 1311, 1381, 1382, 1389, and 5171.
TXR05F000	Facilities in the State of Texas not under the jurisdiction of the Texas Commission on Environmental Quality, except those on Indian Country. EPA-jurisdiction facilities include SIC Codes 1311, 1321, 1381, 1382, 1389, and 5171 (other than oil field service company "home base" facilities).
TXR051000	Indian country within the State of Texas

For stormwater discharges in EPA Region 6 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

C.7 EPA Region 7: Iowa, Kansas, Missouri, Nebraska (except see Region 8 for Pine Ridge Reservation Lands).

This permit offer NPDES permit coverage for stormwater discharges associated with industrial activity from the following areas in EPA Region 7:

Master Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
IAR051000	Indian country within the State of Iowa
KSR051000	Indian country within the State of Kansas
NER051000	Indian country within the State of Nebraska, except Pine Ridge Reservation lands (see Region 8)

For stormwater discharges in EPA Region 7 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

C.8 EPA Region 8: Colorado, Montana, North Dakota, South Dakota, Wyoming, Utah (except see Region 9 for Goshute Reservation and Navajo Reservation Lands), the Ute Mountain Reservation in NM, and the Pine Ridge Reservation in NE.

This permit offers NPDES permit coverage for stormwater discharges associated with industrial activity from the following areas in EPA Region 8:

Master Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
COR05F000	Areas in the State of Colorado, except those located on Indian country, subject to industrial activity by a Federal Operator

Master Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
COR051000	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
MTR051000	Indian country within the State of Montana
NDR051000	Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation, which is covered under South Dakota permit SDR051000 listed below)
SDR051000	Indian country within the State of South Dakota, as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota (except for the Standing Rock Reservation, which is covered under North Dakota permit NDR051000 listed above)
UTR051000	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)
WYR051000	Indian country within the State of Wyoming

For stormwater discharges in EPA Region 8 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

C.9 EPA Region 9: California, Hawaii, Nevada, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Confederated Tribes of the Goshute Reservation in Utah and Nevada, Indian Country within the State of Arizona including the Navajo Reservation in Utah and New Mexico and Arizona, the Duck Valley Reservation in Idaho, and the Fort McDermitt Reservation in Oregon.

This permit offers NPDES permit coverage for stormwater discharges associated with industrial activity from the following areas in EPA Region 9:

Master Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
ASR050000	American Samoa
AZR051000	Indian country within the State of Arizona, including Navajo Reservation lands in New Mexico and Utah
CAR051000	Indian country within the State of California (facilities on the Hoopa Valley Reservation must contact EPA Region 9 for an individual permit)
GUR050000	Island of Guam
JAR050000	Johnston Atoll
MWR050000	Midway Island and Wake Island
MPR050000	Commonwealth of the Northern Mariana Islands
NVR051000	Indian country within the State of Nevada, including the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Confederated Tribes of the Goshute Reservation in Utah

For stormwater discharges in EPA Region 9 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

C.10 Region 10: Alaska, Idaho (except see Region 9 for Duck Valley Reservation lands), Oregon (except see Region 9 for Fort McDermitt Reservation), Washington.

This permit offers NPDES permit coverage for stormwater discharges associated with industrial activity from the following areas in EPA Region 10:

Master Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
AKR05F000	Denali National Park and Preserve
AKR051000	Indian country lands as defined in 18 U.S.C. 1151 within the State of Alaska
IDR050000	The State of Idaho, except Indian country lands
IDR051000	Indian country lands within the State of Idaho, except Duck Valley Reservation lands, which are covered under Nevada permit NVR051000
ORR051000	Indian country lands within the State of Oregon, except Fort McDermitt Reservation lands, which are covered under Nevada permit NVR051000
WAR051000	Indian country lands within the State of Washington (facilities on the Swinomish Reservation must contact EPA Region 10 for an individual permit)
WAR05F000	Areas in the State of Washington, except those located on Indian country lands, subject to industrial activity by a Federal Operator

For stormwater discharges in EPA Region 10 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

Appendix D - Facilities and Activities Covered

Your permit eligibility is limited to discharges from facilities in the "sectors" of industrial activity summarized in Table D-1. These sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. References to "sectors" in this permit (e.g., sector-specific monitoring requirements) refer to these groupings.

Table D-1. Sectors of Industrial Activity Covered by This Permit					
Subsector (May be subject to more than one)	SIC Code or Activity Code ¹	Activity Represented			
SECTOR A: TIMBER PRODUCTS					
A1	2421	General Sawmills and Planing Mills			
A2	2491	Wood Preserving			
A3	2411	Log Storage and Handling			
	2426	Hardwood Dimension and Flooring Mills			
	2429	Special Product Sawmills, Not Elsewhere Classified			
	2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)			
	2448	Wood Pallets and Skids			
A4	2449	Wood Containers, Not Elsewhere Classified			
	2451, 2452	Wood Buildings and Mobile Homes			
	2493	Reconstituted Wood Products			
	2499	Wood Products, Not Elsewhere Classified			
	2441	Nailed and Lock Corner Wood Boxes and Shook			
	SECTOR	B: PAPER AND ALLIED PRODUCTS			
B1	2631	Paperboard Mills			
	2611	Pulp Mills			
	2621	Paper Mills			
B2	2652-2657	Paperboard Containers and Boxes			
	2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes			
	SECTOR C:	CHEMICALS AND ALLIED PRODUCTS			
C1	2873-2879	Agricultural Chemicals			
C2	2812-2819	Industrial Inorganic Chemicals			
C3	2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations			
C4	2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass			

	Table D-1. Secto	rs of Industrial Activity Covered by This Permit		
Subsector (May be subject to more than one)	SIC Code or Activity Code ¹	Activity Represented		
	2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances		
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products		
C.F.	2861-2869	Industrial Organic Chemicals		
C5	2891-2899	Miscellaneous Chemical Products		
	3952 (limited to list of inks and paints)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors		
	2911	Petroleum Refining		
SECTO	R D: ASPHALT PAV	/ING AND ROOFING MATERIALS AND LUBRICANTS		
D1	2951, 2952	Asphalt Paving and Roofing Materials		
D2	2992, 2999	Miscellaneous Products of Petroleum and Coal		
SECTO	R E: GLASS, CLAY	, CEMENT, CONCRETE, AND GYPSUM PRODUCTS		
E1 ·	3251-3259	Structural Clay Products		
LI	3261-3269	Pottery and Related Products		
E2	3271-3275	Concrete, Gypsum, and Plaster Products		
	3211	Flat Glass		
	3221, 3229	Glass and Glassware, Pressed or Blown		
	3231	Glass Products Made of Purchased Glass		
E3	3241	Hydraulic Cement		
	3281	Cut Stone and Stone Products		
	3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products		
	SE	CTOR F: PRIMARY METALS		
F1	3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills		
F2	3321-3325	Iron and Steel Foundries		
F3	3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals		
F4	3363-3369	Nonferrous Foundries (Castings)		
	3331-3339	Primary Smelting and Refining of Nonferrous Metals		
F5	3341	Secondary Smelting and Refining of Nonferrous Metals		
t	3398, 3399	Miscellaneous Primary Metal Products		

Subsector (May be subject	SIC Code or Activity	rs of Industrial Activity Covered by This Permit Activity	
to more than one)	Code ¹	Represented	
	SECTOR G: META	AL MINING (ORE MINING AND DRESSING)	
G1	1021	Copper Ore and Mining Dressing Facilities	
	1011	Iron Ores	
	1021	Copper Ores	
	1031	Lead and Zinc Ores	
G2	1041, 1044	Gold and Silver Ores	
	1061	Ferroalloy Ores, Except Vanadium	
	1081	Metal Mining Services	
	1094, 1099	Miscellaneous Metal Ores	
SEC	CTOR H: COAL M	INES AND COAL MINING-RELATED FACILITIES	
H1	1221-1241	Coal Mines and Coal Mining-Related Facilities	
	SECTO	R I: OIL AND GAS EXTRACTION	
	1311	Crude Petroleum and Natural Gas	
11	1321	Natural Gas Liquids	
	1381-1389	Oil and Gas Field Services	
	SECTOR J	: MINERAL MINING AND DRESSING	
11	1442	Construction Sand and Gravel	
J1	1446	Industrial Sand	
	1411	Dimension Stone	
J2	1422-1429	Crushed and Broken Stone, Including Rip Rap	
JZ	1481	Nonmetallic Minerals Services, Except Fuels	
	1499	Miscellaneous Nonmetallic Minerals, Except Fuels	
J3	1455, 1459	Clay, Ceramic, and Refractory Materials	
10	1474-1479	Chemical and Fertilizer Mineral Mining	
SECTOR K:	HAZARDOUS WA	ASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES	
K1	HZ	Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA	
SEC1	OR L: LANDFILLS,	, LAND APPLICATION SITES, AND OPEN DUMPS	
L1	LF	All Landfill, Land Application Sites and Open Dumps	
L2	LF	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60	
I	SECTOR	M: AUTOMOBILE SALVAGE YARDS	
M1	5015	Automobile Salvage Yards	

Table D-1. Sectors of Industrial Activity Covered by This Permit				
Subsector (May be subject to more than one)	SIC Code or Activity Code ¹	Activity Represented		
	SECTOR	N: SCRAP RECYCLING FACILITIES		
NI	5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling		
N2	5093	Source-separated Recycling Facility		
	SECTOR O: STI	EAM ELECTRIC GENERATING FACILITIES		
01	SE	Steam Electric Generating Facilities, including coal handling sites		
	SECTOR P: LANI	D TRANSPORTATION AND WAREHOUSING		
	4011, 4013	Railroad Transportation		
	4111-4173	Local and Highway Passenger Transportation		
P1	4212-4231	Motor Freight Transportation and Warehousing		
	4311	United States Postal Service		
	5171	Petroleum Bulk Stations and Terminals		
	SECTO	DR Q: WATER TRANSPORTATION		
Q1	4412-4499	Water Transportation Facilities		
S	ECTOR R: SHIP AN	ND BOAT BUILDING AND REPAIRING YARDS		
R1	3731, 3732	Ship and Boat Building or Repairing Yards		
	SECTOR S	: AIR TRANSPORTATION FACILITIES		
\$1	4512-4581	Air Transportation Facilities		
	SE	CTOR T: TREATMENT WORKS		
T1	TW	Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA		
	SECTOR U	I: FOOD AND KINDRED PRODUCTS		
U1	2041-2048	Grain Mill Products		
U2	2074-2079	Fats and Oils Products		
U3	2011-2015 2021-2026	Meat Products Dairy Products		
	ZUZ 1-ZUZU	Daily Floadcis		

	Table D-1. Secto	rs of Industrial Activity Covered by This Permit
Subsector (May be subject to more than one)	SIC Code or Activity Code ¹	Activity Represented
	2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties
	2051-2053	Bakery Products
	2061-2068	Sugar and Confectionery Products
	2082-2087	Beverages
	2091-2099	Miscellaneous Food Preparations and Kindred Products
	2111-2141	Tobacco Products
SECTOR V: TEXTILE		AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER IND LEATHER PRODUCTS
	2211-2299	Textile Mill Products
V1	2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials
ļ	3131-3199	Leather and Leather Products (note: see Sector Z1 for Leather Tanning and Finishing)
-	SECTO	OR W: FURNITURE AND FIXTURES
	2434	Wood Kitchen Cabinets
W1	2511-2599	Furniture and Fixtures
	SECTO	R X: PRINTING AND PUBLISHING
X1	2711-2796	Printing, Publishing, and Allied Industries
SECTOR Y: RUBBER,	MISCELLANEOUS	PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES
	3011	Tires and Inner Tubes
	3021	Rubber and Plastics Footwear
Y1	3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting
	3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
	3081-3089	Miscellaneous Plastics Products
	3931	Musical Instruments
	3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
Y2	3951-3955 (except 3952 – see Sector C)	Pens, Pencils, and Other Artists' Materials
	3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
+	3991-3999	Miscellaneous Manufacturing Industries

Table D-1. Sectors of Industrial Activity Covered by This Permit						
Subsector (May be subject to more than one)	SIC Code or Activity Code ¹	Activity Represented				
SECTOR Z: LEATHER TANNING AND FINISHING						
Z1	3111 Leather Tanning and Finishing					
	SECTO	R AA: FABRICATED METAL PRODUCTS				
AA1	3411-3499 (except 3479)	Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services				
	3911-3915	Jewelry, Silverware, and Plated Ware				
AA2	3479	Fabricated Metal Coating and Engraving				
SECTOR AB	: TRANSPORTATIO	N EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY				
	3511-3599 (except 3571- 3579)	Industrial and Commercial Machinery, Except Computer and Office Equipment (see Sector AC)				
AB1	3711-3799 (except 3731, 3732)	Transportation Equipment Except Ship and Boat Building and Repairing (see Sector R)				
SECTOR	AC: ELECTRONIC	, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS				
	3571-3579	Computer and Office Equipment				
AC1	3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches, and Clocks				
	3612-3699	Electronic and Electrical Equipment and Components, Except Computer Equipment				
	SECTO	OR AD: NON-CLASSIFIED FACILITIES				
AD1	Other stormwater discharges designated by the Director as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging stormwater associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.					

¹ A complete list of SIC Codes (and conversions from the newer North American Industry Classification System" (NAICS)) can be obtained from the Internet at www.census.gov/epcd/www/naics.html or in paper form from various locations in the document titled Handbook of Standard Industrial Classifications, Office of Management and Budget, 1987.

Appendix E - Procedures Relating to Endangered Species Protection

E.1 Assessing the Effects of Your Discharges and Discharge-Related Activities

In accordance with Part 1.1.4, you must follow the procedures in this appendix to determine which of the eligibility criteria (i.e., criterion A - E) you qualify under, if any, with respect to the protection of threatened or endangered species listed, and "critical habitat" designated, under the federal Endangered Species Act (ESA). If you do not meet one of these criteria, you are not eligible for coverage under this permit.

The procedures in this appendix will help you assess the potential effects of applicable stormwater discharges, discharge-related activities, and authorized non-stormwater discharges on federally listed threatened and endangered species and their designated critical habitat. In accordance with Part 6.2.6.1 of this permit, you must keep any documentation that supports your eligibility criteria determination, including the completed <u>Criterion Selection Worksheet</u> in Part E.4 of this appendix, with your Stormwater Pollution Prevention Plan (SWPPP).

You must complete your eligibility determination outlined in the Endangered Species Protection section of the Notice of Intent (NOI) in the NPDES eReporting Tool (NeT-MSGP) and provide all information as required on your NOI that supports the Part 1.1.4 eligibility criterion you qualify under. Note that if you have determined that you may be eligible under Criterion C3 or Criterion F, you must complete additional questions in the Endangered Species Protection section of the NOI in NeT-MSGP, unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you must submit a completed <u>Criterion C3 Eligibility Form</u> to EPA a minimum of 30 days prior to submitting your NOI for permit coverage.

While coordination between you and the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) (together, the "Services") is not necessarily required in all cases, EPA encourages you to coordinate with the Services, to document that coordination, and to do so early in the planning process prior to submitting your NOI.

When evaluating the potential effects of your activities, you must consider effects to listed species or critical habitats within the "action area" of your industrial activity, as identified by the USFWS IPaC and/or the NOAA Species Directory (see Part E.4 of this appendix). Action area is defined in Appendix A of the MSGP and below:

Action Area – all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. See 50 CFR 402. For the purposes of this permit and for application of Endangered Species Act requirements, the following areas are included in the definition of action area:

- The areas where stormwater discharges originate and flow from the industrial facility to the point of discharge into receiving waters. (Example: Where stormwater flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as listed amphibians) are found in the ditch, swale, or gully.)
- The areas where stormwater from industrial activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where stormwater from industrial activities discharges into a stream segment that is known to harbor listed aquatic species.)

- The areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls. (Example: Where a stormwater retention pond would be built.)
- The areas upstream and/or downstream from the stormwater discharge into a stream segment that may be affected by these discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

E.2 Eligibility Criterion

As required by Part 1.1.4, you must certify in your NOI that you meet one of the following criteria (A - E) to be eligible for coverage under the permit. Once you determine the applicable eligibility criterion, you must:

- Specify the basis for your selection of the applicable eligibility criterion, and if required, provide documentation that is the basis for your determination with the NOI form; and
- Provide documentation in your SWPPP that is sufficient to support your determination that you satisfy the requirements of the applicable criterion.

NOTE: You must use the information from the <u>USFWS IPac</u> and <u>NOAA Species Directory</u> (see Part E.4 of this appendix, Step 2 and 3) when determining the presence of ESA listed species and critical habitat. Attaching aerial image(s) of the site to this NOI is helpful to EPA, USFWS, and NMFS in confirming eligibility under this criterion. Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.

Criterion A. No ESA-listed species and/or critical habitat present in action area. No ESA-listed species and designated critical habitat(s) are likely to occur in your facility's "action area" as defined in Appendix A. You must provide a description below of the basis for selecting this criterion and provide documentation supporting your eligibility determination in your SWPPP.

Basis statement content: A basis statement supporting the selection of this criterion must identify the USFWS and NMFS information sources used. State resources are not acceptable. Attaching aerial image(s) of the site to this NOI is helpful to EPA, USFWS, and NMFS in confirming eligibility under this criterion. Note that NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.

Criterion B. Eligibility requirements met by another operator under the 2021 MSGP. Your industrial activity's discharges and discharge-related activities were 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 and you have confirmed that no additional ESA-listed species and designated critical habitat not considered in that certification may be present or located in the "action area" (e.g., due to a new species listing or critical habitat designation). To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other 2021 MSGP operator's certification. By certifying eligibility under this criterion, you must comply with any conditions upon which the other operator's certification was based. You must include in your NOI the NPDES ID assigned to the other 2021 MSGP operator's authorization under this permit. If your certification is based on another 2021 MSGP operator's certification under

criterion C, you must provide EPA with the relevant supporting information required (i.e., permit tracking number, industrial activity SWPPP, a description of the basis for the criterion selected) in your NOI form.

Basis statement content: A basis statement supporting the selection of this criterion must identify the eligibility criterion of the other MSGP NOI, the authorization date, and confirmation that the authorization is effective.

Criterion C1. Facility eligible for Criterion C in the 2015 MSGP with NO CHANGE to listed species, critical habitat, or action area. Your facility was eligible for Criterion C in the 2015 MSGP and there has been no change in your facility's action area and you have confirmed that there are no additional threatened or endangered species or designated critical habitat listed by USFWS and/or NMFS in your action area since your certification under Criterion C in the 2015 MSGP. You must provide a description of the basis of this criterion selected on your NOI form and provide documentation supporting your eligibility determination in your SWPPP.

Basis statement content: A basis statement supporting the selection of this criterion must provide the USFWS and/or NMFS resources consulted that helped you determine that there are no additional and/or critical habitat listed by under the jurisdiction of the Services in your action area.

Criterion C2. Facility eligible for Criterion C in the 2015 MSGP with CHANGES to listed species, critical habitat, or action area. Your facility was eligible for Criterion C in the 2015 MSGP, but there have been changes in your facility's action area, and/or additional threatened or endangered species and/or designated critical habitat have been listed by USFWS and/or NMFS in your action area since your certification under Criterion C under the 2015 MSGP. You must provide a description of the basis of this criterion selected on your NOI form and provide documentation supporting your eligibility determination in your SWPPP. You must submit your completed Criterion C2 Eligibility information at the same time that you submit your NOI, which will be held for 30 additional days prior to the standard 30-day review for all NOIs.

Basis statement content: A basis statement supporting the selection of this criterion must identify the following:

- 1. A description of the changes in the facility's action area (if applicable).
- 2. The USFWS and/or NMFS resources consulted that helped you determine that additional species and/or critical habitat have been listed/designated by either of the Services in your action area.
- 3. What ESA-listed species and/or designated critical habitat are located in your "action area".
- 4. Distance in miles between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, or state "on site" if the ESA-listed species and/or designated critical habitat is within the area to be disturbed).

A description of EPA approved measures you will implement or will
continue to implement to ensure no likely adverse effects on ESA-listed
species and/or critical habitat.

Criterion C3. ESA-listed species and/or designated critical habitat likely to occur, but discharges not likely to adversely affect them. ESA-listed threatened or endangered species or their designated critical habitat(s) under the jurisdiction of USFWS and/or NMFS are likely to occur in or near your facility's "action area," and you certify to EPA that your industrial activity's discharges and dischargerelated activities are not likely to adversely affect ESA-listed and/or critical habitat. To certify your eligibility under this criterion, you must complete the Criterion C3 Eligibility Form, which you must complete additional questions in the Endangered Species Protection section of the NOI in NeT-MSGP, unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you must submit to EPA at least 30 days prior to filing your NOI for permit coverage. After evaluation of your Criterion C3 Eligibility Form, EPA may require additional measures that you must implement to avoid or eliminate likely adverse effects on ESA-listed species and/or critical habitat from discharges and dischargerelated activities. You must submit your completed Criterion C3 Eligibility information at the same time that you submit your NOI, which will be held for 30 additional days prior to the standard 30-day review for all NOIs. You must also provide a description of the basis for the criterion you selected on your NOI form and provide documentation supporting your eligibility determination in your SWPPP.

Basis statement content: A basis statement supporting the selection of this criterion must identify the following:

- The USFWS and NMFS information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in the evaluation.
- 2. What ESA-listed species and/or designated critical habitat are located in your "action area".
- 3. Distance in miles between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, or state "on site" if the ESA-listed species and/or designated critical habitat is within the area to be disturbed).
- 4. A description of EPA approved measures you will implement to ensure no likely adverse effects on ESA-listed species and/or critical habitat.
- 5. A statement affirming that "I agree to implement any additional measures that were determined by EPA to be necessary to ensure that my discharges and/or discharge-related activities will not have likely adverse effects on listed species and critical habitat."
- 6. If the EPA Regional Office granted you a waiver from electronic reporting, date you sent completed Criterion C3 Eligibility form to EPA.

- Criterion D. ESA Section 7 consultation has successfully concluded. Consultation between a Federal Agency and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the Endangered Species Act has concluded. The consultation must have addressed the effects of the facility's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, indicate the result of the consultation:
 - i. 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 designated critical habitat; or
 - ii. Written 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 designated critical habitat.

You must verify that the consultation does not warrant reinitiation under 50 CFR §402.16. If reinitiation of consultation is required, in order to be eligible under this criterion you must ensure consultation is reinitiated and the result of the consultation must be consistent with Criterion D (i), or (ii) above.

If eligible under Criterion D, you must also provide supporting documentation for your determination in your NOI and SWPPP, including the Biological Opinion (or ECO tracking number) or concurrence letter. You must include copies of the correspondence between yourself and the USFWS and/or NMFS in your SWPPP and your NOI.

Basis statement content: A basis statement supporting the selection of this criterion should identify the federal action agency(ies) involved, the field office/regional office(s) providing that consultation, any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, ECO number), and the date the consultation was completed.

Criterion E. <u>Issuance of section 10 permit</u>. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the facility's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

Basis statement content: A basis statement supporting the selection of this criterion should identify whether USFWS or NMFS or both agencies provided a section 10 permit, the field office/regional office(s) providing permit(s), any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, ECO number), and the date the permit was granted.

E.3 Eligibility Compliance

You must comply with any measures that formed the basis of your eligibility determination in Part 1.1.4 for the duration of your coverage under the MSGP in order to maintain your eligibility for coverage under the permit. These measures become permit requirements per Part 2.3. Documentation of these measures must be kept as part of your SWPPP (see Part 6.2.6.1).

E.4 Criterion Selection Worksheet

Instructions:

You must follow the step-by-step instructions in this worksheet in order to determine your eligibility under the Part 1.1.4. Alternatively, if you prefer to use a Biological Evaluation (or its equivalent) in making a determination of your eligibility, you should ensure <u>all</u> of the information requested below for the criterion you are selecting is fully addressed in the document and provided. You must attach this completed document or Biological Evaluation (or equivalent) to your SWPPP to support your Part 1.1.4 eligibility determination.

You may need the following information in order to determine your eligibility:

- 1) Your facility's draft Stormwater Pollution Prevention Plan (SWPPP), including information on receiving waters.
- 2) Any additional site-specific information related to your facility's discharges and discharge-related activities, such as the geographic location.
- 3) The list(s) of threatened and endangered species and/or any designated critical habitat in your action area, as acquired from the Fish and Wildlife Service and/or the National Marine Fisheries Service. Directions on how to acquire species lists is described in a subsequent section below.

Note that much of the information needed to complete this worksheet is also needed in order to prepare your NOI for permit coverage and is information that is part of your SWPPP. You may copy and paste any information that is already required and completed in your SWPPP into this worksheet. (You may also decide to make minor changes or additions to your SWPPP while filling out the worksheet for clarification purposes or to address any concerns that are identified below.)

STEP 1: DETERMINE IF YOU MEET THE ELIGIBILITY REQUIREMENTS OF CRITERION B, D, or E.

- I. You should first determine whether you are eligible under criterion B (because another operator has accounted for your action area in their valid certification of eligibility under the 2021 MSGP), criterion D (because of a previously completed ESA section 7 consultation), or criterion E (because of a previously issued ESA section 10 permit).
- II. If you determine that your facility does not meet criterion B, D, or E (e.g., due to difference in action area described, lack of analysis of appropriate effects, new listings or designation of critical habitat), proceed to Step 2 below.

<u>Criterion B Eligibility Requirements</u>

If your industrial activities were already addressed in another operator's valid certification of eligibility under the current 2021 MSGP, you may be eligible for coverage under criterion B. In order to be eligible for coverage under criterion B, you must confirm that **all** three of the following are true:

You have confirmed that the other operator's certification of eligibility accounted for
your action area and that the eligibility determination was valid.

☐ There has been no lapse of NPDES permit coverage in the other operator's certification.

l	You will comply with all measures that formed the basis of the other operator's valid certification of eligibility. Provide the operator's NPDES permit number and list any measures that you must comply with in the box below (or enter "N/A" if none exist):

- If all three of the above are true, you may select criterion B on your NOI. You must include in your NOI the NPDES ID assigned to the other operator's authorization under this permit, and a description of the basis for the criterion selected on your NOI form, including the eligibility criterion selected in the other operator's NOI. You must include this completed Worksheet in your SWPPP.
- If any of the above are <u>not</u> true, you may <u>not</u> select criterion B and must proceed to <u>Step</u>

 2. For example, if there are any listed species in your action area that were not addressed in the other operator's certification, you are not eligible under criterion B.

<u>Criterion D Eligibility Requirements</u>

If consultation under section 7 of the ESA has concluded, you may be eligible for coverage under criterion D. In order to be eligible for coverage under criterion D, you must confirm that **all** two of the following are true:

- A consultation between a federal agency and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has 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 all ESA-listed threatened or endangered species and all designated critical habitat in your action area. The result of this consultation must be either:
 - i. A biological opinion currently in effect 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 listed species or result in the destruction or adverse modification of critical habitat. The biological opinion must have included the effects of your facility's discharges 1 and discharge-related activities on all the listed species and designated critical habitat in your action area. To be eligible under (i), any

¹ Effects of discharge includes, but is not limited to, the analysis of the hydrological, chemical, and biological effects of the discharge on listed species, their prey, and their habitat, as well as critical habitat, where designated. For example, the effects analysis would have evaluated whether the various pollutants in the discharge (e.g., TSS, metals) would adversely affect listed species through exposure to the pollutants, or to their prey or habitat. Effects that look only at short-term effects unrelated to the stormwater discharge effects to listed species are not sufficient for these purposes.

- reasonable and prudent measures specified in the incidental take statement must be implemented;
- ii. 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 and/or designated critical habitat. The concurrence letter must-nave included the effects of your facility's discharges and discharge-related activities on all the ESA-listed species and/or designated critical habitat on your species list(s) acquired from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service as part of this worksheet.
- ☐ 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. Attach a copy of any reinitiation documentation from the Services or other consulting federal agency.
 - If both of the above are true, you may select criterion D on your NOI. You must also provide a description of the basis for the criterion selected on your NOI form and you must include this completed worksheet in your SWPPP. In both your SWPPP and NOI you must also provide the Biological Opinion (or ECO tracking number) or concurrence letter and any other documentation supporting your eligibility determination.
 - If any of the above are not true, you may not select criterion D and must proceed to Step 2. For example, if the biological opinion or written concurrence did not include the effects of the discharge or discharge-related activities as described above (e.g., the previous consultation covered some but not all of the species or critical habitat in your action area as shown on your species list), or if the consultation is no longer valid (e.g., due to new species listings), you are not eligible under criterion D.

Criterion E Eligibility Requirements

If your industrial activities are the subject of a permit under section 10 of the ESA, and this authorization addresses the effects of your facility's discharges and discharge-related activities on ESA-listed species and designated critical habitat in your action area, you may be eligible for coverage under criterion E. In order to be eligible or coverage under criterion E, you must confirm that the following is true:

- A permit has been issued under section 10 of the ESA. The permit authorization specifically addresses the effects of your facility's discharges and discharge-related activities (if applicable) on all federally-listed species and designated critical habitat in your action area.
 - **If the above is true, you may select criterion E on your NOI.** You must also provide a description of the basis for the criterion selected on your NOI form and must include this completed worksheet in your SWPPP. In both your SWPPP and your NOI you must provide a copy of the section 10 permit issued by the Services.
 - If the above is not true, you may not select criterion E and must proceed to Step 2. For example, if a permit has been issued under section 10 of the ESA, but the permit authorization did not address the effects of your facility's discharges and/or discharge-related activities on all federally-listed species and designated critical

habitat in your action area, you are not eligible under criterion E, but you should attach a copy of the permit to the SWPPP for reference.

E.5 STEP 2: DETERMINE THE EXTENT OF YOUR ACTION AREA

You must determine whether species listed as either threatened or endangered, or their critical habitat(s) are located in your facility's <u>action area</u> (i.e., all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action, including areas beyond the footprint of the facility that are likely to be affected by stormwater discharges, discharge-related activities, and authorized non-stormwater discharges). Consider the following in determining the action area for your facility:

- Discharges of pollutants into downstream areas can expand the action area well beyond
 the footprint of your facility and the discharge point(s). Take into account the controls you
 will be implementing to minimize pollutants and the receiving waterbody characteristics
 (e.g., perennial, intermittent, ephemeral) in determining the extent of physical, chemical,
 and/or biotic effects of the discharges. All receiving waterbodies that could receive
 pollutants from your facility must be included in your action area.
- Discharge-related activities must also be accounted for in determining your action area.
 Discharge-related activities are any activities that cause, contribute to, or result in stormwater and authorized non-stormwater point source discharges, and measures such as the siting, construction, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged. For example, any new or modified stormwater controls that will have noise or other similar effects, and any disturbances associated with construction of controls, are part of your action area.

If you have any questions about determining the extent of your action area, you may contact EPA or the Services for assistance.https://www.epa.gov/npdes/contact-us-stormwater#regional

You must include a **map and a written description of** the action area of your facility in <u>Attachment 1</u> of this appendix. You may choose to include the map that is generated from the FWS' on-line mapping tool IPaC (the *Information, Planning, and Consultation System*) located at http://ecos.fws.gov/ipac/ (see Step 3 for information about using this tool).

You must proceed to **Step 3** below.

E.6 STEP 3: DETERMINE IF LISTED THREATENED OR ENDANGERED SPECIES AND/OR CRITICAL HABITAT ARE PRESENT IN YOUR ACTION AREA.

You must determine whether species listed as either threatened or endangered under the Endangered Species Act, and/or their designated critical habitat(s) (as defined in Appendix A), are located in your facility's action area. ESA listed species and designated critical habitat are under the purview of the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS), and in many cases, you will need to acquire species and critical habitat lists from both Services.

 For NMFS species and critical habitat information, use the following webpages, which provide up-to-date information on listed species

(https://www.fisheries.noaa.gov/species-directory/threatened-endangered) and critical habitat https://www.fisheries.noaa.gov/national/endangered-species-conservation/critical-habitat. To determine the field office that corresponds to your facility, go to https://www.fisheries.noaa.gov/regions. Choose the Region where the project is based from the left-hand column and the office from the About Us on the right-hand column.

If the action area includes coastal waters or waters used by species that migrate between fresh and salt waters (e.g., salmon, sturgeon), you must obtain a species list from NMFS field office.

- For FWS species information, use the on-line mapping tool IPaC (the Information, Planning, and Consultation System) located at http://ecos.fws.gov/ipac/, and follow these steps:
 - Select Get Started.
 - Search or zoom to find your location: Use an address, city name or other location to find your facility then use the zoom in/out feature to see the entire extent of your action area on the screen..
 - o **Define you action area:** Use one of the mapping features (e.g., sketch, polygon or line drawing tool) to draw your entire action area.
 - For the aquatic portion of your action area, trace the waterbody(ies) with the tool to characterize your action area.
 - If your proposal will include any upland activities (i.e., discharge-related activities), or if there is some aspect of your discharge that would potentially result in effects to terrestrial species, include the corresponding upland areas within your action area.
 - When you are done, go to confirm and press Continue.
 - o Select Define Project to request an Official Species List
 - Complete the fields on the Official Species List Request page and include "(MSGP)" at the end of the project description.
 - For Classification, select "Water Quality Modification".
 - Select the appropriate requesting agency/organization type (for most operators, this should be "Other").
 - Submit the request to acquire an Official Species List, which should show both listed species as well as any designated critical habitat that are present in the action area in the previous step.
 - o Note: If a link to an Official Species List is not available on the page, follow the web link of the office(s) indicated, or contact the office directly by mail or phone if a web link is not shown.

The principle authority for critical habitat designations and associated requirements is found at 50 CFR Parts 17 and 226.

Attach a copy of the species and critical habitat list(s) from the Service(s) to <u>Attachment 2</u> of this appendix and use the list(s) to complete the rest of this worksheet. For FWS species, include the full printout from your IPaC query/Official Species List in Attachment 2. You can include the map from your IPaC query in Attachment 1. For NMFS species, include the full printout from the Species Directory with the correct Region selected.

If after following the steps you have determined that there are no listed species and/or designated critical habitat in your action area, you may be eligible for coverage under <u>criterion</u> A.

If you have determined that there are or may be listed species and/or designated critical habitat in your action area, you are not eligible under criterion A and must proceed to Step 4 below.

Criterion A Eligibility Requirements

In order to be eligible for coverage under criterion A, you must confirm that the following is true:

- ☐ I have confirmed there to be no ESA-listed species and no critical habitat in my action area.
 - NOI form. You must also provide a description of the basis for the criterion selected on your NOI form. You must include this completed worksheet in your SWPPP. Note: If your Official Species List from the USFWS indicated no species or critical habitat were present in your action area, include the full consultation tracking code at the top of your Official Species List in your NOI in the basis statement for Criterion A. If an Official Species List was not available on IPaC, list the contact date and name of the Service staff with whom you corresponded to verify no USFWS species or critical habitat were present in your action area.

Note: For existing dischargers that have previously obtained coverage under criterion A, you must verify whether ESA-protected species and/or critical habitat are expected to exist in your action area, as described above. Please note that if you now find that your action area overlaps with ESA-protected species or critical habitat, you must proceed to Step 4.

- If the above is <u>not</u> true, you <u>may not</u> select criterion A and must proceed to <u>Step 4</u> to determine if you can become eligible under criterion C.

STEP 4: DETERMINE IF YOUR INDUSTRIAL FACILITY'S DISCHARGES OR DISCHARGE-RELATED ACTIVITIES ARE LIKELY TO ADVERSELY AFFECT LISTED THREATENED OR ENDANGERED SPECIES OR DESIGNATED CRITICAL HABITAT AND ANY MEASURES THAT MUST BE IMPLEMENTED TO AVOID ADVERSE EFFECTS

If in Step 3 you determined that listed species and/or designated critical habitat could exist in your action area, you must next assess whether your discharges and discharge-related activities are likely to adversely affect ESA-listed threatened or endangered species or designated critical habitat, and whether any additional measures are necessary to ensure no likely adverse effects. In order to make a determination of your facility's likelihood of adverse effects, you must complete additional questions in the Endangered Species Protection section of the NOI in NeT-MSGP, unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you must complete the attached <u>Criterion C3 Eligibility Form</u> and must submit this form to EPA a minimum of 30 days prior to filing your NOI for permit coverage. After you submit your NOI containing Criterion C3 information or your <u>Criterion C3 Eligibility Form</u>, you may be contacted by EPA with additional measures that you must implement in order to ensure your eligibility under criterion C3.

Criterion C3 Eligibility Form

Instructions:

In order to be eligible for coverage under criterion C3, you must complete the Endangered Species Protection section of the Notice of Intent in the NPDES eReporting Tool (NeT-MSGP). Per Part 7.1, you must submit your NOI electronically via NeT-MSGP, unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you may use this paper Criterion C3 form. If using the paper form, you must complete the following form and you must submit it to EPA following the instructions in Section VII a minimum of 30 days prior to filing your NOI for permit coverage. After you submit your form, you may be contacted by EPA with additional measures (e.g., additional stormwater controls or modifications to your discharge- related activities) that you must implement in order to ensure your eligibility under criterion C3.

If after completing this worksheet you cannot make a determination that your discharges and discharge-related activities are not likely to adversely affect ESA listed threatened or endangered species or designated critical habitat, you must submit this completed worksheet to EPA, and you may not file your NOI for permit coverage until you receive a determination from EPA that your discharges and/or discharge-related activities are not likely to adversely affect ESA-protected species and critical habitat.

Note: Much of the information needed for this form can be obtained from your draft SWPPP which will be needed when you file your NOI.

SECTION I. OPERATOR, FACILITY, AND SITE LOCATION INFORMATION.

1)	<u>Op</u>	erator information
	a)	Operator Name:
	b)	Point of Contact
		First Name:Last Name:
		Phone Number:
		E-mail:
2)	Fac	cility Information
	a)	Facility Name:
	b)	Check which of the following applies:
Ian	n se	eeking coverage under the MSGP as a new discharger or as a new source
has or c	mc arec	eeking coverage under the MSGP as an existing discharger and my facility odifications to its discharge characteristics (e.g., changes in discharge flow a drained, different pollutants) and/or discharge-related activities (e.g., vater controls)
Indi	icat	te the number of years the facility has been in operation:years

	eeking coverage under the MSGP as an existing discharger and there a modifications to my facility.						
Indica	te the number	of year(s) the facility has been in operation:	year(s)				
	Provide your NPDES ID (i.e., permit tracking number) from your previous MSGP coverage:						
c)	Facility Addre	ess:					
	Address 1:						
	Address 2:						
	City:	State: Zip Code	::				
d)	Identify the pr	rimary industrial sector to be covered under the	2021 MSGP:				
	SIC Code	or Primary Activity Code					
	C						
۵۱		and Subsector	d under the 2021				
e)	Identify the se MSGP: Sector	and Subsector ectors of any co-located activities to be coveredSubsector Subsector	d under the 2021				
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e)	Identify the se MSGP: Sector Sector Sector Sector Sector Sector Sector Sector	Subsector Subsector Subsector Subsector Subsector Subsector Subsector Subsector					

3) Receiving Waters Information

List all the stormwater outfalls from your facility.				For each outfall, provide the following receiving water information:	
Discharge Point ID	Design Capacity (if known)	Latitude (decimal degrees)	Longitude (decimal degrees)	Name of the receiving water that receives stormwater from the discharge point and/or from the MS4 that the discharge point discharges to	Type of Waterbody (e.g., lake, pond, river/stream/creek, estuarine/marine water)

SECTION II. ACTION AREA

As required in <u>Step 2 of Section E.4 of Appendix E.</u> You must include a map and a written description of the action area of your facility in Attachment 1 of this appendix.

SECTION III. LISTED SPECIES AND CRITICAL HABITAT LIST

As required in Step 3 of Section E.4 of Appendix E., attach a copy of the species and critical habitat list(s) from the Service(s) to Attachment 2 of this appendix and use the list(s) to complete the rest of this worksheet. For FWS species, include the full printout from your IPaC query/Official Species List in Attachment 2. You can include the map from your IPaC query in Attachment 1.

Review your species list in Attachment 2, choose one

Note: For the purposes of this permit, "terrestrial species" would not include animal or plant species that 1) spends any portion of its life cycle in a waterbody or wetland, or 2) if an animal, depends on prey or habitat that occurs in a waterbody or wetland. For example, shorebirds, wading birds, amphibians, and certain reptiles would not be considered terrestrial species under this definition. Please also be aware that some terrestrial animals (e.g., certain insects, amphibians) may have an

corresponding instructions:	aquatic egg or larval/juvenile phase.	
☐ The species list includes only terrestrial species and/or aquatic or aquatic- dependent species or their critical harman skip to Section IV of this form. You are not required.	abitat are present in the action area.	
☐ The species list includes only aquatic and/or aquatic-ordesignated critical habitat. No terrestrial species or their ordera. You may skip to Section V of this form and are not remarks.	critical habitat are present in the action	
The species list includes both terrestrial and aquatic or their designated critical habitat. You must fill out both Sec	·	

SECTION IV. EVALUATION OF DISCHARGE-RELATED ACTIVITIES EFFECTS

Note: You are only required to fill out this section if your facility's action area contains terrestrial species and/or their designated critical habitat. If your action area only contains aquatic and/or aquatic-dependent species and/or their designated critical habitat, you can skip directly to Section V.

Most of the potential effects related to coverage under the MSGP are assumed to occur to aquatic and/or aquatic-dependent species. However, in some cases, potential effects to terrestrial species and/or their critical habitat should be considered as well from any discharge-related activities that occur during coverage under the MSGP. Examples of discharge-related activities that could have potential effects on listed terrestrial species or their critical habitat include the storage of materials and land disturbances associated with stormwater management-related activities (e.g., the installation or placement of stormwater control measures).

A. Select the applicable	statement(s) below	, and follow the co	orresponding instructions:

There are no discharge-related activities that are planned to occur during my coverage
under the 2021 MSGP. You can conclude that your discharge-related activities will have
no likely adverse effects, and:

- If there are any aquatic or aquatic-dependent species and/or their critical habitat in your action area, you must skip to <u>Section V</u>, Evaluation of Discharge Effects, below.
- If there are no aquatic or aquatic-dependent species, you may skip to Section VI and verify that your activities will have no likely adverse effects. You must submit this form to EPA as specified in Section VII of this form. You may select criterion C on your NOI form and may submit your NOI for permit coverage 30 days after you have submitted this Criterion C Eligibility Form. You must also provide a description of the basis for the criterion you selected on your NOI form, including the species and critical habitat list(s) in your action area, as well as any other documentation supporting your eligibility. You must also include this completed Criterion C Eligibility Form in your SWPPP.

· · ·	
discharge- related activities planned as part of the propodischarge- related activities in the following box and continue to (

- B. In order to ensure any discharge-related activities will have no likely adverse effects on ESAlisted threatened and endangered species and/or their designated critical habitat, you must certify that all the following are true:
 - ☐ Discharge-related activities will occur:
 - on previously cleared/developed areas of the site where maintenance and operation of the facility are currently occurring or where existing conditions of the area(s) in which the discharge-related activities will occur precludes its use by listed species (e.g., work on existing impervious surfaces, work occurring inside buildings, area is not used by species), and
 - if discharge-related activities will include the establishment of structures
 (including, but not limited to, infiltration ponds and other controls) or any related
 disturbances, these structures and/or disturbances will be sited in areas that will
 not result in isolation or degradation of nesting, breeding, or foraging habitat or
 other habitat functions for listed animal species (or their designated critical
 habitat), and will avoid the destruction of native vegetation (including listed plant
 species).
 - ☐ If vegetation removal (e.g., brush clearing) or other similar activities will occur, no terrestrial listed species that use these areas for habitat would be expected to be present during vegetation removal and these activities will not occur within critical habitat.

If all the above are true, you can conclude that your discharge-related activities will have no likely adverse effects, and:

- If there are any aquatic or aquatic-dependent species and/or critical habitat in your action area, you must skip to <u>Section V</u>, Evaluation of Discharge Effects, below.
- If there are no aquatic or aquatic-dependent species, you may skip to <u>Section VI</u> and verify that your activities will have no likely adverse effects. You must submit this form to EPA as specified in <u>Section VII</u> of this form. You may select criterion C on your NOI and may submit your NOI for permit coverage 30 days after you have submitted this completed form. You must also provide a description of the basis for the criterion you selected on your NOI form, <u>including the species and critical habitat list(s)</u>, and any other documentation supporting your eligibility. You must also include this completed *Criterion C Eligibility Form* in your SWPPP.
- **If any of the above are <u>not true</u>**, you cannot conclude that your discharge-related activities will have no likely adverse effects. You must complete the rest of this form (if applicable) and must submit the form to EPA for assistance in determining your eligibility for coverage.

SECTION V. EVALUATION OF DISCHARGE EFFECTS

Note: You are only required to fill out this section if your facility's action area includes aquatic and/or aquatic-dependent species and/or their critical habitat.

In this section, you will evaluate the likelihood of adverse effects from your facility's discharges. The scope of effects to consider will vary with each facility and species/critical habitat characteristics. The following are examples of discharge affects you should consider:

Hydrological Effects. Stormwater discharges may adversely affect receiving waters by
causing changes in water quality parameters such as turbidity, temperature, salinity, or pH.
Stormwater discharges may adversely affect the immediate vicinity of the discharge point
through streambank erosion and scour. These effects will vary with the amount of stormwater

discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.

• Toxicity of Pollutants. Pollutants in stormwater may have toxic effects on listed species and may adversely affect critical habitat. Exceedances of benchmarks, effluent limitation guidelines, or state or tribal water quality requirements may be indicative of potential adverse effects on listed species or critical habitat. However, some listed species may be adversely affected at pollutant concentrations below benchmarks, effluent limitation guidelines, and state or tribal water quality standards due to exposures to multiple stressors at the same time. In addition, stormwater pollutants identified in Part 6.2.3.2 of your SWPPP, but not monitored as benchmarks or effluent limitation guidelines, may also adversely affect listed species and critical habitat.

As these effects are difficult to analyze for listed species, their prey, habitat, and designated critical habitat, this form helps you to analyze your discharges to make a determination of whether your discharges will likely have adverse effects and whether there are any additional controls you can implement to ensure no likely adverse effects.

A. Evaluation of Pollutants and Controls to Avoid Adverse Effects. In this section, you must document <u>all</u> of your pollutant sources and pollutants expected to be discharged in stormwater (see Part 8). You must also document the controls you will implement to avoid adverse effects on listed aquatic and aquatic-dependent species and critical habitat. You must include specific details about the expected effectiveness of the controls in avoiding adverse effects to the listed aquatic-and aquatic-dependent species and critical habitat. Attach additional pages if needed.

additional pages it needed.											
Potential Pollutant Source	Potential Pollutants	Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species and Critical Habitat. Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photos of									
e.g., vehicle and equipment fueling	e.g., Oil & grease Diesel Gasoline TSS Antifreeze	 e.g., Fueling operators (including the transfer of fuel from tank trucks) will be conducted on an impervious or contained pad or under cover Drip pans will be used where leaks or spills of fuel can occur and where making and breaking hose connections Spill kit will be kept on-site in close proximity to potential spill areas Any spills will be cleaned-up immediately using dry clean-up methods Stormwater runoff will be diverted around fueling areas using diversion dikes and curbing 									

Potential Pollutant Source	Potential Pollutants	Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species and Critical Habitat.

Potential Pollutant Source	Potential Pollutants	Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species and Critical Habitat.							
Check if you are not able to make a preliminary determination that any of your pollutants will be controlled to a level necessary to avoid adverse effects on aquatic and/or aquatic-dependent listed species and their designated critical habitat. You must check in Section VI that you are unable to make a determination of no likely adverse effects and must complete the rest of the form. You must submit your completed form to EPA for assistance in determining your eligibility for coverage.									

В.	Ana	lysis of Effects Based on Past Monitoring Data. Select which of the following applies to your facility:
		I have no previous monitoring data for my facility because there are no applicable monitoring requirements for my facility's sector(s).
		I have no previous monitoring data for my facility because I am a new discharger or a new source, but I am subject to monitoring under the 2021 MSGP. You must provide information to support a conclusion that your facility's discharges are not expected to result in benchmark or numeric effluent limit exceedances that will adversely affect listed species or their critical habitat:
		My facility has not had any exceedances under the 2015 MSGP of any required benchmark(s) or numeric effluent limits. I comply with the applicable monitoring requirements and have not had any exceedances
		My facility has had exceedances of one or more benchmark(s) or numeric effluent limits under the 2015 MSGP, but I have addressed them during my coverage under the 2015 MSGP, or in my evaluation of controls to avoid adverse effects in (A) above. Describe all actions (including specific controls) that you will implement to ensure that the pollutants in your discharge(s) will not result in likely adverse effects from future exceedances.
		Check if your facility has had exceedances of one or more benchmarks or numeric effluent limits under the 2015 MSGP and you have not been able to address them to avoid adverse effects from future exceedances, or if you are a new discharger or a new source but you are not sure if you can avoid adverse effects from possible exceedances. You must check in Section VI that you are unable to make a determination of no likely adverse effects. You must submit your completed form to EPA for assistance in determining your eligibility for coverage. You may not file your NOI for permit coverage until you are able to make a determination that your discharges will avoid adverse effects on listed species and designated critical habitat.

SECTION VI VERIFICATION OF PRELIMINARY EFFECTS DETERMINATION

Based on Steps I – V of this form, you must verify your preliminary determination of effects or
listed species and designated critical habitat from your discharges and/or discharge-related
activities:

Following the applicable Steps in I – V above, I have provided information supporting a
preliminary determination that my discharges and/or discharge-related activities are not
likely to adversely affect listed species and designated critical habitats.

Following the applicable Steps in I – V above, I am <u>not</u> able to provide information
supporting a preliminary determination that my discharges and/or discharge-related
activities are not likely to adversely affect listed species and designated critical habitats

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 am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

First Name, Mid initial, Last Nar																					
Title	Ш																				
Signature:													_		Da	te:					
E-mail:																					

SECTION VII CRITERION C ELIGIBILITY FORM SUBMISSION INSTRUCTIONS

Only if the applicable EPA Regional Office has granted you a waiver from electronic reporting, you must submit this completed form to EPA at msgpesa@epa.gov, including any attachments and any additional information that demonstrates how you will avoid or eliminate adverse effects to listed threatened and endangered species or designated critical habitat (e.g., specific controls you will implement to avoid or eliminate adverse effects). msgpesa@epa.gov, including any attachments and any additional information that demonstrates how you will avoid or eliminate adverse effects). msgpesa@epa.gov, including any attachments and any additional information that demonstrates how you will avoid or eliminate adverse effects). Any missing or incomplete information may result in a delay of your coverage under the permit.">msgpesa@epa.gov, including any attachments and any additional information that demonstrates how you will avoid or eliminate adverse effects).

If you have made a preliminary determination that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat, this form must be submitted a minimum of 30 days prior to submitting your NOI for permit coverage under criterion C. Please note that during either the 30-day *Criterion C Eligibility Form* review period prior to your NOI submission, or within 30 days after your NOI submission and before you have been

authorized for permit coverage, EPA may advise you that additional information is needed, or that there are additional measures you must implement to avoid likely adverse effects.

If you are unable to make a preliminary determination that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat, this worksheet must be submitted to EPA, but you may not file your NOI for permit coverage until you have received a determination from EPA that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat.

Attachment 1

Include a **map and a written description** of the action area of your facility, as required in <u>Step 2 of Section E.4 of Appendix E</u>. You may choose to include the map that is generated from the FWS' on-line mapping tool IPaC (the *Information, Planning, and Consultation System*) located at http://ecos.fws.gov/ipac/.

The written description of your action area that accompanies your action area map must explain your rationale for the extent of the action area drawn on your map. For example, your action area written description may look something like this:

The action area for the (name of your facility)'s stormwater discharges extends downstream from the outfall(s) in (name of receiving waterbody) (# of meters/feet/kilometers/miles). The downstream limit of the action area reflects the approximate distance at which the discharge waters and any pollutants would be expected to cause potential adverse effects to listed species and/or critical habitat because (insert rationale). The action area does/does not extend to the (name of receiving waterbody)'s confluence with (name of confluence waterbody) because (insert rationale).

Note that your action area written description will be highly site-specific, depending on the expected effects of your facility's discharges and discharge-related activities, receiving waterbody characteristics, etc.

Attachment 2

List or attach the list(s) of species and critical habitat in your action area on this sheet, as required in Step 3 of Section E.4 of Appendix E. You must include a list for applicable listed NMFS and USFWS species and critical habitat. If there are listed species and/or critical habitat for only one Service, you must include a statement confirming there are no listed species and/or critical habitat for the other Service. For USFWS species, include the USFWS Official Species List full printout from your IPaC query (including the consultation code and event code at the top of the FWS printout). Note: If your Official Species List from the USFWS indicated no species or critical habitat were present in your action area, include the consultation code and event code that can be found at the top of your Official Species List in your NOI basis statement. If an Official Species List was not available on IPaC, list the contact date, the ecological services field office and the name of the Service staff with whom you corresponded to identify the existence of any USFWS species or critical habitat present in your action area.

NPDES FORM 6100-059



United States Environmental Protection Agency Washington, DC 20460 Endangered Species Protection - Criterion C3 Eligibility Form

OMB No. 2040-0300 Exp. Date: 3/31/2024

Instructions:

In order to be eligible for coverage under Criterion C3, you must complete the Endangered Species Protection section of the Notice of Intent in the NPDES eReporting Tool (NeT-MSGP). Per Part 7.1, you must submit your NOI electronically via NeT-MSGP, unless the EPA Regional Office grants you a waiver from electronic reporting, in which case you may use this paper Criterion C3 form. If using the paper form, you must complete the following form and you must submit it to EPA following the instructions in Section VII a minimum of 30 days prior to filing your NOI for permit coverage. After you submit your form, you may be contacted by EPA with additional measures (e.g., additional stormwater controls or modifications to your discharge- related activities) that you must implement in order to ensure your eligibility under Criterion C3.

If after completing this worksheet you cannot make a determination that your discharges and discharge-related activities are not likely to adversely affect ESA listed threatened or endangered species or designated critical habitat, you must submit this completed worksheet to EPA, and you may not file your NOI for permit coverage until you receive a determination from EPA that your discharges and/or discharge-related activities are not likely to adversely affect ESA-protected species and critical habitat.

Note: Much of the information needed for this form can be obtained from your draft SWPPP which will be needed when you file your NOI.

Section I. Operator, Fac	Section I. Operator, Facility, and Site Location Information							
1) Operator Information:								
a) Operator Name:								
b) Point of Contact								
Phone:	Ext							
E-mail:								
2) Facility Information								
a) Facility Name:								
 	verage under the MSGP as a new discharger or as a new source							
	rerage under the MSGP as an existing discharger and my facility has modifications to its discharge characteristics a discharge flow or area drained, different pollutants) and/or discharge-related activities (e.g., stormwater controls)							
Indicate the r	number of years the facility has been in operation: years							
Provide your!	NPDES ID (i.e., permit tracking number) from your previous MSGP coverage:							
Indicate the r	verage under the MSGP as an existing discharger and there are no modifications to my facility. number of years the facility has been in operation: years							
	NPDES ID (i.e., permit tracking number) from your previous MSGP coverage:							
c) Facility Address:								
Address 1 Street/ Location:								
Address 2:								
City:	State: ZIP Code:							
d) Identify the primary indu	ustrial sector to be covered under the 2021 MSGP:							
SIC Code	Primary Activity Code							
Sector								

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e) Ide	entify the sec	tors of any co-loca	ted activities to be cov	vered under the 2021 MSGP	•					
0,	,			1111						
	Sec	tor	and	Subsector	<u> </u>					
	Sec	tor	and	Subsector						
	Sec	tor	and	Subsector						
	Sec	tor	and	Subsector						
	Sec	tor	and	Subsector						
	Sector Subsector									
,.										
			exposed to stormwate		991					
g) Pro	vide a gener	al description of the	e industrial activities the	at are taking place at this f	acility:					
3) Red	ceiving Wate	rs Information		 _						
		List all the stormwo	ater outfalls from your f	acility	For each outfall, provide the followin	g receiving water information:				
	scharge Point ID	Design Capacity (if known)	Latitude (decimal degrees)	Longitude (decimal degrees)	Name of the receiving water that receives stormwater from the discharge point and/or from the MS4 that the discharge point discharges to	Type of Waterbody (e.g., lake, pond, river/stream/creek,				
	טוווו טו	(II KNOWII)	aecimai aegrees)	(decimal degrees)	that the discharge point discharges to	estuarine/marine water)				
			°N	~W						
			°N	°W						
			N	°W						
			°N	°W						
Secti	ion II. Actio	n Area								
As rec		2 of Section E.4 of	Appendix E, you must	include a map and a writte	en description of the action area of your	facility in Attachment 1 of this				
Secti	on III. Listec	Species and Cr	itical Habitat							
critico list(s) t from y	As required in Step 3 of Section E.4 of Appendix E, attach a copy of the species and critical habital list(s) from the Service(s) to Attachment 2 of this appendix and use the from your IPaC query/Official Species List in Attachment 2. You can include the map from your IPaC query in Attachment 1. Note: For the purposes of this permit, "terrestrial species" would not include animal or plant species that 1) spends any portion of its life cycle in a waterbody or wetland, or 2) if an animal, depends on prey or habitat that occurs in a waterbody or wetland. For example, shorebirds, wading birds, amphibians, and certain reptiles would not be considered terrestrial species under this definition. Please also be aware that some terrestrial animals (e.g., certain insects, amphibians) may have an aquatic egg or larval/juvenile phase.									
Revie	w your speci	es list in Attachmer	nt 2, choose one of the	following three statements	, and follow the corresponding instruction	ns:				
					abitat. No aquatic or aquatic- depender of required to fill out Section V.	nt species or their critical habitat				
	The species	list includes only ac	quatic and/or aquatic-	-dependent species and/o	r their designated critical habitat. No terr d are not required to fill out Section IV.	estrial species or their critical				
		list includes both te			ies and/or their designated critical habit	at. You must fill out both Sections				

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Section IV. Evaluation of Discharge-Related Activities Effects

Note: You are only required to fill out this section if your facility's action area contains terrestrial species and/or their designated critical habitat. If your action area only contains aquatic and/or aquatic-dependent species and/or their designated critical habitat, you can skip directly to Section V.

Most of the potential effects related to coverage under the MSGP are assumed to occur to aquatic and/or aquatic-dependent species. However, in some cases, potential effects to terrestrial species and/or their critical habitat should be considered as well from any discharge-related activities that occur during coverage under the MSGP. Examples of discharge-related activities that could have potential effects on listed terrestrial species or their critical habitat include the storage of materials and land disturbances associated with stormwater management-related activities (e.g., the installation or placement of stormwater control measures).

A. Select the applicable statement(s) below and follow the corresponding instructions:

There are no discharge-related activities that are planned to occur during my coverage under the 2021 MSGP. You can conclude that your discharge-related activities will have no likely adverse effects, and:

- If there are any aquatic or aquatic-dependent species and/or their critical habitat in your action area, you must skip to Section V, Evaluation of Discharge Effects, below.
- If there are no aquatic or aquatic-dependent species, you may skip to <u>Section VI</u> and verify that your activities will have no likely adverse effects. You must submit this form to EPA as specified in <u>Section VII</u> of this form. You may select criterion C on your NOI form and may submit your NOI for permit coverage 30 days after you have submitted this Criterion C Eligibility Form. You must also provide a description of the basis for the criterion you selected on your NOI form, <u>including the species and critical habitat list(s) in your action area</u>, as well as any other documentation supporting your eligibility. You must also include this completed Criterion C Eligibility Form in your SWPPP.
- There are discharge-related activities planned as part of the proposal. Describe your discharge- related activities in the following box and continue to (b) below.

B. In order to ensure any discharge-related activities will have no likely adverse effects on ESA- listed threatened and endangered species and/or their designated critical habitat, you must certify that all the following are true:

☐ Discharge-related activities will occur:

- on previously cleared/developed areas of the site where maintenance and operation of the facility are currently occurring or where existing conditions of the area(s) in which the discharge-related activities will occur precludes its use by listed species (e.g., work on existing impervious surfaces, work occurring inside buildings, area is not used by species), and
- if discharge-related activities will include the establishment of structures (including, but not limited to, infiltration ponds and other controls) or any related disturbances, these structures and/or disturbances will be sited in areas that will not result in isolation or degradation of nesting, breeding, or foraging habitat or other habitat functions for listed animal species (or their designated critical habitat), and will avoid the destruction of native vegetation (including listed plant species).
- If vegetation removal (e.g., brush clearing) or other similar activities will occur, no terrestrial listed species that use these areas for habitat would be expected to be present during vegetation removal and these activities will not occur within critical habitat.

If all the above are true, you can conclude that your discharge-related activities will have no likely adverse effects, and:

- If there are any aquatic or aquatic-dependent species and/or critical habitat in your action area, you must skip to <u>Section V</u>, Evaluation of Discharge Effects, below.
- If there are no aquatic or aquatic-dependent species, you may skip to Section VI and verify that your activities will have no likely adverse effects. You must submit this form to EPA as specified in Section VII of this form. You may select criterion C on your NOI and may submit your NOI for permit coverage 30 days after you have submitted this completed form. You must also provide a description of the basis for the criterion you selected on your NOI form, including the species and critical habitat list(s), and any other documentation supporting your eligibility. You must also include this completed Criterion C Eligibility Form in your SWPPP.
- If any of the above are <u>not</u> true, you cannot conclude that your discharge-related activities will have no likely adverse effects. You must complete the rest of this form (if applicable) and must submit the form to EPA for assistance in determining your eligibility for coverage.

Section V. Evaluation of Discharge Effects

Note: You are only required to fill out this section if your facility's action area includes aquatic and/or aquatic-dependent species and/or their critical habitat.

In this section, you will evaluate the likelihood of adverse effects from your facility's discharges. The scope of effects to consider will vary with each facility and species/critical habitat characteristics. The following are examples of discharge affects you should consider:

• Hydrological Effects. Stormwater discharges may adversely affect receiving waters by causing changes in water quality parameters such as turbidity, temperature, salinity, or pH. Stormwater discharges may adversely affect the immediate vicinity of the discharge point through streambank erosion and scour. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.

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 Toxicity of Pollutants. Pollutants in stormwater may have toxic effects on listed species and may adversely affect critical habitat. Exceedances of benchmarks, effluent limitation guidelines, or state or tribal water quality requirements may be indicative of potential adverse effects on listed species or critical habitat. However, some listed species may be adversely affected at pollutant concentrations below benchmarks, effluent limitation guidelines, and state or tribal water quality standards due to exposures to multiple stressors at the same time. In addition, stormwater pollutants identified in Part 6.2.3.2 of your SWPPP, but not monitored as benchmarks or effluent limitation guidelines, may also adversely affect listed species and critical habitat.

As these effects are difficult to analyze for listed species, their prey, habitat, and designated critical habitat, this form helps you to analyze your discharges to make a determination of whether your discharges will likely have adverse effects and whether there are any additional controls you can implement to ensure no likely adverse effects.

A. Evaluation of Pollutants and Controls to Avoid Adverse Effects. In this section, you must document <u>all</u> of your pollutant sources and pollutants expected to be discharged in stormwater (see Part 8). You must also document the controls you will implement to avoid adverse effects on listed aquatic and aquatic-dependent species and critical habitat. You must include specific details about the expected effectiveness of the controls in avoiding adverse effects to the listed aquatic-and aquatic-dependent species and critical habitat. Attach additional pages if needed.

Potential Pollutant Source	Potential Pollutants	Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species and Critical Habitat. Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photos of your controls to this form
e.g., vehicle and equipment fueling	e.g., Oil & grease Gasoline TSS Antifreeze	e.g., Fueling operators (including the transfer of fuel from tank trucks) will be conducted on an impervious or contained pad or under cover Drip pans will be used where leaks or spills of fuel can occur and where making and breaking hose connections Spill kit will be kept on-site in close proximity to potential spill areas Any spills will be cleaned-up immediately using dry clean-up methods Stormwater runoff will be diverted around fueling areas using diversion dikes and curbing

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Potential Pollutant Source	Potential Pollutants	Controls to Avoid Adverse Effects on Listed Aquatic and Aquatic-Dependent Species and Critical Habitat.
on aquatic and/or aquatic-dependent listed sp	v determination that any of your pollutants will be a vecies and their designated critical habitat. You mu nust complete the rest of the form. You must submi	controlled to a level necessary to avoid adverse effects ust check in <u>Section VI</u> that you are unable to make a t your completed form to EPA for assistance in

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B. Analysis of Effects Based on Past Monitoring Data. Select which of the following applies to your facility:		
	I have no previous monitoring data for my facility because there are no applicable monitoring requirements for my facility's sector(s).	
	I have no previous monitoring data for my facility because I am a new discharger or a new source, but I am subject to monitoring under the 2021 MSGP. You must provide information to support a conclusion that your facility's discharges are not expected to result in benchmark or numeric effluent limit exceedances that will adversely affect listed species or their critical habitat:	
	My facility has not had any exceedances under the 2015 MSGP of any required benchmark(s) or numeric effluent limits. I comply with the applicable monitoring requirements and have not had any exceedances	
	My facility has had exceedances of one or more benchmark(s) or numeric effluent limits under the 2015 MSGP, but I have addressed them during my coverage under the 2015 MSGP, or in my evaluation of controls to avoid adverse effects in (A) above. Describe all actions (including specific controls) that you will implement to ensure that the pollutants in your discharge(s) will not result in likely adverse effects from future exceedances.	
	Check if your facility has had exceedances of one or more benchmarks or numeric effluent limits under the 2015 MSGP and you have not been able to address them to avoid adverse effects from future exceedances, or if you are a new discharger or a new source but you are not sure if you can avoid adverse effects from possible exceedances. You must check in Section VI that you are unable to make a determination of no likely adverse effects. You must submit your completed form to EPA for assistance in determining your eligibility for coverage. You may not file your NOI for permit coverage until you are able to make a determination that your discharges will avoid adverse effects on listed species and designated critical habitat.	
Sect	tion VI. Verification of Preliminary Effects Determination	
	d on Steps I – V of this form, you must verify your preliminary determination of effects on listed species and designated critical habitat from your narges and/or discharge-related activities:	
	Following the applicable Steps in I – V above, I have provided information supporting a preliminary determination that my discharges and/or discharge-related activities are not likely to adversely affect listed species and designated critical habitats.	
	Following the applicable Steps in I – V above, I am not able to provide information supporting a preliminary determination that my discharges and/or discharge-related activities are not likely to adversely affect listed species and designated critical habitats.	
I cert desig mand true,	ertification Information tify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system gned to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who age the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, accurate, and complete. aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	
La	Middle, Ist Name	
c:	Title	
Sig	gnature: Date: Date: Date: Date:	
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Section VII. Criterion C Eligibility Form Submission Instructions

Only if the applicable EPA Regional Office has granted you a waiver from electronic reporting, you must submit this completed form to EPA at msapesa@epa.govm, including any attachments and any additional information that demonstrates how you will avoid or eliminate adverse effects to listed threatened and endangered species or designated critical habitat (e.g., specific controls you will implement to avoid or eliminate adverse effects). msapesa@epa.govm, including any attachments and any additional information that demonstrates how you will implement to avoid or eliminate adverse effects). msapesa@epa.govm, including any attachments and any additional information that demonstrates how you will implement to avoid or eliminate adverse effects). msapesa@epa.govm, including any attachments and any additional information that demonstrates how you will implement to avoid or eliminate adverse effects). msapesa.gove.

If you have made a preliminary determination that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat, this form must be submitted a minimum of 30 days prior to submitting your NOI for permit coverage under criterion C. Please note that during either the 30-day Criterion C Eligibility Form review period prior to your NOI submission, or within 30 days after your NOI submission and before you have been authorized for permit coverage, EPA may advise you that additional information is needed, or that there are additional measures you must implement to avoid likely adverse effects.

If you are unable to make a preliminary determination that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat, this worksheet must be submitted to EPA, but you may not file your NOI for permit coverage until you have received a determination from EPA that your discharges and/or discharge-related activities are not likely to adversely affect listed species and critical habitat.

Attachment 1

Include a **map and a written description** of the action area of your facility, as required in Step 2 of Section E.4 of Appendix E. You may choose to include the map that is generated from the FWS' on-line mapping tool IPaC (the Information, Planning, and Consultation System) located at http://ecos.fws.gov/ipac/.

The written description of your action area that accompanies your action area map must explain your rationale for the extent of the action area drawn on your map. For example, your action area written description may look something like this:

The action area for the (name of your facility)'s stormwater discharges extends downstream from the outfall(s) in (name of receiving waterbody) (# of meters/feet/kilometers/miles). The downstream limit of the action area reflects the approximate distance at which the discharge waters and any pollutants would be expected to cause potential adverse effects to listed species and/or critical habitat because (insert rationale). The action area does/does not extend to the (name of receiving waterbody)'s confluence with (name of confluence waterbody) because (insert rationale).

Note that your action area written description will be highly site-specific, depending on the expected effects of your facility's discharges and discharge-related activities, receiving waterbody characteristics, etc.

Attachment 2

List or attach the list(s) of species and critical habitat in your action area on this sheet, as required in Step 3 of Section E.4 of Appendix E. You must include a list for applicable listed NMFS and USFWS species and critical habitat. If there are listed species and/or critical habitat for only one Service, you must include a statement confirming there are no listed species and/or critical habitat for the other Service. For USFWS species, include the USFWS Official Species List full printout from your IPaC query (including the consultation code and event code at the top of the FWS printout). Note: If your Official Species List from the USFWS indicated no species or critical habitat were present in your action area, include the consultation code and event code that can be found at the top of your Official Species List in your NOI basis statement. If an Official Species List was not available on IPaC, list the contact date, the ecological services field office and the name of the Service staff with whom you corresponded to identify the existence of any USFWS species or critical habitat present in your action area.

Paperwork Reduction Act Notice

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0300). Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to range from 2.5 to 3 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

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Appendix F - Procedures Relating to Historic Properties Preservation

F.1 **Background**

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of Federal "undertakings", such as the issuance of this permit, on historic properties that are either listed or eligible for listing on the National Register of Historic Places. To address any issues relating to historic properties in connection with the issuance of this permit, EPA has developed the screening process in this appendix that enables facility operators to appropriately consider the potential impacts, if any, from the installation of stormwater controls that involve subsurface disturbance, on historic properties and to determine whether actions can be taken, if applicable, to mitigate any such impacts. Although the coverage of individual industrial facilities under this permit does not constitute separate Federal undertakings, the screening process in this appendix provides an appropriate site-specific means

Before an operator is eligible for coverage under the 2020 MSGP (unless otherwise noted, all references to "eligible" or "eligibility" refer only to coverage under the 2020 MSGP), the operator must meet one of the certification criteria related to historic properties included in the permit. In the event an operator cannot meet any of the certification criteria included in the permit relating to historic properties, the operator must apply for an individual permit.

of addressing historic property issues in connection

with EPA's issuance of the permit.

You must meet one or more of the four criteria (A-D), which are also included in Part 1.1.5, to be eligible for coverage under this permit.

Key Terms

Historic Property – Prehistoric or historic districts, sites, buildings, structures, or objects that are included in or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and remains that are related to and located within such properties.

ACHP - Advisory Council on Historic **Preservation**; an independent Federal agency.

SHPO – The State Historic Preservation Officer for a particular state.

THPO or Authorized Tribal Representative - The Tribal Historic Preservation Officer for a particular Tribe, or if there is no THPO, the representative designated by such Tribe for NHPA purposes. Historic properties could have significance to more than one Indian tribe; therefore, all Indian tribes that attach reliaious and cultural significance to a historic property must be identified and included in the historic properties screening process.

Area of Potential Effects (APE) - The geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertakina.

Activities with No Potential to Have an Effect on Historic Properties

A determination that a Federal undertaking has no potential to have an effect on historic properties fulfills an agency's obligations under the NHPA. EPA has reason to believe that the vast majority of activities authorized under the MSGP have no potential to have effects on historic properties. The purpose of this permit is to control pollutants that may be transported in stormwater runoff from industrial facilities. EPA does not anticipate effects on historic properties from the pollutants in the stormwater and allowable non-stormwater discharges from these industrial facilities. Thus, to the extent EPA's issuance of this general permit authorizes discharges of such constituents, confined to existing stormwater channels or natural drainage areas; the permitting action does not have the potential to cause effects on historic properties.

In addition, the overwhelming majority of sources covered under this permit will be facilities that are seeking renewal of previous permit coverage. These existing dischargers should have already addressed NHPA issues in the 2015 MSGP as they were required to certify that they were either not affecting historic properties or they had obtained written agreement from the applicable State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO)

regarding methods of mitigating potential impacts. Both existing and new dischargers must follow the historic property screening procedures to determine their eligibility. Therefore, to the extent this permit authorizes renewal of prior coverage without relevant changes in operations, it has no potential to have an effect on historic properties.

Activities with Potential to Have an Effect on Historic Properties

EPA believes this permit may have some potential to have an effect on historic properties where permittees construct and/or install stormwater control measures that involve subsurface disturbance and impact less than one (1) acre of land to comply with this permit. (Ground disturbances of one (1) acre or more require coverage under a different permit, the Construction General Permit.) Where you have to disturb the land through the construction and/or installation of control measures, there is a possibility that artifacts, records, or remains associated with historic properties could be impacted. Therefore, if you are establishing new or altering existing control measures to manage your stormwater that will involve subsurface ground disturbance of less than one (1) acre, you will need to ensure (1) that historic properties will not be impacted by your activities or (2) that you have consulted with the appropriate SHPO, THPO, or other tribal representative regarding measures that would mitigate or prevent any adverse effects on historic properties.

Examples of Control Measures Which Involve Subsurface Disturbance

EPA reviewed typical control measures currently employed to determine which practices involve some level of earth disturbance. The types of control measures that are presumptively expected to cause subsurface ground disturbance include:

- Dikes
- Berms
- Catch Basins
- Ponds
- Ditches
- Trenches
- Culverts
- Land manipulation: contouring, sloping, and grading
- Channels
- Perimeter Drains
- Swales

EPA cautions dischargers that this list is non-inclusive. Other control measures that involve earth disturbing activities that are not on this list must also be examined for the potential to affect historic properties.

Historic Property Screening Process

You should follow the following screening process in order to certify your compliance with historic property eligibility requirements under this permit (see Part 1.1.5). The following four steps describe how applicants can meet the permit eligibility criteria for protection of historic properties under this permit:

Step One: Are you an existing facility that is resubmitting for certification under the 2021 MSGP?

If you are an existing facility you should have already addressed 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. As long as you are not constructing or installing any new stormwater control measures then you have met eligibility Criterion A of the MSGP. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If you are an <u>existing facility</u> and will construct or install stormwater control measures that will disturb less than one (1) acre, then you should proceed to Step Three. (Note: Stormwater discharges from your facility 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, are not covered under the 2021 MSGP 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.) Construction activities disturbing one (1) acre or more are not eligible for coverage under this permit and may seek separate coverage under the Construction General Permit (CGP).)

If you are a <u>new facility</u> then you should proceed to Step Two.

Step Two: Are you constructing or installing any stormwater control measures that require subsurface disturbance, and that disturbance will be less than one (1) acre? (Note: Stormwater discharges from your facility 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, are not covered under the 2021 MSGP 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.) Construction activities disturbing one (1) acre or more are not eligible for coverage under this permit and may seek separate coverage under the Construction General Permit (CGP)).

If, as part of your coverage under this permit, you are not building or installing control measures on your site that cause less than one (1) acre of subsurface disturbance, then your discharge-related activities do not have the potential to have an effect on historic properties. You have no further obligations relating to historic properties. You have met eligibility Criterion A of the MSGP. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If the answer to the Step Two question is yes, then you should proceed to Step Three.

Step Three: Have prior earth disturbances determined that historic properties do not exist, or have prior disturbances precluded the existence of historic properties?

If previous construction either revealed the absence of historic properties or prior disturbances preclude the existence of historic properties, then you have no further obligations relating to historic properties. You have met eligibility Criterion B of the MSGP. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may

review your NOI. The SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If the answer to the Step Three question is no, then you should proceed to Step Four.

Step Four: Contact the appropriate historic preservation authorities

Where you are building and/or installing control measures affecting less than one (1) acre of land to control stormwater or authorized non-stormwater discharges associated with this permit, and the answer to Step Three is no, then you should contact the relevant SHPO, THPO, or other tribal representative to determine the likelihood that artifacts, records, or remains are potentially present on your site. This may involve examining local records to determine if historic artifacts have been found in nearby areas, as well as limited surface and subsurface examination carried out by qualified professionals.

If through this process it is determined that such historic properties potentially exist and may be impacted by your construction or installation of control measures, you should contact the relevant SHPO, THPO, or tribal representative in writing and request to discuss mitigation or prevention of any adverse effects. The letter should describe your facility, the nature and location of subsurface disturbance activities that are contemplated, any known or suspected historic properties in the area, and any anticipated effects on such properties. The letter should state that if the SHPO, THPO, or tribal representative does not respond within 30 days of receiving your letter, you may submit your NOI without further consultation. EPA encourages applicants to contact the appropriate authorities as soon as possible in the event of a potential adverse effect to an historic property.

If the SHPO, THPO, or tribal representative sent you a response within 30 days of receiving your letter and you enter into, and comply with, a written agreement with the SHPO, THPO, or other tribal representative regarding how to address any adverse impacts on historic properties, you have met eligibility Criterion C. In this case, you should retain a copy of the written agreement consistent with Part 6.2.6.2 of the MSGP. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that EPA delay authorization based on concerns about potential adverse impacts to historic properties. However, EPA would generally accept any written agreement as fully addressing such concerns unless new information was brought to the Agency's attention that was not considered in your previous discussions with the SHPO, THPO or other tribal representative.

If you receive a response within 30 days after the SHPO, THPO, or tribal representative received your letter and you consult with the SHPO, THPO or tribal representative regarding adverse impacts to historic properties and measures to mitigate them but an agreement cannot be reached between you and the SHPO, THPO, or other tribal representative, you have still met the eligibility for Criterion C. In this case you should include in your SWPPP a brief description of potential effects to historic properties, the consultation process, any measures you will adopt to address the potential adverse impacts, and any significant remaining disagreements between you and the SHPO, THPO or other tribal representative. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that EPA delay authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If you have contacted the SHPO, THPO, or tribal representative in writing regarding your potential to have an effect on historic properties and the SHPO, THPO, or tribal representative did not respond within 30 days of receiving your letter, you have met eligibility Criterion D. You are advised to get a receipt from the post office or other carrier confirming the date on which your letter was received. In this case, you should submit a copy of your letter notifying the SHPO, THPO or tribal representative of potential impacts with your NOI. After you submit your NOI, there is a 30-day waiting period during which the SHPO, THPO, or other tribal representative may review your NOI. The SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

Addresses for State Historic Preservation Officers and Tribal Historic Preservation Officers may be found on the Advisory Council on Historic Preservation's website (https://ncshpo.org/directory/). In instances where a Tribal does not have a Tribal Historic Preservation Officer, you should contact the appropriate Tribal government office when responding to this permit eligibility condition.

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:

SHPO: https://www.nps.gov/subjects/nationalregister/state-historic-preservation-offices.htm

THPO: https://grantsdev.cr.nps.gov/THPO Review/index.cfm

Appendix G - Notice of Intent (NOI) Form

Part 7.2 requires you to use the NPDES eReporting Tool, or "NeT", to prepare and submit your Notice of Intent (NOI). However, if the applicable EPA Regional office grants you a waiver to use a paper NOI form, and you elect to use it, you must complete and submit the following form.

Submission of this NOI constitutes notice that the operator identified in Section C of this form requests authorization to discharge pursuant to the NPDES Multi-Sector General Permit (MSGP) permit number identified in Section B of this form. Submission of this NOI also constitutes notice that the operator identified in Section C of this form meets the eligibility conditions of Part 1.1 of the MSGP for the facility identified in Section D of this form. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form to complete your NOI.

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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

OMB No. 2040-0300 Exp. Date: 3/31/2024

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section C of this form requests authorization to discharge pursuant to the NPDES Stormwater Multi-Sector General Permit (MSGP) permit number identified in Section B of this form. Submission of this NOI also constitutes notice that the operator identified in Section C of this form meets the eligibility conditions of Part 1.1 of the MSGP for the facility identified in Section D of this form. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form to complete your NOI.

eligible for permit coverage. Refer to the instructions of the end of this form to complete your Not.				
A. Approval to Use Paper	A. Approval to Use Paper NOI Form			
1. Have you been granted a waiver from electronic reporting from the EPA Regional Office*? YES NO If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:				
9	Waiver granted: The owner/operator's 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.			
	wner/operator has issues regarding available computer access or computer capability			
Name of EPA staff person tha	granted the waiver:			
Date approval obtained:				
	tin approval from the applicable EPA Regional Office prior to using this paper NOI form. If you have not obtained a waiver, using the NPDES eReporting Tool (NeT) at http://water.epa.gov/polwaste/npdes/stormwater/Stormwater-eNOI-System-for-it.cfm			
B. Permit Information	NPDES ID (EPA Use Only):			
Master Permit Number:	(see Appendix C of the MSGP for the list of eligible master permit numbers)			
,	or a new source as defined in Appendix A? \square YES \square NO (If yes, skip to Part C of this form).			
4. Do you have a pending e	If yes, provide the NPDES ID if you had coverage under EPA's 2015 MSGP or the NPDES ID if you had coverage under an EPA individual permit: 4. Do you have a pending enforcement action related to industrial stormwater by EPA, a state, or a citizen (to include both notices of violation (NOVs) by EPA or a state and notices of intent to bring a citizen suit)? YES NO			
C. Facility Operator Information				
1. Operator Information:				
Operator Name:				
2. Mailing Address:				
Street:				
City:	State: ZIP Code: ZIP Code:			
County or Similar Governmen	County or Similar Government Subdivision:			
Phone:	Ext			
E-mail:				
2. Operator Point of Contact Information:				
First Name, Middle Initial, Last Name				
Title:				
3. NOI Preparer Information (Complete if NOI was prepared by someone other than the certifier):				
First Name, Middle Initial, Last Name				
Organization:				
Phone:	Ext			
E-mail:				

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D. Facility Information					
1. Facility Name:					
2. Facility Address:					
Street/Location:					
City:			State: ZIP Code:	:	
County or Similar Government Subdivision:					
3. Latitude/Longitude for the facility:					
Latitude:°N (decimal	degrees) Long	gitude:	° W (decimal degree	es)	
Latitude/Longitude Data Source:	laps	Other			
If you used a USGS topographic map, what was th	ne scale?				
Horizontal Reference Datum:	AD 27	☐ WG\$ 84			
4. Is your facility located on Indian Country lands? If yes, provide the name of the Indian tr		he area of Indian country (in	cluding name of Indian rese	rvation, if applicable):	
5. Are you requesting coverage under this NOI as	a "federal operator"	' as defined in Appendix A?	☐ YES ☐ NO		
6. What is the ownership type of the facility?	Federal Facility (U.S.Governme	•	cility	☐ County Government	
	☐ Corporation	☐ State Government	☐ Tribal Governmen	nt School District	
	☐ District ☐ Mixed Ownership (e.g., ☐ Municipal or Water Public/Private) ☐ District				
7. Estimated area of industrial activity at your facility exposed to stormwater:					
Check the type of ore you mine at your facility:	☐ Tungsten Ore☐ Iron Ore	□ Nickel Ore □ Platinum Ore	☐ Aluminum Ore ☐ Titanium Ore	☐ Mercury Ore ☐ Vanadium Ore	
☐ Molybdenum ☐ Uranium, Radium, and/or Vanadium Ore ☐ Ore not listed			_		

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•	nchmark monitoring o Note that if your facil	does not apply a	at a facility that is i ctive and unstaff	inactive and un	staffed, provided tha	t there are no indus	□ NO strial materials or activities sed to stormwater during
E. Discharge Information	on						
By indicating "Yes" belastormwater discharges list section 402(k) by disclosu permit, the Stormwater Postormwater and non-storm Federal Effluent Limitation Are you requesting posts.	ted in Part 1.2.2. Any of the to EPA, state, or loc oblution Prevention Planwater discharges list ion Guidelines ermit coverage for an	discharges not excal authorities af n (SWPPP), durin ed in Parts 1.2.1 y stormwater dis	xpressly authorize ter issuance of thi ag an inspection, and 1.2.2 will be a charges subject t	d in this permit of s permit via any etc. If any disch discharged, the o effluent limita	cannot become author or means, including the parges requiring NPDES	orized or shielded free Notice of Intent (N S permit coverage of Inder another NPDES	rom liability under CWA IOI) to be covered by the other than the authorized
40 CFR Part/Subpart		Eligible Disc		,,,,	Affected MSGP	New Source Date	te Check if Applicable
Part 411, Subpart C	Runoff from materi			acturing	Sector		
Part 418 Subpart A	facilities Runoff from phospl comes into contact products or waste	ct with any raw n	naterials, finished		E C	2/20/1974 4/8/1974	
Part 423	Coal pile runoff at		,	es	0	11/19/1982 10/8/1974 ¹	
Part 429, Subpart I	Discharges resulting logs at wet deck st		wn or intentional v	wetting of	Α	1/26/1981	
Part 436, Subpart B, C, or D	Mine dewatering c	lischarges at cru			J	N/A	
Part 443, Subpart A	Runoff from aspha				D	7/28/1975	
Part 445, Subparts A & B	Runoff from hazard	dous waste and i	non-hazardous w	aste landfills	K, L	2/2/2000	
Part 449 Runoff containing urea from airfield pa and new primary airports with 1,000 or aircraft departures					S	6/15/2012	
¹ NSPS promulgated in 19 sources that were New 5 3. Receiving Waters Info	Sources under the 197 rmation: (Attach a se	'4 regulations are	e subject to the 19 essary)	974 NSPS.	generated by Part 42:	3-applicable	
List all of the stormwater	For each outfall, pro	vide the followin					
discharge points from your facility. Each discharge point must be identified by a unique 3- digit ID (e.g., 001, 002). Also provide the latitude and longitude in degrees decimal for each discharge point.	Provide the name of the first water of the U.S. that receives stormwater directly from the discharge point and/or from the MS4 that the outfall discharges to:	If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:	If a TMDL has been completed for this receiving waterbody, providing the following information:	Is this receiving water saltwater or freshwater?	Is this receiving wat the state or tribal au antidegradation po Tier 2.5) water (wate exceeds levels nec propagation of fish, wildlife and recreat water) or as a Tier 3 (Outstanding Nation Water)?	othority under its licy as a Tier 2 (or er quality essary to support shellfish, and ion in and on the water	For freshwater discharges from operators in subsectors K1 and G2 only: is this receiving water still/standing (lentic) (e.g., lake or impoundment) or flowing (lotic) (e.g., river or stream)?
Discharge Point ID			TMDL ID: Pollutants for	☐ Freshwater	□ Tier 2/2.5		☐ Still/standing
Latitude			which there is a TMDL:	☐ Saltwater	☐ Tier 3 (Outstandi National Resou		☐ Flowing
Longitude							
Discharge Point ID			TMDL ID: Pollutants for	☐ Freshwater	☐ Tier 2/2.5		☐ Still/standing
Latitude			which there is a TMDL:	☐ Saltwater	Tier 3 (Outstandin National Resource	-	☐ Flowing
Longitude					National Resource	se waters)	
If substantially identical to	o other discharge poi	nt, list identical d					_
Discharge Point ID			TMDL ID: Pollutants for	☐ Freshwate	r Tier 2/2.5		☐ Still/standing
Latitude			which there is a TMDL:	☐ Saltwater	Tier 3 (Outstandin National Resource		☐ Flowing
Longitude						·	
If substantially identical to							
*Note: You are ineligible for antidegradation purposes			ger or new source	to waters desig	gnated as Tier 3 (Outst	anding National Re	esource Waters) for

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4. Provide the following Information about your discharge point latitude/longitude: Latitude/Longitude Data Source:					
If you used a USGS topographic map, what was the scale?					
Horizontal Reference Datum: 🔲 NAD 27 🔲 NAD 83 🔲 WGS 84					
5. Does your facility discharge into a Municipal Separate Storm Sewer System (MS4)? YES NO If yes, provide the name of the MS4operator: 6. If you are subject to benchmark monitoring requirements for a hardness-dependent metal, what is the hardness of your receiving water(s) (see Appendix J)?(mg/L)					
harge to a federal CERCLA site listed in Appendix P?	□NO				
vance of filing your NOI, and did the EPA Regional Office deterr	nine that you are eligible for permit				
in Appendix P, you are ineligible for coverage under this permit ines you are eligible coverage under this permit. In determining er you have included adequate controls and/or procedures to e LA Site such that it will cause or contribute to an exceedance of	your eligibility for coverage under nsure that your discharges will not				
the discharge of groundwater or spring water from your facility	? ☐ YES ☐ NO				
*If yes, below you are asked to provide information on flow and potential to encounter impacted ground or spring water such that there is a potential for contamination. If potential for contamination exists, you will be asked to provide test result data to EPA Region 6 and the NMED Surface Water Quality Bureau. If the test data exceed State Water Quality Standards, the ground or spring water cannot be discharged from the facility into surface waters under this permit. Discharge to surface waters must be conducted under a separate NPDES individual permit to ensure proper treatment and disposal. If disposal will be to the ground surface or in an unlined pond, you must submit a Notice of Intent to Discharge (NOI) to the NMED Ground Water Quality Bureau. For further assistance determining whether your facility may encounter impacted groundwater, the permittee may contact the NMED Ground Water Quality Bureau at (505) 827-2965.					
ndwater or spring water?					
8.b. Provide information on the potential to encounter impacted ground or spring water in the space provided below:					
8.c. Using the Mapper tool located at https://gis.web.env.nm.gov/oem/ for reference, check if the following groundwater pollutant sources are located nearby the anticipated source of groundwater or spring water such that there is potential for contamination:					
Constituents likely to be required for testing	Check if applicable				
BTEX (Benzene, Toluene, Ethylbenzene, and Xylene) plus additional parameters depending on site conditions.					
All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB)					
Within 0.5 mile of an open RCRA Corrective Action site (or an alternate list approved by the NMED SWQB)					
Within 0.5 mile of an open Abatement site All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB)					
Within 0.5 mile of an open Brownfield site All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB)					
Within 1.0 mile of a Superfund site with associated groundwater contamination All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB)					
EPA approved-sufficiently sensitive methods must be used – approved methods are listed in 40 C.F.R. 136.3.					
8.d. If any of the above are applicable, provide a summary of test data indicating the quality of the groundwater or spring water to be discharged:					
	the Storm Sewer System (MS4)? YES NO ments for a hardness-dependent metal, what is the hardness of tharge to a federal CERCLA site listed in Appendix P? YES vance of filing your NOI, and did the EPA Regional Office determines you are eligible coverage under this permit ines you are eligible coverage under this permit. In determining the you have included adequate controls and/or procedures to e LA Site such that it will cause or contribute to an exceedance of the discharge of groundwater or spring water from your facility flow and potential to encounter impacted ground or spring wa u will be asked to provide test result data to EPA Region 6 and the indureds, the ground or spring water cannot be discharged from under a separate NPDEs individual permit to ensure proper unust submit a Notice of Intent to Discharge (NOI) to the NMED y encounter impacted groundwater, the permittee may contain the permittee may contain the permittee of ground or spring water in the space provided below: Constituents likely to be required for testing BTEX (Benzene, Toluene, Ethylbenzene, and Xylene) plus additional parameters depending on site conditions. All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB) All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB) All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB) All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB) All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB) All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB) All parameters listed in 20.6.4.900 NMAC, hardness and pH (or an alternate list approved by the NMED SWQB)				

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F. Stormwater Pollution Prevention Plan (SWPPP) Information				
1. Has the SWPPP been prepared in advance of filing this NOI, as required?				
2. SWPPP Contact Information:				
irst Name, Middle Initial, Last Name:				
Professional Title:				
Phone:				
-mail:				
3. SWPPP Availability:				
Your current SWPPP or certain information from your SWPPP must be made available through one of the following two 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) (such information may be redacted), but you must clearly identify those portions of the SWPPP that are being withheld from public access.				
\square Option 1 : Maintain a current copy of your SWPPP on an Internet page (Universal Resource Locator or URL).				
Provide the web address URL:				
Option 2: Provide the following information from your SWPPP:				
A. Describe your onsite industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams), and potential spill and leak areas:				
B. List the pollutant(s) or pollutant constituent(s) associated with each industrial activity exposed to stormwater that could be discharged in stormwater				
and any authorized non-stormwater discharges listed in Part 1.2.2:				
C. Describe the control measures you will employ to comply with the non-numeric technology-based effluent limits required in Part 2.1.2 and Part 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):				
D. Dravida washadula for good havestooping and maintangens (see Dept / 0.5.1) and a sehadula for all inspections on given in Dept 2 (see Dept / 0.5.2).				
D. Provide a schedule for good housekeeping and maintenance (see Part 6.2.5.1) and a schedule for all inspections required in Part 3 (see Part 6.2.5.2):				
G. Endangered Species Protection				
Using the instructions in Appendix E of the MSGP and the Criterion Selection Worksheet in Appendix E, Part E.4, under which criterion listed below are you eligible for coverage under this permit?* You must consider Endangered Species Act listed (ESA-listed) threatened or endangered species and/or designated critical habitat(s) under the jurisdiction of both the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) and check only the 1 box that is the most conservative criterion that applies to your facility stormwater discharge.				
*Note: You must use the information from the <u>USFWS IPaC</u> and <u>NMFS Species Directory</u> (see MSGP Appendix E, Part E.4, Step 2 and 3) when determining the presence of ESA-listed species and critical habitat. Attaching aerial image(s) of the site to this NOI is helpful to EPA, USFWS, and NMFS in confirming eligibility under this criterion. Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.				
After you submit your NOI and before your NOI is authorized, EPA may notify you if any additional controls are necessary to ensure your discharges have no likely adverse effects on ESA-listed species and critical habitat.				

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A. No ESA-listed species and/or critical habitat present in action area. No ESA-listed species and designated critical habitat(s) are likely to occur in your facility's "action area" as defined in Appendix A. You must provide a description below of the basis for selecting this criterion and provide documentation supporting your eligibility determination in your SWPPP. [Basis statement content: A basis statement supporting the selection of this criterion should identify the USFWS and NMFS information sources used. State resources are not acceptable. Attaching aerial image(s) of the site to this NOI is helpful to EPA, USFWS, and NMFS in confirming eligibility under this criterion. Note that NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.]
B. Eligibility requirements met by another operator under the 2021 MSGP. Your industrial activity's discharges and discharge-related activities were 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 and you have confirmed that no additional ESA-listed species and designated critical habitat not considered in that certification may be present or located in the "action area" (e.g., due to a new species listing or critical habitat designation). To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other 2021 MSGP operator's certification. By certifying eligibility under this criterion, you must comply with any conditions upon which the other operator's certification was based. You must include in your NOI the NPDES ID assigned to the other 2021 MSGP operator's authorization under this permit. If your certification is based on another 2021 MSGP operator's certification under criterion C, you must provide EPA with the relevant supporting information required (i.e., permit tracking number, industrial activity SWPPP, a description of the basis for the criterion selected) in your NOI form. [Basis statement content: A basis statement supporting the selection of this criterion must identify the eligibility criterion of the other MSGP NOI, the authorization date, and confirmation that the authorization under this permit:
C(1). Facility eligible for Criterion C in the 2015 MSGP with NO CHANGE to listed species, critical habitat, or action area. Your facility was eligible for Criterion C in the 2015 MSGP and there has been no change in your facility's action area and you have confirmed that there are no additional threatened or endangered species or designated critical habitat under the jurisdiction of the USFWS and/or NMFS in your action area since your certification under Criterion C in the 2015 MSGP. You must provide a description of the basis of this criterion selected on your NOI form and provide documentation supporting your eligibility determination in your SWPPP. [Basis statement content: A basis statement supporting the selection of this criterion must provide the USFWS and/or NMFS resources consulted that helped you determine that there are no additional species and/or critical habitat under the jurisdiction of the Services in your action area.]
 C(2). Facility eligible for Criterion C in the 2015 MSGP with CHANGES to listed species, critical habitat, or action area. Your facility was eligible for Criterion C in the 2015 MSGP, but there have been changes in your facility's action area, and/or there are additional threatened or endangered species and/or designated critical habitat under the jurisdiction of the USFWS and/or NMFS in your action area since your certification under Criterion C under the 2015 MSGP. You must provide a description of the basis of this criterion selected on your NOI form and provide documentation supporting your eligibility determination in your SWPPP. [Basis statement content: A basis statement supporting the selection of this criterion must identify the following: 1. A description of the changes in the facility's action area (if applicable). 2. The USFWS and/or NMFS resources consulted that helped you determine that additional species and/or critical habitat have been listed/designated by either of the Services in your action area. 3. What ESA-listed species and/or designated critical habitat are located in your "action area". 4. Distance in miles between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, state "on site" if the ESA-listed species and/or designated critical habitat is within the area to be disturbed. 5. A description of EPA approved measures you will implement or will continue to implement to ensure no likely adverse effects on ESA-listed species and/or critical habitat.]
C(3). ESA-listed species and/or designated critical habitat likely to occur, but discharges not likely to adversely affect them. ESA-listed threatened or endangered species or their designated critical habitat(s) under the jurisdiction of USFWS and/or NMFS are likely to occur in or near your facility's "action area," and you certify to EPA that your industrial activity's discharges and discharge-related activities are not likely to adversely affect ESA-listed and/or critical habitat. To certify your eligibility under this criterion, you must complete the Criterion C Eligibility Form, which you must submit to EPA at least 30 days prior to filing your NOI for permit coverage. After evaluation of your Criterion C Eligibility Form, EPA may require additional measures that you must implement to avoid or eliminate likely adverse effects on ESA-listed species and/or critical habitat from discharges and discharge-related activities. You may submit your NOI for permit coverage 30 days after submitting to EPA your completed Criterion C Eligibility Form. You must also provide a description of the basis for the criterion you selected on your NOI form and provide documentation supporting your eligibility determination in your SWPPP. [Basis statement content: A basis statement supporting the selection of this criterion must identify the following: 1. The USFWS and NMFS information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in the evaluation. 2. What ESA-listed species and/or designated critical habitat are located in your "action area". 3. Distance in miles between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, state "on site" if the ESA-listed species and/or designated critical habitat is within the area to be disturbed). 4. A descript
D. ESA Section 7 consultation has successfully concluded. Consultation between a Federal Agency and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the Endangered Species Act has concluded. The consultation must have addressed the effects of the facility's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, indicate the result of the consultation: 1. 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 designated critical habitat; or

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2. Written 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 designated critical habitat. You must verify that the consultation does not warrant reinitiation under 50 CFR §402.16. If reinitiation of consultation is required, in order to be eligible under this criterion you must ensure consultation is reinitiated and the result of the consultation must be consistent with Criterion D (i), or (ii) above.				
If eligible under Criterion D, you must also provide supporting documentation for your determination in your NOI and SWPPP, including the Biological Opinion (or ECO tracking number) or concurrence letter. You must include copies of the correspondence between yourself and the USFWS and/or NMFS in your SWPPP and your NOI. [Basis statement content: A basis statement supporting the selection of this criterion should identify the federal action agency(ies) involved, the field office/regional office(s) providing that consultation, any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, ECO number), and the date the consultation was completed.]				
E. Issuance of section 10 permit. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the facility's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI. [Basis statement content: A basis statement supporting the selection of this criterion should identify whether USFWS or NMFS or both agencies provided a section 10 permit, the field office/regional office(s) providing permit(s), any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, ECO number), and the date the permit was granted.]				
H. Historic Preservation				
1. If your facility is not located on Indian country lands, is your facility located on a property of religious or cultural significance to an Indian tribe?				
□ yes □ no				
If yes, provide the name of the Indian tribe associated with the property:				
2. Using the instructions in Appendix F of the MSGP, under which historic properties preservation criterion listed in Part 1.1.4.6 are you eligible for coverage under this permit (only check 1 box)?				
□ A □ B □ C □ D				
I. 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 am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.				
First Name, Middle, Last Name:				
Title:				
Signature: Date:/ / / / / / / / / / / / / / / / / /				

NPDES Form 3510-6 Page G-8 of 11

Notice of Intent (NOI) for Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

This Form Replaces Form 3510-6 (06/15) Form Approved OMB No. 2040-0300

Who Must File an NOI Form

Under section 402(p) of the Clean Water Act (CWA) and regulations at 40 CFR Part 122, stormwater discharges associated with industrial activity are <u>prohibited</u> to waters of the United States unless authorized under a National Pollutant Discharge Elimination System (NPDES) permit. You can obtain coverage under the MSGP by submitting a completed Notice of Intent (NOI) if you are an operator of a facility:

- that is located in a jurisdiction where EPA is the permitting authority, listed in Appendix C of the MSGP,
- that discharges stormwater associated with industrial activities, identified in Appendix D of the MSGP,
- that meets the eligibility requirements in Part 1.1 of the permit,
- that has developed a stormwater pollution prevention plan (SWPPP) in accordance with Part 6 of the MSGP; and
- that installs and implements control measures in accordance with Part 2 and Part 8 to meet numeric and non-numeric effluent limits.

Completing the Form

Obtain and read a copy of the 2021 MSGP, viewable at http://water.epa.gov/polwaste/npdes/stormwater/EPA-Multi-Sector-General-Permit-MSGP.cfm. To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. Please submit original document with signature in ink - do not send a photocopied signature.

Section A. Approval to Use Paper NOI Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NOI form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

See <a href="http://water.epa.gov/polwaste/npdes/stormwater/Stormwater-Stormw

Section B. Permit Information

Provide the master permit number of the permit under which you are applying for coverage (see Appendix C of the general permit for the list of eligible master permit numbers).

You must indicate whether you are a new discharger or a new source (see Appendix A for the definitions). If you are not a new discharger or a new source, you must indicate whether stormwater discharges from your facility have been previously covered under another NPDES permit. If yes, you must provide the unique NPDES ID (i.e., permit tracking number) for the previous permit your facility was covered under.

You must also indicate whether you have a pending enforcement action by EPA, a state, or a citizen, related to industrial stormwater.

Section C. Facility Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the facility described in this NOI. An operator of a facility is the legal entity that controls the operation of the facility. Refer to Appendix A of the permit for the definition of "operator". Provide the operator's mailing address, phone number,

and e-mail. Correspondence for the NOI will be sent to this address. Also provide the name and title for the operator point of contact (note that the point of contact name may be the same as the operator name).

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the facility SWPPP contact or a consultant for the certifier's signature), include the full name, organization, phone number, and e-mail address of the NOI preparer.

Section D. Facility Information

Enter the official or legal name and complete address, including city, state, ZIP code, and county or similar government subdivision of the facility. If the facility lacks a street address, indicate the general location of the facility (e.g., Intersection of State Highways 61 and 34). Complete facility information must be provided for permit coverage to be granted.

Provide the latitude and longitude of your facility in decimal degrees format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (USGS) topographic or quadrangle maps. Refer to http://transition.fcc.gov/mb/audio/bickel/ DDDMMSS-decimal.html/ for assistance in providing the proper latitude/longitude format. For consistency, EPA reauests measurements be taken from the approximate center of the facility. Specify which method you used to determine latitude and longitude. If a USGS topographic map is used, specify the scale of the map used. Enter the horizontal reference datum for your latitude and longitude. The horizontal reference datum used on USGS topographic maps is shown on the bottom left corner of USGS topographic maps; it is also available for GPS receivers.

Indicate whether the facility is on Indian country lands, and if so, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable).

Indicate whether you are seeking coverage under this permit as a "federal operator" as defined in Appendix A. Also check the ownership type for the facility (e.g., Federal Facility, Privately Owned Facility, Municipality, County Government, Corporation, State Government, Tribal Government, School District, District, Mixed Ownership [e.g., public/private], Municipal or Water District).

Enter the estimated area of industrial activity at your facility exposed to stormwater to the nearest quarter acre.

Indicate whether, during coverage under this permit, there will be stormwater discharges from paved surfaces that will be sealed or resealed with coal-tar where industrial activities are located.

List the four-digit Standard Industrial Classification (SIC) code or two character activity code that best describes the primary industrial activities performed by your facility under which you are required to obtain permit coverage. Your primary industrial activity includes any activities performed on-site which are (1) identified by the facility's primary SIC code and included in the descriptions of 40 CFR 122.26(b)(14)(ii), (iii), (vi), or (viii); or (2) included in the narrative descriptions of 40 CFR 122.26(b)(14)(i), (iv), (v), (vii), or (ix). See Appendix D of the MSGP for a complete list of SIC codes and activities codes covered under the MSGP. Also provide the applicable sector and subsector associated with the SIC code or activity code for your primary industrial activities. For a complete list of sector and subsector codes, see Appendix D of the MSGP.

If your facility has co-located industrial activities that are not identified as your primary industrial activity, identify the sector, subsector, SIC, and

NPDES Form 3510-6 Page G-9 of 11

Notice of Intent (NOI) for Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

This Form Replaces Form 3510-6 (06/15) Form Approved OMB No. 2040-0300

For Sector A facilities (Timber Products), indicate whether you manufacture, use or store creosote or creosote treated wood in areas that are exposed to precipitation.

For Sector S facilities (Air Transportation), indicate whether you anticipate that the entire airport facility will use more than 100,000 gallons of pure glycol in glycol-based deicing fluids and/or 100 tons or more of urea on an average annual basis. If so, additional effluent limits and monitoring conditions apply to your discharge (see Part 8.S of the permit).

For Sector G facilities (Metal Mining), check the type of ore(s) mined at the facility.

Indicate whether your facility is currently inactive and unstaffed. Note that if your facility becomes inactive and unstaffed and/or industrial materials or activities become exposed to stormwater during the permit term, you must submit an NOI modification to reflect the change.

Section E. Discharge Information

You must confirm that you understand that the MSGP only authorizes the allowable stormwater discharges listed in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized under the MSGP are not covered by the MSGP or the permit shield provision of the CWA Section 402(k) and they cannot become authorized or shielded by disclosure to EPA, state, or local authorities via the NOI to be covered by the permit or by any other means (e.g., in the SWPPP or during an inspection). 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 either be eliminated or covered under another NPDES permit.

Depending on your industrial activities, your facility may be subject to federal effluent limitation guidelines which include additional effluent limits and monitoring requirements for your facility. Please review these requirements, described in Part 2.1.3 of the MSGP, and check any appropriate boxes on the NOI form.

You must identify all the discharge points from your facility that discharge stormwater. Each outfall must be assigned a unique 3-digit ID (e.g., 001, 002, 003). You must also provide the latitude and longitude for each discharge point from your facility. Indicate whether any discharge points are substantially identical to a discharge point already listed, and identify the discharge point it is identical to. For each unique discharge point you list, you must specify the name of the first water of the U.S. that receives stormwater directly from the discharge point and/or from the MS4 that the discharge point discharges to. You must specify whether any receiving waters that you discharge to are listed as "impaired" as defined in Appendix A, and the pollutants for which the water is impaired. You must also check identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to. For each unique discharge point you must indicate whether the receiving water is saltwater or freshwater, and indicate whether discharges from the facility will enter into a water of the U.S that is designated as a Tier 2, Tier 2.5, or Tier 3 water. A list of Tier 2, 2.5, and 3 waters is provided as Appendix L. If the answer is "yes", name all waters designated as Tier 2, Tier 2.5, or Tier 3 to which the facility will discharge. Note that you are ineligible for coverage if you are a new discharger or a new source to waters designated as Tier 3 (outstanding national resource waters) for antidegradation purposes under 40 CFR 131.13(a)(3).

If your facility is in subsector K1 or G2, you must also indicate, for each unique discharge point, if the receiving water is still/standing (lentic) (e.g., a lake or impoundment) or flowing (lotic) (e.g., a river or stream).

You must also provide information about the discharge point latitude/longitude, including data source, the scale (if applicable), and the horizontal reference datum. See the instructions in Section D for more information about determining the latitude and longitude.

Identify whether your facility discharges into a Municipal Separate Storm Sewer System (MS4). If yes, provide the name of the MS4 operator. If you are uncertain of the MS4 operator, contact your local government for that information.

If you are subject to any benchmark monitoring requirements for metals (see the requirements applicable to your Sector(s) in Part 8 of the permit), indicate the hardness for your receiving water(s). See Appendix J of the permit for information about determining waterbody hardness.

If you are subject to benchmark monitoring requirements for hardness-dependent metals you must also answer whether your facility discharges into any saltwater receiving waters.

If our facility is located in EPA Region 10, indicate whether your facility will discharge to a federal CERCLA site listed in Appendix P. Note that if your facility will discharge into a federal CERCLA site listed in Appendix P, you are not eligible for coverage under this permit unless you notify the EPA Regional Office in advance and the EPA Regional Office authorizes overage under this permit after you have included adequate controls and/or procedures designed to ensure that discharges will not lead to recontamination of aquatic media at the CERCLA site such that your discharge will cause or contribute to an exceedance of a water quality standard.

Operators in New Mexico, indicate whether you anticipate the discharge of groundwater or spring water from your facility. If yes, you must provide information on flow and potential to encounter impacted ground or spring water such that there is a potential for contamination. You must also use the mapper tool located https://ais.web.env.nm.gov/oem/ to determine if the groundwater sources listed are located near the anticipated source of groundwater or spring water such that there is potential for contamination. If potential for contamination exists, you must provide a summary of test data indicating the quality of the groundwater or spring water to be discharged.

Section F. Stormwater Pollution Prevention Plan (SWPPP) Information

All facilities eligible for coverage under this permit are required to prepare a SWPPP in advance of filing the NOI, in accordance with Part 6. Indicate whether the SWPPP has been prepared in advance of filing the NOI.

Indicate the contact information (name, phone, and e-mail) for the person who developed the SWPPP for this facility.

You identify how your SWPPP information will be made available, consistent with Part 5.4 and 7.3 of the permit. If you are making your SWPPP publicly available on a web site, check Option 1 and provide the appropriate Internet URL address. If you are not providing a URL, check Option 2 and provide the selected SWPPP information on this NOI form. You may copy and paste this information directly from your SWPPP.

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Notice of Intent (NOI) for Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

This Form Replaces Form 3510-6 (06/15) Form Approved OMB No. 2040-0300

Section G. Endangered Species Protection

Using the instructions in Appendix E, indicate the Part 1.1.4.5 criterion (i.e., A, B, C, D, or E) you are eligible under with regard to the protection of federally listed endangered and threatened species and designated critical habitat. A description of the basis for the criterion selected must also be provided.

If criterion B is selected, provide the NPDES ID (i.e., permit tracking number) for the other operator who has certified their eligibility under this permit. The NPDES ID was assigned when the operator received coverage under this permit.

If criterion C is selected, you must specify the federally-listed species or designated critical habitat that are located in the "action area" of the facility. You must also indicate under which scenario you determined you were eligible to submit your NOI under criterion C using Appendix E, and answer any corresponding questions.

If criterion D or E is selected, attach copies of any communications between you and the U.S. Fish and Wildlife Service and National Marine Fisheries Service to this NOI.

Section H. Historic Preservation

If the project is not located in Indian country lands, indicate whether the project is located on a property of religious or cultural significance to an Indian tribe, and if so, provide the name of the Indian tribe associated with the property. Use the instructions in Appendix F to complete the questions on the NOI form regarding historic preservation.

Section I. Certification

Certification statement and signature (see Section B.11 of Appendix B of the MSGP for more information). Enter certifier's printed name, title and email address. Sign and date the form. (CAUTION: An unsigned or undated NOI form will prevent the granting of permit coverage.) Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing.

An unsigned or undated NOI form will not be considered eligible for permit coverage.

Modifying Your NOI

If you have been granted a waiver from your Regional Office from electronic reporting, and if after submitting your NOI you need to correct or update any fields on this NOI form, you may do so by indicating changes on this same form.

Paperwork Reduction Act Notice

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0300). Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 4.1 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Submitting Your Form

If you have been granted a waiver from your Regional Office to submit a paper NOI form, you must send your NOI by mail to one of the following addresses:

For Regular U.S. Mail Delivery:

Stormwater Notice Processing Center Mail Code 4203M, ATTN: 2021 MSGP Reports U.S. EPA 1200 Pennsylvania Avenue, NW Washington, DC 20460

For Overnight/Express Mail Delivery:

Stormwater Notice Processing Center
William Jefferson Clinton East Building - Room 7420
ATTN: 2021 MSGP Reports
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically: http://water.epa.gov/polwaste/npdes/stormwater/Stormwater-eNOI-System-for-EPAs-MultiSector-General-Permit.cfm

NPDES Form 3510-6 Page G-11 of 11

Appendix H - Notice of Termination (NOT) Form

Part 7.2 requires you to use the NPDES eReporting Tool, or "NeT", to prepare and submit your No Exposure Certification (NEC) form. However, if you are given a waiver by the EPA Regional Office to use a paper NEC form, and you elect to use it, you must complete and submit the following form.

NPDES Form 3510-7 Page H-1 of 5

NPDES FORM 3510-7



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF TERMINATION (NOT) FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY UNDER THE NPDES MULTI-SECTOR GENERAL PERMIT

OMB No. 2040-0300 Exp. Date: 3/31/2024

Submission of this Notice of Termination constitutes notice that the operator identified in Section C of this form is no longer authorized to discharge pursuant to the NPDES Multi-Sector General Permit (MSGP) from the facility identified in Section D of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

Have you been granted	a waiver from electronic reporting from the EPA Regional Office*?	
If yes, check which wa	siver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:	
•	The owner/operator's 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.	
	The owner/operator has issues regarding available computer access or computer capability	
Name of EPA staff person	that granted the waiver:	
Date approval obtained:		
	d to obtain approval from the applicable Regional Office prior to using this paper NOT form. If you have not obtained a waiver, you ctronically using the NPDES eReporting Tool (NeT) at https://www.epa.gov/npdes/stormwater-discharges-industrial-activities	
1. NPDES ID:		
2. Reason for Termination ((check one only):	
A new owner or o	operator has taken over responsibility for the facility.	
	d operations at the facility, there are not or no longer will be discharges of stormwater associated with industrial activity from the nave already implemented necessary sediment and erosion controls as required by Part 2.1.2.5.	
You are a Sector G, H, or J facility and you have met the applicable termination requirements.		
You obtained co	verage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.	
1. Operator Name:		
2. Mailing Address:		
Street:		
City:		
3. Phone:		
4. E-mail:		
1. Facility Name:		
2, Facility Address:		
Street:		
City:	State: ZIP Code:	
County or Similar Government Subdivision:		

NPDES Form 3510-7 Page H-2 of 5

E. 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 am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.		
First Name, Middle, Last Name		
Title:		
Signature: Date:		
E-mail:		

NPDES Form 3510-7 Page H-3 of 5

Notice of Termination for Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

This Form Replaces Form 3510-7 (06/15) Form OMB No. 2040-0300

Who May File Notice of Termination (NOT) Form

Permittees currently covered by EPA's NPDES Stormwater Multi-Sector General Permit (MSGP or permit) must submit a Notice of Termination (NOT) within 30 days after one or more of the following conditions have been met:

- A new owner or operator has assumed responsibility for the facility;
- You have ceased operations at the facility and 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;
- You are a Sector G, H, or J facility and you have met the applicable termination requirements; or
- You obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

See the MSGP Part 1.4.2 for more information.

Completing the Form

To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. Please submit original document with signature in ink - do not send a photocopied signature.

Section A. Approval to Use Paper NOT Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NOT form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA Regional Office staff person who granted the waiver, approval provided. and the date that was See https://www.epa.gov/npdes/contact-us-stormwater for a list of EPA Regional Office contacts.

Section B. Permit Information

Enter the existing NPDES ID (i.e., NOI tracking number) assigned to your permit authorization.

Indicate your reason for submitting this NOT by checking the appropriate box. Check only one box (see MSGP Part 1.4.2 for more information).

Section C. Facility Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the facility described in this NOT. An operator of a facility is the legal entity that controls the operation of the facility. Refer to Appendix A of the permit for the definition of "operator". Provide the operator's mailing address, phone number, and e-mail.

Section D. Facility Information

Enter the official or legal name and complete street address, including city, state, ZIP code, and county or similar government subdivision of the facility. If the facility lacks a street address, indicate the general location of the facility (e.g., Intersection of State Highways 61 and 34). Complete facility information must be provided for termination of permit coverage to be valid.

Section E. Certification Information

All NOTs must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing.

Include the name, title, and e-mail address of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

Paperwork Reduction Act Notice

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0300). Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 0.5 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

NPDES Form 3510-7 Page H-4 of 5

Notice of Termination for Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

This Form Replaces Form 3510-7 (06/15) Form OMB No. 2040-0300

Submitting Your Form

If you have been granted a waiver from your Regional Office to submit a paper NOT form, you must send your NOT by mail to one of the following addresses:

For Regular U.S. Mail Delivery:

Stormwater Notice Processing Center Mail Code 4203M, ATTN: 2020 MSGP Reports U.S. EPA 1200 Pennsylvania Avenue, NW Washington, DC 20460

For Overnight/Express Mail Delivery:

Stormwater Notice Processing Center William Jefferson Clinton East Building - Room 7420 ATTN: 2020 MSGP Reports U.S. EPA

1201 Constitution Avenue, NW Washington, DC 20004

Visit this website for instructions on how to submit electronically: https://www.epa.gov/npdes/stormwater-discharges-industrial-activities

NPDES Form 3510-7 Page H-5 of 5

Appendix I - Annual Report Form

Part 7.2 requires you to use the NPDES eReporting Tool, or "NeT", to prepare and submit your Annual Report. However, if you are given a waiver by the EPA Regional Office to use a paper annual report form, and you elect to use it, you must complete and submit the following form.

NPDES Form 6100-28 Page I-1 of 5

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

OMB No. 2040-0300 Exp. Date: 3/31/2024

A. Approval to Use Paper Annual Report Form
1. Have you been granted a waiver from electronic reporting from the EPA Regional Office*?
If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:
Waiver granted: The owner/operator's 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.
☐ The owner/operator has issues regarding available computer access or computer capability
Name of EPA staff person that granted the waiver:
Date approval obtained: / / / / / / / / / / / / / / / / / / /
* Note: You are required to obtain approval from the applicable EPA Regional Office prior to using this paper annual report form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT) at https://www.epa.gov/npdes/stormwater-discharges-industrial-activities
B. Permit Information
1. NPDES ID:
C. Facility Information
1. Facility Name:
2. Facility Phone: Ext. Ext.
3. Facility Mailing Address:
Street:
City: State: ZIP Code: ZIP Code:
County or Similar Government Subdivision:
4. Point of Contact:
First Name, Middle Initial, Last Name
D. General Findings
1. 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.8.1 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.8.1 by meeting the numeric effluent limitation for ammonia do not need to include this statement.)

NPDES Form 6100-28 Page I-2 of 5

2. Provide a summary of your past year's quarterly visual assessment documentation, including dates (see Part 3.2.3 of the permit).
3. Provide a summary of your past year's corrective action and/or advanced implementation measures (AIM) documentation (See Part 5.1.3 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.
E. 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 am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
First Name, Middle, Last Name
Title:
Signature: Date: / /
E-mail:

NPDES Form 6100-28 Page I-3 of 5

Instructions for Completing EPA Form 6100-28 Annual Report for Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

This Form Replaces Form 6100-28 (06/15) OMB No. 2040-0300

Who Must File an Annual Report

Operators must submit an Annual Report to EPA electronically, per Part 7.4, by January 30th for each year of permit coverage containing information generated from the past calendar year.

Completing the Form

To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. Please submit original document with signature in ink - do not send a photocopied signature.

Section A. Approval to Use Paper Annual Report Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided. See https://www.epa.gov/npdes/contact-us-stormwater for a list of EPA Regional Office contacts.

Section B. Permit Information

Provide the NPDES ID (i.e., NOI tracking number) assigned to your facility.

Section C. Facility Information

Enter the official or legal name, phone number, and complete street address, including city, state, ZIP code, and county or similar government subdivision, for the facility that is covered by the NPDES ID identified in Section B. If the facility lacks a street address, indicate the general location of the facility (e.g., Intersection of State Highways 61 and 34). Also provide a point of contact name for the facility.

Section D. General Findings

To complete this section you must provide the following information in your annual report:

- A summary of your past year's routine facility inspection documentation, including inspection dates, required by Part 3.1.6 of the permit.
- 2. A summary of your past year's quarterly visual assessment documentation, including visual assessment dates, required by Part 3.2.3 of the permit.
- 3. Information copied or summarized from the corrective action and/or advanced implementation measures (AIM) documentation required per Part 5.1.3 (if applicable). If corrective action and/or advanced implementation measures are not yet completed at the time of submission of this Annual Report, you must describe the status of any outstanding corrective action(s)/advanced implementation measures. You must 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.

Section E. Certification Information

The Annual Report must be signed by a person described below, or by a duly authorized representative of that person.

For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing.

A person is a duly authorized representative only if:

- The authorization is made in writing by a person described above;
- 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and
- 3. The written authorization is submitted to the Director.

An unsigned or undated Annual Report form will be considered incomplete.

Paperwork Reduction Act Notice

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0300). Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 1 hour per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

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Instructions for Completing EPA Form 6100-28 Annual Report for Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

This Form Replaces Form 6100-28 (06/15) OMB No. 2040-0300

Submitting Your Form

If you have been granted a waiver from your Regional Office to submit a paper Annual Report form, you must send your Annual Report form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:

Washington, DC 20460

Stormwater Notice Processing Center Mail Code 4203M, ATTN: 2020 MSGP Reports U.S. EPA 1200 Pennsylvania Avenue, NW

For Overnight/Express Mail Delivery:

Stormwater Notice Processing Center William Jefferson Clinton East Building - Room 7420 ATTN: 2020 MSGP Reports U.S. EPA 1201 Constitution Avenue, NW Washington, DC 20004

Visit this website for instructions on how to submit electronically: https://www.epa.gov/npdes/stormwater-discharges-industrial-activities

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Appendix J - Calculating Hardness in Freshwater Receiving Waters for Hardness Dependent Metals

Overview

For any sectors required to conduct benchmark samples for a hardness-dependent metal, EPA includes 'hardness ranges' from which benchmark values are determined. To determine which hardness range to use, you must collect data on the hardness of your receiving water(s). Once the site-specific hardness data have been collected, the corresponding benchmark value for each metal is determined by comparing where the hardness data fall within hardness ranges, as shown in Table 1. You only need to determine hardness for your discharges into freshwater as the benchmark values for metals do not vary for discharges to saline waters.

Table 1. Hardness Ranges to Be Used to Determine Benchmark Values for Cadmium, Lead, Nickel, Silver, and Zinc.

All Haite (mag /I)	Benchmark Values (µg/L, total)				
All Units (mg/L)	Cadmium	Lead	Nickel	Silver	Zinc
0-24.99	0.49	14	145	0.37	37
25-49.99	0.73	24	203	0.80	52
50-74.99	1.2	45	314	1.9	80
75-99.99	1.7	69	418	3.3	107
100-124.99	2.1	95	518	5.0	132
125-149.99	2.6	123.	614	7.1	157
150-174.99	3.1	152	707	9.4	181
175-199.99	3.5	182	798	12	204
200-224.99	4.0	213	888	15	227
225-249.99	4.4	246	975	18	249
250+	4.7	262	1019	20	260

How to Determine Hardness for Hardness-Dependent Parameters in Freshwater.

You may select one of three methods to determine hardness, including: individual grab sampling, grab sampling by a group of operators which discharge to the same receiving water, or using third-party data. Regardless of the method used, you are responsible for documenting the procedures used for determining hardness values. The hardness value is required to be submitted to EPA with your Notice of Intent (NOI) so that your electronic Discharge Monitoring Report (DMR) which you will submit through Net-DMR will include the appropriate limits. You must retain all report and monitoring data in accordance with Part 7.8 of the permit. The three method options for determining hardness are detailed in the following sections.

i. Permittee Samples for Receiving Stream Hardness

This method involves collecting samples in the receiving water and submitting these to a laboratory for analysis. If you elect to sample your receiving water(s) and submit samples for analysis, hardness must be determined from the closest intermittent or perennial stream downstream of your point of discharge. The sample can be collected during either dry or wet

weather. Collection of the sample during wet weather is more representative of conditions during stormwater discharges; however, collection of in-stream samples during wet weather events may be impracticable or present safety issues.

Hardness must be sampled and analyzed using approved methods as described in 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

ii. Group Monitoring for Receiving Stream Hardness

You can be part of a group of permittees discharging to the same receiving waters and collect samples that are representative of the hardness values for all members of the group. In this scenario, hardness of the receiving water must be determined using 40 CFR Part 136 procedures and the results shared by group members. To use the same results, hardness measurements must be taken on a stream reach within a reasonable distance of the discharge points of each of the group members.

iii. Collection of Third-Party Hardness Data

You can submit receiving stream hardness data collected by a third party provided the results are collected consistent with the approved 40 CFR Part 136 methods. These data may come from a local water utility, previously conducted stream reports, TMDLs, peer reviewed literature, other government publications, or data previously collected by the permittee. Data should be less than 10 years old.

Water quality data for many of the nation's surface waters are available on-line or by contacting EPA or a state environmental agency. EPA's data system STORET, short for STOrage and RETrieval, is a repository for receiving water quality, biological, and physical data and is used by state environmental agencies, EPA and other federal agencies, universities, private citizens, and many others. Similarly, state environmental agencies and the U.S. Geological Service (USGS) also have water quality data available that, in some instances, can be accessed online. "Legacy STORET" codes for hardness include: 259 hardness, carbonate; 260 hardness, noncarbonated; and 261 calcium + magnesium, while more recent, "Modern STORET" data codes include: 00900 hardness, 00901 carbonate hardness, and 00902 noncarbonate hardness; or the discrete measurements of calcium (00915) and magnesium (00925) can be used to calculate hardness. Hardness data historically has been reported as "carbonate," "noncarbonate," or "Ca + Mg." If these are unavailable, then individual results for calcium (Ca) and magnesium (Mg) may be used to calculate hardness using the following equation:

$$mg/L CaCO_3 = 2.497 (Ca mg/L) + 4.118 (Mg mg/L)$$

When interpreting the data for carbonate and non-carbonate hardness, note that total hardness is equivalent to the sum of carbonate and noncarbonate hardness if both forms are reported. If only carbonate hardness is reported, it is more than likely that noncarbonate hardness is absent and the total hardness is equivalent to the available carbonate hardness.

Appendix K - No Exposure Certification (NEC) Form

Part 7.2 requires you to use the NPDES eReporting Tool, or "NeT", to prepare and submit your No Exposure Certification (NEC) form. However, if you are given a waiver by the EPA Regional Office to use a paper NEC form, and you elect to use it, you must complete and submit the following form.

NPDES Form 3510-11 Page K-1 of 6

NPDES FORM 3510-11



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

NO EXPOSURE CERTIFICATION (NEC) FOR EXCLUSION FROM EPA'S MULTI-SECTOR GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY (MSGP)

OMB No. 2040-0300 Exp. Date: 3/31/2024

Submission of this No Exposure Certification (NEC) constitutes notice that the operator identified in Section C does not require permit authorization under EPA's Stormwater Multi Sector General Permit for its stormwater discharges associated with industrial activity from the facility identified in Section D of this form due to the existence of a condition of no exposure.

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products, other than products that would be mobilized in stormwater discharges (e.g., rock salt).

A NEC must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion.

By signing and submitting this NEC form, the operator in Section C is certifying that a condition of no exposure exists at its facility or site, and is obligated to comply with the terms and conditions of 40 CFR 122.26(g).

A. Approval to Use Paper NEC Form					
1. Have you been granted a waiver from electronic reporting from the EPA Regional Office*?					
If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:					
Waiver granted: The owner/operator's 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.					
The owner/operator has issues regarding available computer access or computer capability					
Name of EPA staff person that granted the waiver:					
Date approval obtained: / / / / / / / / / / / / / / / / / / /					
* Note: You are required to obtain approval from the applicable EPA Regional Office prior to using this paper NEC form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT) at https://www.epa.gov/npdes/stormwater-discharges-industrial-activities					
B. Reason for Submission					
Select the purpose for filling out this form (check only 1).					
☐ To obtain a new NEC . Fill in Sections C, D, E and F.					
☐ To discontinue an existing NEC. Select this option if you would like to discontinue an existing NEC because your facility is no longer subject to regulation under 40 CFR 122.26 (e.g., the facility has ceased the industrial activity that necessitated the NEC)*. Provide the following information and fill out Section G.					
Provide the existing NPDES ID for the NEC that you would like to discontinue:					
1. Are you a new discharger or a new source as defined in Appendix A? YES NO (If yes, skip to Part C of this form).					
* Note that if your facility no longer qualifies for the NEC because permit coverage is required for exposed industrial materials or activities, you should not check this box, and must instead file for coverage under the Multi-Sector General Permit (MSGP) or an individual permit. Your NEC will be automatically discontinued after you obtain coverage under the MSGP or an individual permit.					
C. Facility Operator Information					
1. Operator Name:					
2. Mailing Address:					
Street:					
City: State: ZIP Code: ZIP Code:					
3. Phone: Ext. Ext.					
4. E-mail:					

NPDES Form 3510-11 Page K-2 of 6

5. Operator Point of Contact Information:				
First Name, Middle Initial, Last Name				
Title:				
D. Facility Information				
1. Facility Name:				
2, Facility Address:				
Street/Location:				
City: State: ZIP Code:				
County or Similar Government Subdivision:				
3. Latitude/Longitude for the facility:				
Latitude:° N (decimal degrees) Longitude:° W (decimal degrees)				
Latitude/Longitude Data Source: GPS GPS Other				
If you used a USGS topographic map, what was the scale?				
Horizontal Reference Datum: NAD 27 NAD 83 WGS 84				
4. Is your facility located on Indian Country lands?				
If yes, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable):				
5. Are you a "federal operator" as defined in Appendix A?				
6. What is the ownership type of the facility? Federal Facility (U.S. Privately Owned Facility Municipality County Government				
☐ Corporation ☐ State Government ☐ Tribal Government ☐ School District				
☐ District ☐ Mixed Ownership (e.g., ☐ Municipal or Water				
Public/Private) District 7. Have stormwater discharges from your facility been covered previously under an NPDES permit? YES NO				
If yes, provide the NPDES ID if you had coverage under EPA's MSGP or the NPDES permit number if you had coverage under an EPA individual permit:				
8. Has your facility previously been covered by a no exposure exclusion?				
If yes, provide the NPDES ID for your previous no exposure exclusion:				
9. Identify the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged, as defined in the MSGP, and the applicable sector and subsector of your primary industrial activity (See Appendix D):				
☐ Primary SIC Code OR ☐ Primary Activity Code				
10. Total size of site associated with industrial activity: (to the nearest quarter acre)				
11. Have you paved or roofed over a formerly exposed, pervious area in order to qualify for the no exposure exclusion? 🔲 YES 🔲 NO				
If yes, please indicate approximately how much area was paved or roofed over. Completing this question does not disqualify you for the no exposure exclusion. However, your permitting authority may use this information in considering whether stormwater discharges from your site are likely to have an adverse impact on water quality, in which case you could be required to obtain permit coverage.				
☐ Less than one (1) acre ☐ One (1) to five (5) acres ☐ More than five (5) acres				

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E. Exposure Checklist						
Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future?						
(Please check either "Yes" or "No" in the appropriate box.) If you answer "Yes" to any of these questions, you are <u>not</u> eligible for the no exposure exclusion.						
	Yes	No				
Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater						
Materials or residuals on the ground or in stormwater inlets from spills/leaks						
Materials or products from past industrial activity						
Material handling equipment (except adequately maintained vehicles)						
Materials or products during loading/unloading or transporting activities						
Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to stormwater does not result in the discharge of pollutants)						
Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers						
Materials or products handled/stored on roads or railways owned or maintained by the discharger						
Waste material (except waste in covered, non-leaking containers [e.g., dumpsters])						
Application or disposal of process wastewater (unless otherwise permitted)						
Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the stormwater outflow						
F. Certification Information						
I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition exclusion from NPDES stormwater permitting.	n of "no exposure" and ob	otaining an				
I certify under penalty of law that there are no discharges of stormwater contaminated by exposure to industrial	activities or materials fron	n the industrial				
facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)).						
I understand that I am obligated to submit a NEC form once every five years to the NPDES permitting authority ar municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand authority, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the conditionspection reports publicly available upon request. I understand that I must obtain coverage under an NPDES per stormwater from the facility.	that I must allow the NPD tion of no exposure and to	ES permitting o make such				
Additionally, I certify under penalty of law that this document and all attachments were prepared under my direct system designed to assure that qualified personnel properly gathered and evaluated the information submitted. It who manage the system, or those persons directly responsible for gathering the information, the information submittue, accurate and complete. I am aware that there are significant penalties for submitting false information, inclined for knowing violations.	Based on my inquiry of th mitted is to the best of my	e person or persons knowledge and belief				
First Name, Middle, Last Name:						
Title:						
Signature: Date: /						
Signature	e / / _					
E-mail:						
G. Discontinuation of NEC Information						
I certify under penalty of law that this document and all attachments were prepared under my direction or supe assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry system, or those persons directly responsible for gathering the information, the information submitted is to the bes and complete. I am aware that there are significant penalties for submitting false information, including the poss violations.	of the person or persons v st of my knowledge and b	who manage the pelief true, accurate				
First Name, Middle, Last Name						
Title:						
Signature: Date	e:					
E-mail:						

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Instructions for Completing EPA Form 3510-11

No Exposure Certification (NEC) for Exclusion from Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

This Form Replaces Form 3510-11 (06/15) OMB No. 2040-0300

Who May File a No Exposure Certification (NEC) Form

Federal law at 40 CFR Part 122.26 prohibits point source discharges of stormwater associated with industrial activity to waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. However, NPDES permit coverage is not required for discharges of stormwater associated with industrial activities identified at 40 CFR 122.26(b)(14)(i)-(ix) and (xi) if the discharger can certify that a condition of "no exposure" exists at the industrial facility or site.

Stormwater discharges from construction activities identified in 40 CFR 122.26(b)(14)(x) and (b)(15) are not eligible for the no exposure exclusion.

Obtaining and Maintaining the No Exposure Exclusion

This form is used to certify that a condition of no exposure exists at the industrial facility or site described herein. This certification is only applicable in jurisdictions where EPA is the NPDES permitting authority and must be re-submitted at least once every five years.

The industrial facility operator must maintain a condition of no exposure at its facility or site in order for the no exposure exclusion to remain applicable. If conditions change resulting in the exposure of materials and activities to stormwater, the facility operator must obtain coverage under an NPDES stormwater permit immediately.

Completing the Form

You must type or print, using uppercase letters, in appropriate areas only. Enter only one character per space (i.e., between the marks). Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. Please submit original document with signature in ink - do not send a photocopied signature. One form must be completed for each facility or site for which you are seeking to certify a condition of no exposure. Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to the above address.

Section A. Approval to Use Paper NEC Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NEC form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date that approval was provided. See https://www.epa.gov/npdes/contact-us-stormwater for a list of EPA Regional Office contacts.

Section B. Reason for Submission

You must check your reason for submitting this form. You may submit this form for obtaining a new NEC, for renewing a previous NEC, or for discontinuing an existing NEC (for facilities that no longer need the exclusion from permit coverage for industrial stormwater discharges).

Section C. Facility Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the facility described in this certification form. An operator of a facility is the legal entity that controls the operation of the facility. Refer to Appendix A of the MSGP for the definition of "operator". Provide the operator's mailing address, phone number, and e-mail. Correspondence for the NEC will be sent to this address. Also provide the name and title for the operator point of contact (note that the point of contact name may be the same as the operator name).

Section D. Facility Information

Enter the official or legal name and complete street address, including city, state, ZIP code, and county or similar government subdivision of the facility. If the facility lacks a street address, indicate the general location of the facility (e.g., Intersection of State Highways 61 and 34). Complete facility information must be provided for permit coverage to be granted.

Provide the latitude and longitude of your facility in decimal degrees format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers and U.S. Geological Survey (USGS) topographic or quadrangle maps. Refer to http://transition.fcc.gov/mb/audio/bickel/DDDMMSS- decimal.html/ for assistance in providing the proper latitude/longitude format. For consistency, EPA requests that measurements be taken form the approximate center of the facility. Specify which method you used to determine latitude and longitude. If a USGS topographic map is used, specify the scale of the map used. Enter the horizontal reference datum for your latitude and longitude. The horizontal reference datum used on USGS topographic maps is shown on the bottom left corner of USGS topographic maps; it is also available for GPS receivers.

Indicate whether the facility is on Indian country lands, and if so, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable).

Indicate whether you are a "federal operator" as defined in Appendix A of the MSGP. Also check the facility's ownership type.

Indicate whether the facility was previously covered under an NPDES stormwater permit. If so, include the NPDES ID (i.e., NOI tracking number).

List the four-digit Standard Industrial Classification (SIC) code or two character activity code that best describes the primary industrial activities performed by your facility.

Enter the total size of the site associated with industrial activity in acres.

Check "Yes" or "No" as appropriate to indicate whether you have paved or roofed over a formerly exposed, pervious area (i.e., lawn, meadow, dirt or gravel road/parking lot) in order to qualify for no exposure. If yes, also indicate approximately how much area was paved or roofed over and is now impervious area.

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Instructions for Completing EPA Form 3510-11

No Exposure Certification (NEC) for Exclusion from Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

This Form Replaces From 3510-11 (06/15) Form OMB No. 2040-0300

Section E. Exposure Checklist

Check "Yes" or "No" as appropriate to describe the exposure condition at your facility. If you answer "Yes" to **ANY** of the questions in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. You must obtain (or already have) coverage under an NPDES stormwater permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, and then certify to a condition of no exposure.

Section F and G. Certification and Discontinuation of NEC Information

The NEC form must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing.

Include the name, title, and e-mail address of the person signing the form and the date of signing.

An unsigned or undated NEC form will not be considered valid.

Paperwork Reduction Act Notice

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0300). Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 45 minutes per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the

Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Submitting Your Form

If you have been granted a waiver from your Regional Office to submit a paper NEC form, you must send your NEC form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:

Stormwater Notice Processing Center Mail Code 4203M, ATTN: MSGP No Exposure U.S. EPA 1200 Pennsylvania Avenue, NW Washington, DC 20460

For Overnight/Express Mail Delivery:

Stormwater Notice Processing Center
William Jefferson Clinton East Building - Room 7420
ATTN: MSGP No Exposure
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically: https://www.epa.gov/npdes/stormwater-discharges-industrial-activities

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Appendix L - List of Tier 3, Tier 2, and Tier 2.5 Waters

EPA's MSGP has special requirements for discharges to waters designated by a state or tribe as Tier 2/2.5 or Tier 3 for antidegradation purposes under 40 CFR 131.12(a). See Parts 1.1.6.2 and 1.1.7.

The list below is provided as a resource for operators who must determine whether they discharge to a Tier 2/2.5 or Tier 3 water. Only Tier 2/2.5 or Tier 3 waters specifically identified by a water quality standard authority (e.g., a state, territory, or tribe) are identified in the table below. Many authorities evaluate the existing and protected quality of the receiving water on a pollutant-by-pollutant basis and determine whether water quality is better than the applicable criteria that would be affected by a new discharger or a new source or an increase in an existing discharge of the pollutant. In instances where water quality is better, the authority may choose to allow lower water quality, where lower water quality is determined to be necessary to support important social and economic development. Permittees are not required to identify those waters which are evaluated on an individual basis.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority		
MAR050000	Commonwealth of Massachusetts, except Indian Country lands		
	Tier 2, Tier 2.5, and 3 waters are identified and listed in the Massachusetts Wate Quality Standards 314 CMR 4.00. Surface water qualifiers that correspond with classifications are defined at 314 CMR 4.06(1)(d) and listed in tables and figure at the end of 314 CMR 4.06. See MassDEP's web page at: https://www.mass.gov/doc/314-cmr-400-surface-water-quality-standards/download .		
	Tier 2	Listed as "High Quality Waters", and all wetlands that are not designated as an Outstanding Resource Water	
	Tier 2.5	Listed as "Outstanding Resource Water", "Public Water Supply", "Tributary to Public Water Supply", all wetlands bordering Outstanding Resource Waters, and vernal pools	
	Tier 3	Defined as "Special Resource Water". Note: No waters have been defined as a Special Resource Water as of the issuance of this permit.	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority			
NHR050000	State of New Hampshire			
	Tier 2	All waters are Tier 2 except where listed as impaired for the most current approved assessment cycle. GIS maps are available in cycle specific Surface Water Quality Viewer at: https://nhdes.maps.arcgis.com/apps/webappviewer/index.htm https://nhdes.arcgis.com/apps/webappviewer/index.htm https://nhdes.arcgis.com/apps/webappviewer/index.htm https://nhdes.arcgis.com/apps/webappviewer/index.htm https://nhdes.arcgis.com/apps/webappviewer/index.htm https://nhdes.arcgis.com/apps/webappviewer/index.htm https://nhdes.arcgis.com/apps/webappv		
		The assessment status of waterbodies is also included in the biennial 303(d) Lists available in spreadsheet and PDF format at: https://www.des.nh.gov/resource-center/publications?keys=303%28d%29+List&purpose=&subcategory=Watershed+Management . As of Effective Date of this Permit, the following assessment cycles are approved for the waterbodies indicated (however, operators must check for any more recently approved cycles at the time of filing an NOI; i.e., the 2020 303(d) List will apply to all waterbodies once approved):		
		For discharges into the following waters, reference the 2012 305(b)/303(d) List:		
		Little Bay, Bellamy River, Upper Piscataqua River, Portsmouth Harbor, Little Harbor/Back Channel and Great Bay assessment zones; and the Upper Portsmouth Harbor, Great Bay Prohib SZ2, and Great Bay-Cond Appr assessment units.		
		For discharges into all other waters, reference the 2018 303(d) List available at:		
		https://www.des.nh.gov/resource- center/publications?keys=2018+status&purpose=&subcateg ory=Watershed+Management		
		Waterbodies not identified on the list or map are Tier 2.		
		There is no list of Tier 2 or 2.5 waters in New Hampshire. New dischargers and new sources should contact David J. Gray (EPA Region 1's MSGP coordinator at gray.davidj@epa.gov).		
	Tier 2.5	There is no list of Tier 2 or 2.5 waters in New Hampshire. New dischargers and new sources should contact David J. Gray (EPA Region 1's MSGP coordinator at gray.davidj@epa.gov).		

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority			
	Tier 3	Listed as an Outstanding Resource Water (ORW). Env-Ws 1708.04(a) describes that surface waters of national forests and surface waters designated as "natural" under RSA 483:7-a, I shall be considered outstanding resource waters (ORW). A list of ORWs/Tier 3 waters is available at: https://www.des.nh.gov/resource-center/publications?keys=cgp&purpose=&subcategory=Watershed+Management . If so indicated on this list, review the NHDES OneStop Data Mapper at: https://www4.des.state.nh.us/onestopdatamapper/onestopmapper.a spx .		
		Waterbodies not identified on the list or map are not ORWs.		
		Env-Wq 1708.04(a) Surface waters of national forests and surface waters designated as "natural" under RSA 483:7-a, shall be considered outstanding resource waters (ORW). The New Hampshire waters listed a ORW can be found along with a list of impaired waters at https://www.des.nh.gov/organization/divisions/water/stormwater/documents/impaired-tmdl-orw-listcgp-msgp.xlsx. New dischargers and new sources should contact David J. Gray (EPA Region 1's MSGP coordinator at gray.davidj@epa.gov).		
PRR050000	Commo	onwealth of Puerto Rico		
DCR050000	Tier 3	Tier III waters are those which are classified as either Class SA or Class SE. Class SA waters are defined as "Coastal waters and estuarine waters of high quality and/or exceptional ecological or recreational value whose existing characteristics shall not be altered, except by natural causes, in order to preserve the existing natural phenomena." Class SA waters include bioluminescent lagoons and bays such as La Parguera and Monsio José on the Southern Coast, Bahía de Mosquito in Vieques, and any other coastal or estuarine waters of exceptional quality of high ecological value or recreational which may be designated by Puerto Rico, through Resolution, as requiring this classification for protection of the waters. Class SE waters are defined as "Surface waters and wetlands of exceptional ecological value, whose existing characteristics should not be altered in order to preserve the existing natural phenomena." Class SE waters include Laguna Tortuguero, Laguna Cartagena and any other surface water bodies of exceptional ecological value as may be designated by Puerto Rico through Resolution.		
DCKOOOOO	Tier 2/2.5	Rule 1102.4 SPECIAL WATERS OF THE DISTRICT OF COLUMBIA (SWDC): Any segment or segments of the surface waters of the District that are of water quality better than needed for the current use or have scenic or aesthetic importance shall be designated as Special Waters of the District of Columbia (SWDC). Rock Creek and its tributaries and Battery Kemble Creek and its tributaries are considered Special Waters of the District of Columbia (SWDC) under its antidegradation program.		
MNR05000I	Fond du	Lac Band of MN Chippewa		
7411411000001	Tier 3	Six lakes are presently identified as Tier 3: (1) Dead Fish, (2) Jaskari, (3) Miller (Mud), (4) Perch, (5) Rice Portage, (6) Wild Rice.		

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority			
	Grand Po	ortage Band of MN Chippewa		
	Tier 2/2.5	All waters, not already classified as Tier 3, are high quality Tier 2 waters. (see Grand Portage Reservation Water Quality Standards, Section VI & VII, Pages 14-16).		
	Tier 3	"The portion of Lake Superior north of latitude 47 degrees, 57 minutes, 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the Minnesota-Michigan boundary." (see Section VII, Page 16).		
WIR05000I	Lac du Fl	ambeau Band of the Lake Superior Chippewa		
	Tier 2	All named waters, including wetlands, not specified under an antidegradation classification.		
	Tier 2.5	Bills Lake, Birch Lake, Bobidosh Lake, Bog Lake (SE SE Sec. 31, T40NR6E), Bolton Lake, Broken Bow Lake, Chewalah Lake, Clear Lake (Sec. 2, T39NR4E), Corn Great, Great, Corn Lake, Little "Least/Lesser", Crawling Stone Lake, Big, Crawling Stone Lake, Little, Crescent Lake, Crooked Lake, Big, David Lake, Ellerson Lake, Middle, Ellerson Lake, West, Elsie Lake "Boundary Lake", Fat Lake, Fence Lake, Gresham Creek, Green Lake (NW NW Sec. 19, T41R6E), Grey Lake, Gunlock Lake, Haskell Lake, Headflyer Lake (Sec. 19, T41NR5E), Highway Lake (NW NW Sec. 19, T41NR5E), Horsehead Lake (SE SW Sec. 9, T40NR5E), Hutton's Creek, Ike Walton Lake, Lily Lake (SE SW Sec. 35, T40NR5E), Little Ten Lake, Lodge Lake "L. Rice" (NW NW Sec. 8, T41NR6E), Lucy Lake, Mindys Lake (Sec. 8, T40NR5E), Minette Lake, Mitten Lake, Monk's Lake (Sec. 13, T40NR5E), Moving Cloud Lake, Mud Creek, Muskesin Lake, Patterson Lake, Placid Twin Lake (North), Placid Twin Lake (South), Plummer Lake, Ross Allen Lake, Sand Lake, Little, Scott Lake		
		(Sec. 22, T40N, R4E), Shishebogama Lake, Signal Lake, Snort Lake (Sec. 5, T41N, R6E), Spring Lake "Jerms", Squirrel Lake, Statenaker Lake "Hollow", Stearns Lake "Hourglass", Sugarbush "Hidden Lake" (NW NW Sec. 17, T41NR5E), Sugarbush Creek, Sugarbush Lake, Little, Sugarbush Lake, Lower, Sugarbush Lake, Middle, Sugarbush Lake, Upper, Sunfish Lake, Tippecanoe Lake, Tomahawk River, To-To Tom Lake, Toulish Lake, Trout River, Warrior Lake, White Sand Lake, Whitefish Lake "Cattail Lake" (Sec. 34, T40N5R), Wishow Lake, Wyandock Lake		
	Tier 3	Bear River (1st bridge to Reservation boundary), Big Springs (Sec. 25, T40NR4E), Black Lake, Cranberry Lake, Doud Lake, Eagle Lake, Gene Lake, Johnson Springs, Little Trout Lake, Lost Lake (Sect. 1, T41NR4E), Mishonagon Creek, Munnomin (Jesse, Duck) Lake, Negani (Hegani) Lake, Reservation Line Lake, Spring Creek, Tank Lake, Thomas Lake, Wild Rice Lake, Zee Lake		
	1	te Band of the Lake Superior Tribe of the Chippewa Indians, Sokaogon Can Community		
	Tier 2.9	One Tribal Water, Wetland 22, is classified as Exceptional High Quality Water (EHQW). It is a high-quality water body of significant cultural, religious, social, ecological and recreational attributes.		
	Tier 3	All waters in the Sokaogon Chippewa Community (WI) as classified as Tier 3, with one exception (Wetland 22).		

Permit Number		Areas of Coverage/Where EPA Is Permitting Authority		
COR0500I	State of Colorado			
	Ute Mountain Ute Tribe			
	Tier 3	(2010 Proposed) Designations:		
		(1) Ute Spring and unnamed creek from Ute Spring downstream within Section 12, TWP35N R18W (Colorado).		
		(2) Allen Canyon Creek, Sections 17, 20, 29, 30, 31, TWP 35S, R21E (Utah)		
		(3) "Lopez" Spring and unnamed creek tributary to and downstream from the spring, within Section 35, TWP 34N, R18W		
VMR050000	State of	New Mexico		
NINKUOUUUU	Tier 3	(1) Rio Santa Barbara, including the west, middle and east forks from their headwaters downstream to the boundary of the Pecos Wilderness; and (2) the waters within the United States forest service Valle Vidal special management unit including; (a) Rio Costilla, including Comanche, La Cueva, Fernandez, Chuckwagon, Little Costilla, Holman, Gold, Grassy, LaBelle and Vidal creeks, from their headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit; (b) Middle Ponil creek, including the waters of Greenwood Canyon, from their headwaters downstream to the boundary of the Elliott S. Barker wildlife management area; (c) Shuree lakes; (d) North Ponil creek, including McCrystal and Seally Canyon creeks, from their headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit; and (e) Leandro creek from its headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit. (3) the named perennial surface waters of the state, identified in Subparagraph (a) below, located within United States department of agriculture forest service wilderness. Wilderness are those lands designated by the United States congress as wilderness pursuant to the Wilderness Act. Wilderness areas included in this designation are the Aldo Leopold wilderness, apache Kid wilderness, Bue Range wilderness, Chama River Canyon wilderness, Cruces Basin wilderness, Dome wilderness, Gila wilderness, Latir Peak wilderness, Pecos wilderness, and Pedro Parks wilderness, Wheeler Peak wilderness, and White Mountain wilderness. (a) The following waters are designated in the Rio Grande basin: (i) in the Aldo Leopold wilderness: Byers Run, Circle Seven creek, Flowe canyon, Holden Prong, Indian canyon, Las Animas creek, Mud Spring canyon, North Fork Palomas creek, North Seco creek, Pretty canyon, Sids Prong, South Animas canyon, victorio Park canyon, Water canyon, Rio Chama; (iv) in the Chama River Canyon wilderness: Chave		

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
	Lagunitas Fork, Lake Fork creek, Rito del Medio, Rito Primero, West Latir
	creek; (vii) in the Pecos wilderness: Agua Sarca, Hidden lake, Horseshoe lake (Alamitos), Jose Vigil lake, Nambe lake, Nat lake IV, No Fish lake, North Fork Rio Quemado, Rinconada, Rio Capulin, Rio de las Trampas (Trampas creek), Rio de Truchas, Rio Frijoles, Rio Medio, Rio Molino, Rio Nambe, Rio San Leonardo, Rito con Agua, Rito Gallina, Rito Jaroso, Rito Quemado, San Leonardo lake, Santa Fe lake, Santa Fe river, Serpent lake, South Fork Rio Quemado, Trampas lake (East), Trampas
	lake (West); iii) in the San Pedro Parks wilderness: Agua Sarca, Cañon Madera, Cave creek, Cecilia Canyon creek, Clear creek (North SPP), Clear creek (South SPP), Corralitos creek, Dove creek, Jose Miguel creek, La Jara creek, Oso creek, Rio Capulin, Rio de las Vacas, Rio Gallina, Rio
	Puerco de Chama, Rito Anastacio East, Rito Anastacio West, Rito de las Palomas, Rito de las Perchas, Rito de los Pinos, Rito de los Utes, Rito Leche, Rito Redondo, Rito Resumidero, San Gregorio lake; (ix) in the Wheeler Peak wilderness: Black Copper canyon, East Fork Red river, Elk lake, Horseshoe lake, Lost lake, Sawmill creek, South Fork
	lake, South Fork Rio Hondo, Williams lake. (b) The following waters are designated in the Pecos River basin: (i) in the Pecos wilderness: Albright creek, Bear creek, Beatty creek, Beaver creek, Carpenter creek, Cascade canyon, Cave creek, El Porvenir creek, Hollinger creek, Holy Ghost creek, Horsethief creek,
	Jack's creek, Jarosa canyon/creek, Johnson lake, Lake Katherine, Lost Bear lake, Noisy brook, Panchuela creek, Pecos Baldy lake, Pecos river, Rio Mora, Rio Valdez, Rito Azul, Rito de los Chimayosos, Rito de los Esteros, Rito del Oso, Rito del Padre, Rito las Trampas, Rito Maestas, Rito Oscuro, Rito Perro, Rito Sebadilloses, South Fork Bear creek, South Fork Rito Azul, Spirit lake, Stewart lake, Truchas lake (North), Truchas lake
	(South), Winsor creek; (ii) in the White Mountain wilderness: Argentina creek, Aspen creek, Bonito creek, Little Bonito creek, Mills canyon/creek, Rodamaker creek,
	South Fork Rio Bonito, Turkey canyon/creek. (c) The following waters are designated in the Gila River basin: (i) in the Aldo Leopold wilderness: Aspen canyon, Black Canyon creek, Bonner canyon, Burnt canyon, Diamond creek, Falls canyon, Fisherman canyon, Running Water canyon, South Diamond creek; (ii) in the Gila wilderness: Apache creek, Black Canyon creek, Brush
	canyon, Canyon creek, Chicken Coop canyon, Clear creek, Cooper canyon, Cow creek, Cub creek, Diamond creek, East Fork Gila river, Gila river, Gilita creek, Indian creek, Iron creek, Langstroth canyon, Lilley canyon, Little creek, Little Turkey creek, Lookout canyon, McKenna creek, Middle Fork Gila river, Miller Spring canyon, Mogollon creek, Panther canyon, Prior creek, Rain creek, Raw Meat creek,
	Rocky canyon, Sacaton creek, Sapillo creek, Sheep Corral canyon, Skeleton canyon, Squaw creek, Sycamore canyon, Trail creek, Trout creek, Turkey creek, Turkey Feather creek, Turnbo canyon, West Fork Gila river, West Fork Mogollon creek, White creek, Willow creek, Woodrow canyon.
	(d) The following waters are designated in the Canadian River basin: in the Pecos wilderness Daily creek, Johns canyon, Middle Fork Lake of Rio de la Casa, Middle Fork Rio de la Casa, North Fork Lake of Rio de la Casa, Rito de Gascon, Rito San Jose, Sapello river, South Fork Rio de la Page L-6 of 7

Permit Number		Areas of Coverage/Where EPA Is Permitting Authority						
		Casa, Sparks creek (Manuelitas creek). (e) The following waters are designated in the San Francisco River basin: (i) in the Blue Range wilderness: Pueblo creek; in the Gila wilderness: Big Dry creek, Lipsey canyon, Little Dry creek, Little Whitewater creek, South Fork Whitewater creek, Spider creek, Spruce creek, Whitewater creek. (f) The following waters are designated in the Mimbres Closed basin: in the Aldo Leopold wilderness Corral canyon, Mimbres river, North Fork Mimbres river, South Fork Mimbres river. (g) The following waters are designated in the Tularosa Closed basin: in the White Mountain wilderness Indian creek, Nogal Arroyo, Three Rivers. (h) The wetlands designated are identified on the maps and list of wetlands within United States forest service wilderness areas designated as outstanding national resource waters published at the						
CAR05000I	Hualapai	New Mexico state library and available on the department's website.						
	Tier 3	Spencer, Meriwhitica, Willow Spring, Upper Milkweed Spring, Bridge Canyon, Travertine Spring, Travertine Falls, Diamond Creek, Diamond Creek Spring, Blue Mountain, Metuck, Peach Springs Spring, Westwater, Clay Tank, Hockey Puck, Pocamote Spring, Mohawk Spring, Granite Spring, Three Spring, Warm Spring, Honga Spring, National Canyon Spring, National Canyon, Moss Spring						
	White Mountain Apache Tripe of the Fort Apache Indian Reservation							
	Tier 2/2.5	East Fork White River, above R52 Road, East Fork White River below R52 Road, above Rock Cr., Paradise Creek, above Wohlenberg, Ord Creek, Smith Cienega, Bull Cienega, Smith Creek, Big Bonito, Tonto Creek, below Y47 Crossing, Crooked Creek, Boggy Creek, Lofer Cienego Creek, Little Bonito Creek, above Y55 Crossing, Flash Creek, Squaw Creek, Hurricane Lake, Hurricane Creek, Hughey Creek, Bonito Cienega, West Fork Black River, Hall Cienega, Purcell Cienega, Thompson Creek, Carrizo Creek below Corduroy, Carrizo Creek above Corduroy, Cedar Creek, Big Canyon (E. Cedar Creek), Middle Cedar Creek, West Cedar Creek, Cibecue Creek in Box Canyon to Salt river, Cibecue Creek, Box CallYon up to confluence with Salt Creek, Spring Creek, Salt Creek, Cibecue Creek, from confluence w/Salt Cr, to Big Springs, Cibecue Creek, above Big Springs, Rock Springs Creek, Salt Draw, Canyon Creek S. of Chediski Farms, Willow Creek (Lower Canyon Cr), Oak Creek, Canyon Creek. N. of Chedlski Fanns,						
	Tier 3	East Fork While River, in Wilderness Area, Pumpkin Lake						
IDR050000	State of Id							
	at: http://s	and Tier 3 waters, please consult the Idaho Integrated Report, available www.deq.idaho.gov/water-quality/surface-water/monitoring-nt/integrated-report.aspx and the closest regional office of the Idaho ent of Environmental Quality: http://www.deq.idaho.gov/regional-ues.aspx .						

Appendix M - Discharge Monitoring Report (DMR) Form

Part 7.2 requires you to use the electronic DMR system to prepare and submit your Discharge Monitoring Report (DMR) form. However, if you are given approval by the EPA Regional Office to use a paper DMR form, and you elect to use it, you must complete and submit the following form.

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NPDES FORM 6100-29



United States Environmental Protection Agency Washington, DC 20460 MSGP Industrial Discharge Monitoring Report (DMR) Form

OMB No. 2040-0300 Exp. Date: 3/31/2024

A. Approval to Use Paper NOI Form						
1. Have you been granted a waiver from electronic reporting from the EPA Regional Office*?						
If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:						
Waiver granted: The owner/operator's 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.						
The owner/operator has issues regarding available computer access or computer capability						
Name of EPA staff person that granted the waiver:						
Date approval obtained: / / / / / / / / / / / / / / / / / / /						
* Note: Note: You are required to obtain approval from the applicable EPA Regional Office prior to using this paper DMR form. If you have not obtained a waiver, you must file this form electronically using the NetDMR at http://www.epa.gov/netdmr/						
1. NPDES ID:						
2. Reason(s) for Submission (Check all that apply):						
Submitting monitoring data (Fill in all Sections).						
Reporting no discharge for all discharge points for this monitoring period (Fill in Sections A, B, C, D, E.1, and G).						
Reporting that your site status has changed to inactive and unstaffed and there are no industrial materials or activities exposed to stormwater (Fill in Sections A, B, C, D, and F.4 (include date of status change in comment field).						
Reporting that your site status has changed to active and/or there are industrial materials or activities exposed to stormwater (Fill in all Sections and include date of status change in comment field in Section F.4).						
1. Operator Information:						
Operator Name:						
Mailing Address:						
Street:						
City:						
Phone: Ext.						
E-mail:						
2. DMR Preparer (Complete if DMR was prepared by someone otherthan the certifier):						
First Name, Middle Initial, Last Name						
Organization:						
Phone: Ext.						
E-mail:						

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D. Facility Information						
1. Facility Name:						
2, Facility Address:						
Street/Location:						
City: State: ZIP Code: ZIP Code:						
County or Similar Government Subdivision:						
E. Discharge Information						
1. Identify monitoring period: Check here if proposing alternative monitoring periods due to irregular stormwater runoff. Identify alternative monitoring period you are reporting monitoring data:						
□ Quarter 1 (January 1 – March 31) □ Quarter 1: From						
Quarter 2 (April 1 – June 30)						
Quarter 3 (July 1 – September 30) Quarter 3: From / To / To / To						
Quarter 4 (October 1 – December 31) Quarter 4: From / To / To / /						
2. Are you required to monitor for cadmium, chromium, lead, nickel, silver, or zinc in freshwater?						
3. What is the hardness level of the receiving water? (mg/L)						
4. Does your facility discharge into any saltwater receiving waters?						

NPDES Form 6100-29 Page M-3 of 7

Ş E	PA_		UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 MSGP INDUSTRIAL DISCHARGE MONITORING REPORT (DMR) FORM						OV	ИВ No. 2040-0300)			
F. Monitoring	Information					Note:	Make additio	nal copies of	this form as nec	essary.				
1. Nature of D	ischarge:	Rainfall (Co	mplete line ite	∍ms 2.a., 2.b.,	& 2.c.) Sr	nowmelt	t							
2.a. Duration	2.a. Duration of the rainfall event (hours): 2.b. Rainfall amount (inches): 2.c. Time since previous measurable storm event (days):													
3.a. Discharge Point ID (list the same 3- digit discharge points identified on the NOI form	3.b. Check if Any Discharge Points are Substantially Identical to Other Discharge Points Listed	3.c. Check if No Discharge	3.d. Monitoring Type IM, BM, ELG, S/T, I, O*	3.e. Parameter	3.f. Quantity or Concentration	3.g. Units	3.h. Results Description	3.i. Collection Date	3.j. Exceedance solely attributable to natural background pollutant levels per Part 5.2.6.1	3.k. Exceedance due to run-on per Part 5.2.6.2	3.1 Exceedance due to an abnormal event per 5.2.6.3	e 3.m Exceedance but discharge does not result in any exceedance of water quality standards per Part 5.2.6.5	3.n Aluminum Exceedance demonstrated to not result in an exceedance of your facility- specific criteria per Part 5.2.6.4.a	3.0 Copper Exceedance demonstrated to not result in an exceedance of your facility- specific criteria per Part 5.2.6.4.b
	Substantially identical to discharge point:													
	Substantially identical to discharge point:													
	Substantially identical to discharge point:													
	Substantially identical to discharge point:													
	* IM - Indicator monitoring; BM - Benchmark monitoring; (ELG) - Annual effluent limitations guidelines monitoring; (S/T) - State- or tribal-specific monitoring; (I) - Impaired waters monitoring; (O) - Other monitoring as required by EPA													
4. Comment	and/or Explanat	ion of Any V	iolations (Refe	erence all att	achments here)									

NPDES Form 6100-29

G. 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 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 am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.						
First Name, Middle, Last Name						
Title:						
Signature:	Date: / / / /					
E-mail:						

NPDES Form 6100-29 Page M-5 of 7

Instructions for Completing EPA Form 6100-29

Discharge Monitoring Report (DMR) for Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

OMB No. 2040-0300

Who Must Submit A Discharge Monitoring Report to EPA?

Facilities covered under EPA's NPDES Stormwater Multi-Sector General Permit (MSGP or permit) that are required to monitor pursuant to Parts 4.2 and 8 of the permit must submit Discharge Monitoring Reports (DMRs) consistent with the reporting requirements specified in Part 7.1 of the permit.

Completing the Form

Obtain and read a copy of the 2021 MSGP, viewable at https://www.epa.gov/npdes/stormwater-discharges-industrial-activities. To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. Please submit original document with signature in ink - do not send a photocopied signature. Photocopy your DMR form for your records before you send the completed original form to the appropriate address.

Section A. Approval to Use Paper DMR Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper DMR form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided. See

<u>https://www.epa.gov/npdes/contact-us-stormwater</u> for a list of EPA Regional Office contacts.

Section B. Permit Information

Provide the NPDES ID (i.e., NOI tracking number) assigned to the facility for which this DMR is being submitted.

Indicate your reason(s) for submitting this DMR by checking all boxes that apply. The reasons for submission are defined as follows:

- Submitting monitoring data: For each storm sampled, submit one DMR form with data for all discharge points sampled. Select this reason even if you only have monitoring data for some of your discharge points (i.e., some discharge points did not discharge). If you select this reason you are required to complete all Sections of the form.
- Reporting no discharge for all discharge points for this monitoring period: Indicates that there were no discharges from all discharge points during this monitoring period. If you select this reason you are only required to complete Sections A, B, C, D, E.1, and G.
- Reporting that your site status has changed to inactive and unstaffed and there are no industrial materials or activities exposed to stormwater: Indicates that your facility is currently inactive and unstaffed and there are no industrial materials or activities exposed to stormwater (See Part 4.2.1.3 of the permit for more information). If you select this reason you are only required to complete Sections A, B, C, D, and F.4 (include date of status change in comment field).

 Reporting that your site status has changed from inactive to active and/or there are industrial materials or activities exposed to stormwater: Indicates that your facility is currently active (See Part 4.2.1.3 of the permit for more information). If you select this reason you are required to complete all Sections of the form and include date of status change in the comment field in Section F.4.

Section C. Facility Operator Information.

Provide the legal name of the person, firm, public organization, or any other entity that operates the facility for which this DMR is being submitted. An operator of a facility is the legal entity that controls the operation of the facility. Refer to Appendix A of the permit for the definition of "operator". Provide the operator's mailing address, phone number, and e-mail. The operator information in this Section should match the operator information provided on your NOI form.

Provide the name, organization, phone number, an e-mail address for the person who prepared this DMR form.

Section D. Facility Information

Enter the official or legal name and complete street address, including city, state, ZIP code, and county or similar government subdivision of the facility. If the facility lacks a street address, indicate the general location of the facility (e.g., Intersection of State Highways 61 and 34). Complete facility information must be provided for permit coverage to be granted. The facility information in this Section should match the facility information provided on your NOI form.

Section E. Discharge Information.

Indicate the appropriate monitoring period (Quarter 1, 2, 3, or 4) covered by the DMR. "Alternative" monitoring periods can apply to facilities located in arid and semi-arid climates, or in areas subject to snow or prolonged freezing. To use alternative monitoring periods, you must provide a revised monitoring schedule here. If using alternative monitoring periods, identify the first day of the monitoring period through the last day of the monitoring period for each of the four periods. The dates should be displayed as month (Mo) / day (Day). See Parts 4.1.6 and 4.1.7 of the permit for more information.

If you are submitting benchmark monitoring data, identify if your facility is required to collect benchmark samples for one or more hardness-dependent metals (i.e., cadmium, lead, nickel, silver, and zinc). If you select "yes" to this question provide the hardness level of the receiving water (in mg/L)). If you select "no" to this question, you must identify if your facility discharges into any saltwater receiving waters.

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Instructions for Completing EPA Form 6100-29

Discharge Monitoring Report (DMR) for Stormwater Discharges Associated with Industrial Activity Under the NPDES Multi-Sector General Permit

OMB No. 2040-0300

Section F. Monitoring Information

For the reported monitoring event indicate whether the discharge was from a rainfall or snowmelt event. If you select "rainfall" then indicate the 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 in line items 2.a-c. For both rainfall and snowmelt monitoring, you must identify the date of collection for the monitoring event in column 3.i. of the table. If the discharge occurs during a period of both rainfall and snowmelt, check both the rainfall and snowmelt boxes and report the appropriate rainfall information in item 2.a-c. To report multiple monitoring events in the same reporting period, copy this form and enter each monitoring event separately with data for all discharge points sampled.

Identify all the discharge points from your facility that discharge stormwater. Each discharge point must be assigned a unique 3-digit number (e.g., 001, 002, 003), and should match the discharge points identified on your NOI form.

If any discharge points are substantially identical, check the box in 3.b and identify the discharge point that the discharge point in 3.a is substantially identical to. In 3.d – k, you only need to provide benchmark monitoring data for one of the discharge points if it is substantially identical.

For any discharge point for which there was no discharge during the monitoring period, check the box in 3.c.

In 3.d, identify the type of monitoring using the specified codes, in parentheses, below:

- (IM) Indicator monitoring
- (BM) Benchmark monitoring
- (ELG) Annual effluent limitations guidelines monitoring;
- (S/T) State- or Tribal-specific monitoring;
- (I) Impaired waters monitoring; or
- (O) Other monitoring as required by EPA.

In 3.e, enter each "parameter" (or "pollutant") monitored. For BM and ELG monitoring, use the same parameter name as in Part 8 of the permit.

In 3.f., enter a sample measurement value for each parameter analyzed and required to be reported. Enter "ND" (i.e., not detected) for any sample results below the method detection limit or "BQL" (i.e., below quantitation limit) for sample results above the detection limit but below the quantitation limit.

In 3.g., enter the units for sample measurement values (i.e., "mg/L" for milligrams per liter) for each parameter analyzed and required to be reported. For monitoring results reported as ND or BQL this space will be left blank and the units will be reported in Column 3.f.

3.h. must be completed for any monitoring results reported as ND or BQL in the "Quality or Concentration" column. For ND, report the laboratory detection level and units in this column. For BQL, report the laboratory quantitation limit and units in this column.

In 3.i. identify the sampling date for each parameter monitoring result reported on this form.

3.j. Exceedance solely attributable to natural background pollutant levels: Check box if following the first 4 quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than 4 quarters of data) you have determined that the exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background for that discharge point and any substantially identical discharge points, or for impaired waters

monitoring, the presence of the pollutant is caused solely by natural background, provided that all of the conditions in Part 5.2.6.1 are met.

3.k Exceedance due to run-on: Check box if you can 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 the conditions in Part 5.2.6.2 are met.

3.1. Exceedance due to an abnormal event: Check box if one single sampling event is abnormal and you have immediately documented per Part 5.3 that the single event was abnormal and met all other conditions in Part 5.2.6.3.

3.m. Exceedance but discharge does not result in any exceedance of water quality standards per Part 5.2.6.5: Check box if you can demonstrate through an analysis that an exceedance triggering AIM requirements does not result in any exceedance of applicable water quality standards, provided that all the conditions in Part 5.2.6.5 are met.

3.n Aluminum exceedance demonstrated to not result in an exceedance of your facility-specific criteria per Part 5.2.6.4.a: Check box if you can demonstrate through an analysis that an aluminum exceedance does not result in an exceedance of your facility-specific criteria using the national recommended water quality criteria in-lieu of the applicable MSGP benchmark threshold.

3.0 Copper exceedance demonstrated to not result in an exceedance of your facility-specific criteria per Part 5.2.6.4.b: Check box if you can demonstrate through an analysis that a copper exceedance does not result in an exceedance of your facility-specific criteria using the national recommended water quality criteria in-lieu of the applicable MSGP benchmark threshold.

Where violations of the permit requirements are reported, include a brief explanation to describe the cause and corrective actions taken, and reference each violation by date. Also, this section should include any additional comments such as are required when changing site status from inactive and unstaffed to active or vice versa. Attach additional pages if you need more space.

Attach additional copies of Section F as necessary to address all discharge points and parameters.

Section G. Certification Information

DMRs must be signed by a person described below, or by a duly authorized representative of that person.

For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations. and initiating and directina comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated

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Appendix N - List of SIC and NAICS Codes

	Sector A. Timber Products						
Sub- sector		SIC Codes		NAICS Codes	Notes		
A3	2411	Logging (log storage and handling activities only; wet deck storage areas only authorized if no chemical additives are used in the spray water or applied to the logs.)	113310	Logging			
A1	2421	General Sawmills and Planing Mills (sawmills)	321113	Sawmills			
		(lumber manufacturing from purchased lumber, softwood cut stock, wood lath, fence pickets, and planing mill products)	321912	Cut Stock, Resawing Lumber, and Planing			
		(softwood flooring)	321918	Other Millwork (including Flooring)			
		(box lumber made from purchased lumber)	321920	Wood Container and Pallet Manufacturing			
		(kiln drying)	321999	All Other Miscellaneous Wood Product Manufacturing			
A4	2426	Hardwood Dimension and Flooring Mills (hardwood dimension lumber made from logs or bolts)	321113	Sawmills			
		(hardwood cut stock, resawing hardwood lumber, and planing purchased hardwood lumber except flooring)	321912	Cut Stock, Resawing Lumber, and Planing			
		(hardwood flooring)	321918	Other Millwork (including Flooring)			
		(wood furniture frames and finished furniture parts)	337215	Showcase, Partition, Shelving, and Locker Manufacturing			
	2429	Special Product Sawmills, Not Elsewhere Classified (shingle mills, shakes)	321113	Sawmills			
		(stave manufacturing from purchased lumber)	321912	Cut Stock, Resawing Lumber, and Planing			
		(cooperage stock)	321920	Wood Container and Pallet Manufacturing			
		(excelsior)	321999	All Other Miscellaneous Wood Product Manufacturing			
	2431	Millwork (wood windows and doors)	321911	Wood Window and Door Manufacturing			

	Sector A. Timber Products						
Sub- sector		SIC Codes		NAICS Codes	Notes		
		(except wood windows and doors)	321918	Other Millwork (including Flooring)			
	2435	Hardwood Veneer and Plywood	321211	Hardwood Veneer and Plywood Manufacturing			
	2436	Softwood Veneer and Plywood	321212	Softwood Veneer and Plywood Manufacturing			
	2439	Structural Wood Members, Not Elsewhere Classified					
		(except trusses)	321213	Engineered Wood Member (except Truss) Manufacturing			
	<u> </u>	(trusses)	321214	Truss Manufacturing			
A5	2441	Nailed and Lock Corner Wood Boxes and Shook	321920	Wood Container and Pallet Manufacturing			
A4	2448	Wood Pallets and Skids	321920	Wood Container and Pallet Manufacturing			
	2449	Wood Containers, Not Elsewhere Classified	321920	Wood Container and Pallet Manufacturing			
	2451	Mobil Homes	321991	Manufactured Home (Mobil Home) Manufacturing			
	2452	Prefabricated Wood Buildings and Components	321992	Prefabricated Wood Building Manufacturing			
A2	2491	Wood Preserving	321114	Wood Preservation			
A4	2493	Reconstituted Wood Products	321219	Reconstituted Wood Product Manufacturing			
	2499	Wood Products, Not Elsewhere Classified	321920	Wood Container and Pallet Manufacturing			
		(except wood containers, wood cooling towers, cork life preservers, mirror or picture frames, and laundry hampers of reed, rattan, and willow)	321999	All Other Miscellaneous Wood Product Manufacturing			
		(wood cooling towers)	333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing			
		(laundry hampers of reed, rattan, and willow)	337125	Household Furniture (except Wood and Metal) Manufacturing			
		(cork life preservers)	339113	Surgical Appliance and Supplies Manufacturing			
		(mirror and picture frames)	339999	All Other Miscellaneous Manufacturing			

Sub- sector		SIC Codes		NAICS Codes	Notes
B2	2611	Pulp Mills (pulp producing mills only)	322110	Pulp Mills	
		(producing paper except newsprint)	322121	Paper (except Newsprint) Mills	
		(producing newsprint)	322122	Newsprint Mills	
		(producing paperboard)	322130	Paperboard Mills	
	2621	Paper Mills (except newsprint mills) (newsprint mills)	322121 322122	Paper (except Newsprint) Mills Newsprint Mills	
31	2631	Paperboard Mills	322130	Paperboard Mills	
32	2652	Setup Paperboard Boxes	322213	Setup Paperboard Box Manufacturing	
52	2653	Corrugated and Solid Fiber Boxes	322211	Corrugated and Solid Fiber Boxes Manufacturing	
	2655	Fiber Cans, Tubes, Drums, and Similar Products	322214	Fiber Can, Tube, Drum, and Similar Products Manufacturing	
	2656	Sanitary Food Containers, Except Folding	322215	Nonfolding Sanitary Food Container Manufacturing	
	2657		322212	Folding Paperboard Box Manufacturing	
	2671	Packaging Paper and Plastics Film, Coated and Laminated			
		(except single-web and multi-web plastics packaging film and sheets)	322221	Coated and Laminated Packaging Paper and Plastics Film Manufacturing	
		(single-web and multi-web plastics packaging film and sheets)	326112	Plastics Packaging Film and Sheet (including Laminated) Manufacturing	Any facility whose primary activity is manufacturing single-web and multiweb plastics packaging film and sheets (SIC 2671 / NAICS 326112) should be regulated under Sector Y, bu may continue to be regulated under Sector B, or alternatively, under Sector AD. Sectors Y, B, and AD do not have specific requirements for facilities manufacturing single-web and multi-we plastics packaging film and sheets. However, under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements. Regulatory burden would not differ between Sectors B and Y.
	2672	Coated and Laminated Paper, NEC	322222	Coated and Laminated Paper Manufacturing	+

	Sector B. Paper and Allied Products Manufacturing							
Sub- sector		SIC Codes		NAICS Codes	Notes			
	2673	Plastics, Foil, and Coated Paper Bags	322223	Plastics, Foil, and Coated Paper Bags				
		(except single-web or multi-web plastics bags)		Manufacturing				
		single-web and multi-web plastics bags)	326111	Plastics Bag Manufacturing	Any facility whose primary activity is manufacturing single-web and multiweb plastics bags (SIC 2673 / NAICS 326111) should be regulated under Sector Y, but may continue to be regulated under Sector B, or alternatively, under Sector AD. Sectors Y, B, and AD do not have specific requirements for facilities manufacturing single-web and multi- web plastics bags. However, under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements. Regulatory burden would not differ between Sectors B and Y.			
	2674	Uncoated Paper and Multiwall Bags	322224	Uncoated Paper and Multiwall Bags Manufacturing				
	2675	Die Cut Paper and Paperboard and Cardboard (pasted, lined, laminated, or surface- coated paperboard)	322226	Surface-Coated Paperboard Manufacturing				
		(die cut paper and paperboard office supplies, such as file folders, tabulating cards, and report covers)	322231	Die Cut Paper and Paperboard Office Supplies Manufacturing				
		(except pasted, lined, laminated, or surface-coated paperboard and die- cut paper and paperboard office supplies)	322299	All Other Converted Paper Product Manufacturing				
	2676	Sanitary Paper Products	322291	Sanitary Paper Product Manufacturing				
	2677	Envelopes	322232	Envelope Manufacturing				
	2678	Stationery, Tablets, and Related Products	322233	Stationery, Tablets, and Related Product Manufacturing				
	2679	Converted Paper and Paperboard Products, NEC (corrugated paper)	322211	Corrugated and Solid Fiber Box Manufacturing				
		(wallpaper and gift wrap paper)	322222	Coated and Laminated Paper Manufacturing				

	Sector B. Paper and Allied Products Manufacturing							
Sub- sector	SIC Codes	Notes						
	(paper supplies for business machines, such as adding machine tape, and other paper office supplies)		Die Cut Paper and Paperboard Office Supplies Manufacturing					
	(except corrugated paper, wall paper, gift wrap paper, paper supplies for business machines, and other paper office supplies)	322299	All Other Converted Paper Product Manufacturing					

Sub- sector		SIC Codes		NAICS Codes	Notes
	2812	Alkalies and Chlorine	325181	Alkalies and Chlorine Manufacturing	
	2813	Industrial Gases	325120	Industrial Gas Manufacturing	
	2816	Inorganic Pigments (except bone and lamp black)	325131	Inorganic Dye and Pigment Manufacturing	
		(bone and lamp black)	325182	Carbon Black Manufacturing	
	2819	Industrial Inorganic Chemicals, Not Elsewhere Classified (recovering sulfur from natural gas)	211112 325131	Natural Gas Liquid Extraction	
l I		(inorganic dyes)	325131	Inorganic Dye and Pigment Manufacturing	
		(other)	325131	All Other Basic Inorganic Chemical Manufacturing	
		(activated carbon and charcoal)		All Other Miscellaneous Chemical Product and Preparation Manufacturing	
		(alumina)	331311	Alumina Refining	Any facility whose primary activity is alumina refining (NAICS 331311) should be regulated under Sector F, but may continue to be regulated under Sector C. Sector C requires sector/subsector specific benchmark monitoring for total aluminum, total iron, and nitrate plus nitrite nitrogen. Sector F applies additional technology-based effluent limits comprised of good housekeeping measures; additional SWPPP requirements; and additional inspection requirements.

	Sector C. Chemical and Allied Products Manufacturing						
Sub- sector		SIC Codes		NAICS Codes	Notes		
					Regulatory burdens differ between Sectors C and F but determining which sector would be more burdensome would depend on the regulated facility.		
C4	2821	Plastics Materials, Synthetic Resins, and Nonvulcanizable Elastomers	325211	Plastics Material and Resin Manufacturing			
	2822	Synthetic Rubber	325212	Synthetic Rubber Manufacturing			
	2823		325221	Cellulosic Organic Fiber Manufacturing			
	2824	Manmade Organic Fibers, Except Cellulosic	325222	Noncellulosic Organic Fiber Manufacturing			
C5	2833	Medicinal Chemicals and Botanical Products	325411	Medicinal and Botanical Manufacturing			
	2834	Pharmaceutical Preparations	325412	Pharmaceutical Preparation Manufacturing			
	2835	In Vitro and In Vivo Diagnostic Substances (except in vitro diagnostic)	325412	Pharmaceutical Preparation Manufacturing			
		(in vitro diagnostic substances)	325413	In Vitro Diagnostic Substance Manufacturing			
	2836	Biological Products, Except Diagnostic Substances	325414	Biological Product (except Diagnostic) Manufacturing			
C3	2841	Soaps and Other Detergents, Except Specialty Cleaners	325611	Soap and Other Detergent Manufacturing			
	2842	Specialty Cleaning, Polishing, and Sanitation Preparations	325612	Polish and Other Sanitation Good Manufacturing			
	2843	Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants	325613	Surface Active Agent Manufacturing			
	2844	Perfumes, Cosmetics, and Other Toilet Preparations (toothpaste, gel and dentifrice powders)	325611	Soap and Other Detergent Manufacturing			
		(except toothpaste, gel and dentifrice powders)	325620	Toilet Preparation Manufacturing			
C5	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products	325510	Paint and Coating Manufacturing			
	2861	Gum and Wood Chemicals	325191	Gum and Wood Chemical Manufacturing			
	2865	Cyclic Organic Crudes and Intermediates, and Organic Dyes and Pigments	325110	Petrochemical Manufacturing			
		(aromatics) (organic dyes and pigments)	325110	Synthetic Organic Dye and Pigment Manufacturing			

Sub-				Sector C. Chemical and Allied Products Manufacturing					
sector	SIC Codes		NAICS Codes		Notes				
		(except aromatics and organic dyes and pigments)	325192	Cyclic Crude and Intermediate Manufacturing					
	2869	Industrial Organic Chemicals, Not Elsewhere Classified (aliphatics)	325110	Petrochemical Manufacturing					
		(fluorocarbon gases)	325120	Industrial Gas Manufacturing					
		(carbon bisulfide)	325188	All Other Basic Inorganic Chemical Manufacturing					
		(cyclopropane, diethylcyclohexane, naphthalene sulfonic acid)	325192	Cyclic Crude and Intermediate Manufacturing					
		(ethyl alcohol)	325193	Ethyl Alcohol Manufacturing					
		(except aliphatics, carbon bisulfide, ethyl alcohol, cyclopropane, diethylcyclohexane, napthalene sulfonic acid, synthetic hydraulic fluids, and fluorocarbon gases)	325199	All Other Basic Organic Chemical Manufacturing					
		(synthetic hydraulic fluids)	325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing					
C1	2873	Nitrogenous Fertilizers	325311	Nitrogenous Fertilizer Manufacturing					
	2874	Phosphatic Fertilizers	325312	Phosphatic Fertilizer Manufacturing					
	2875		325314	Fertilizers (Mixing Only) Manufacturing					
	2879	Pesticides and Agricultural Chemicals, NEC	325320	Pesticides and Other Agricultural Chemical Manufacturing					
C5	2891	Adhesives and Sealants	325520	Adhesive Manufacturing					
	2892		325920	Explosives Manufacturing					
	2893	: 3	325910	Printing Ink Manufacturing					
	2895	Carbon Black	325182	Carbon Black Manufacturing					
	2899	Chemicals and Chemical Preparations, NEC (table salt)	311942	Spice and Extract Manufacturing (table salt only)					
		(fatty acids)	325199	All Other Basic Organic Chemical Manufacturing					
		(frit and plastic wood fillers)	325510	Paint and Coating Manufacturing					
		(except frit, plastic wood fillers, fatty acids, and table salt)	325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing					
	2911		324110	Petroleum Refineries					
	3952	Lead Pencils, Crayons, and Artists' Materials (limited to inks and paints, including china painting enamels) (drawing inks and india ink)	325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing					

Sector C. Chemical and Allied Products Manufacturing				
Sub- sector	SIC Codes	NAICS Codes	Notes	
	(china painting enamels, platinum paint for burnt wood or leather work, paints for china painting, artist's paints, and artist's watercolors)	339942 Lead Pencil and Art Good Manufacturing		

Sect	or D.	Asphalt Paving and Roofing Materials Manufacturers and Lubricant Manufacturers			
Sub- sector	SIC Codes			NAICS Codes	Notes
D1	2951	Asphalt Paving Mixtures and Blocks	324121	Asphalt Paving Mixture and Block Manufacturing	
	2952	Asphalt Felt and Coatings	324122	Asphalt Shingle and Coating Materials Manufacturing	
D2	2992	Lubricating Oils and Greases	324191	Petroleum Lubricating Oil and Grease Manufacturing	
	2999	Products of Petroleum and Coal, Not Elsewhere Classified	324199	All Other Petroleum and Coal Products Manufacturing	

	Sector E. Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing						
Sub- sector	SIC Codes		NAICS Codes		Notes		
E3	3211	Flat Glass	327211	Flat Glass Manufacturing			
	3221	Glass Containers	327213	Glass Container Manufacturing			
	3229	Pressed and Blown Glass and Glassware, Not Elsewhere Classified	327212	Other Pressed and Blown Glass and Glassware Manufacturing			
	3231	Glass Product Manufacturing Made of Purchased Glass	327215	Glass Product Manufacturing Made of Purchased Glass			
	3241	Hydraulic Cement	327310	Cement Manufacturing			
E1	3251	Brick and Structural Clay Tile					
		(except slumped brick)	327121	Brick and Structural Clay Tile Manufacturing			
		(slumped brick)	327331	Concrete Block and Brick Manufacturing			
	3253	Ceramic Wall and Floor Tile	327122	Ceramic Wall and Floor Tile Manufacturing			
	3255	Clay Refractories	327124	Clay Refractory Manufacturing			
	3259	Structural Clay Products, Not Elsewhere Classified	327123	Other Structural Clay Product Manufacturing			
	3261	Vitreous China Plumbing Fixtures and China and Earthenware Fittings and Bathroom Accessories	327111	Vitreous China Plumbing Fixture and China and Earthenware Bathroom Accessories Manufacturing			

Sub- sector	SIC Codes		NAICS Codes		Notes
	3262	Vitreous China Table and Kitchen Articles	327112	Vitreous China, Fine Earthenware, and Other Pottery Product Manufacturing	
	3263	Fine Earthenware (Whiteware) Table and Kitchen Articles	327112	Vitreous China, Fine Earthenware, and Other Pottery Product Manufacturing	
	3264	Porcelain Electrical Supplies	327113	Porcelain Electrical Supply Manufacturing	
	3269	Pottery Products, Not Elsewhere Classified	327112	Vitreous China, Fine Earthenware, and Other Pottery Product Manufacturing	
E2	3271	Concrete Block and Brick	327331	Concrete Block and Brick Manufacturing	
	3272	Concrete Products, Except Block and Brick (concrete pipe)	327332	Concrete Pipe Manufacturing	
		(concrete products, except dry mix concrete and pipe)	327390	Other Concrete Product Manufacturing	
		(dry mixture concrete)	327999	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing	
	3273	Ready-Mixed Concrete	327320	Ready-Mix Concrete Manufacturing	
	3274	Lime Manufacturing Calcium hydroxide (i.e., hydrated lime) manufacturing	327410	Lime Manufacturing	
		Calcium oxide (i.e., quicklime) manufacturing	327410	Lime Manufacturing	
		Dolomite, dead-burned, manufacturing	327410	Lime Manufacturing	
		Hydrated lime (i.e., calcium hydroxide) manufacturing	327410	Lime Manufacturing	
		Quicklime (i.e., calcium oxide) manufacturing	327410	Lime Manufacturing	
		Agricultural lime manufacturing	327410	Lime Manufacturing	
	3275	Dolomitic lime manufacturing Gypsum Products	327410 327420	Lime Manufacturing Gypsum Product Manufacturing	

	Sector E. Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing					
Sub- sector		SIC Codes		NAICS Codes	Notes	
E3	3281	Cut Stone and Stone Products	327991	Cut Stone and Stone Product Manufacturing		
		Abrasive Products (except steel wool manufacturing)	327910	Abrasive Product Manufacturing		
	3291	(steel wool manufacturing)	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	Any facility whose primary activity is steel wool manufacturing (NAICS 332999) should be regulated under Sector AA, but may continue to be regulated under Sector E. Sector AA applies additional technology-based effluent limits comprised of good housekeeping measures, spill prevention and response procedures, and spills and leaks; additional SWPPP requirements; and additional inspection requirements. Sector E applies additional technology-based effluent limits comprised of good housekeeping measures, and additional SWPPP requirements.	
					Regulatory burden would likely be greater under Sector AA.	
	3292	Asbestos Products				
		(except brake pads and linings)	327999	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing		
1	İ	(asbestos brake linings and pads)	336340	Motor Vehicle Brake System Manufacturing		
		(asbestos clutch facings, motor vehicle)	336350	Motor Vehicle Transmission and Power Train Parts Manufacturing		
	3295	Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of kaolin and ball clay)	212324	Kaolin and Ball Clay Mining		
		(grinding, washing, separating, etc. of clay, ceramic, and refractory minerals not elsewhere classified)	212325	Clay and Ceramic and Refractory Minerals Mining		
		(grinding, washing, separating, etc. of chemical and fertilizer minerals, not elsewhere classified)	212393	Other Chemical and Fertilizer Mineral Mining		
		(grinding, washing, separating, etc. of nonmetallic minerals, not elsewhere classified)	212399	All Other Nonmetallic Mineral Mining		
		(except grinding, washing, separating, etc. of nonmetallic minerals)	327992	Ground or Treated Mineral and Earth Manufacturing		

	Sector E. Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing						
Sub- sector		SIC Codes		NAICS Codes	Notes		
	3296	Mineral Wool	327993	Mineral Wool Manufacturing			
	3297	Nonclay Refractories	327125	Nonclay Refractory Manufacturing			
	3299	Nonmetallic Mineral Products, Not Elsewhere Classified		Vitano de China Fina Forth annual and Other			
		(clay statuary)	327112	Vitreous China, Fine Earthenware, and Other Pottery Product Manufacturing			
		(moldings, ornamental and architectural plaster work, and gypsum statuary)	327420	Gypsum Product Manufacturing			
		(except moldings, ornamental and architectural plaster work, clay statuary, and gypsum statuary)	327999	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing			

			Secto	r F. Primary Metals	
Sub- sector		SIC Codes		NAICS Codes	Notes
F1	3312	Steel Works, Blast Furnaces (Including Coke Ovens), and Rolling Mills			
		(coke oven products [e.g., coke, gases, tars] made in coke oven establishments)	324199	All Other Petroleum and Coal Products Manufacturing	Any facility whose primary activity is manufacturing coke oven products (e.g., coke, gases, tars) made in coke oven establishments should be regulated under Sector D, but may continue to be regulated under Sector F. Sector F requires sector-specific benchmark monitoring requirements for total aluminum and total zinc, Sector D does not require benchmark monitoring from these facilities. Regulatory burden would be greater under Sector F.
		(except coke ovens not integrated with steel mills and hot-rolling purchased steel)	331111	Iron and Steel Mills	
		(hot-rolling purchased steel)	331221	Rolled Steel Shape Manufacturing	
	3313	Electrometallurigcal Products, Except Steel	331112	Electrometallurigcal Ferroalloy Product Manufacturing	

			Secto	r F. Primary Metals	
Sub- sector		SIC Codes		NAICS Codes	Notes
	3315	Steel Wiredrawing and Steel Nails and Spikes (steel wire drawing)	331222	Steel Wire Drawing	
	3316	Cold-Rolled Steel Sheet, Strip, and Bars	331221	Rolled Steel Shape Manufacturing	
	3317	Steel Pipe and Tubes	331210	Iron and Steel Pipe and Tube Manufacturing from Purchased Steel	
F2	3321 3322 3324 3325	Steel Investment Foundries	331511 331511 331512 331513	Iron Foundries Iron Foundries Steel Investment Foundries Steel Foundries (except Investment)	
F5	3331	Primary Smelting and Refining of Copper	331411	Primary Smelting and Refining of Copper	
]	3334	Primary Production of Aluminum	331312	Primary Aluminum Production	
	3339	Primary Smelting and Refining of Nonferrous Metals, Except Copper and Aluminum	331419	Primary Smelting and Refining of Nonferrous Metal (except Copper and Aluminum)	
	3341	Secondary Smelting and Refining of Nonferrous Metals (aluminum) (copper)	331314 331423	Secondary Smelting and Alloying of Aluminum Secondary Smelting, Refining and Alloying of Copper	
		(except copper and aluminum)	331492	Secondary Smelting, Refining and Alloying of Nonferrous Metal (except Copper and Aluminum)	
F3	3351	Rolling, Drawing, and Extruding of Copper	331421	Copper Rolling, Drawing, and Extruding	
]	-	Aluminum Sheet, Plate, and Foil	331315	Aluminum Sheet, Plate, and Foil Manufacturing	
	3354		331316	Aluminum Extruded Product Manufacturing	
	3355	Aluminum Rolling and Drawing, Not Elsewhere Classified	331319	Other Aluminum Rolling and Drawing	
	3356	and Aluminum	331491	Nonferrous Metal (Except Copper and Aluminum) Rolling, Drawing, and Extruding	
	3357	Drawing and Insulating of Nonferrous Wire (aluminum wire drawing)	331319	Other Aluminum Rolling and Drawing	
		(copper wire drawing)	331422	Copper Wire (except Mechanical) Drawing	
		(wire drawing except copper or aluminum)	331491	Nonferrous Metal (except Copper and Aluminum) Rolling, Drawing, and Extruding	

	Sector F. Primary Metals					
Sub- sector	SIC CODES			NAICS Codes	Notes	
		(fiber optic cable-insulating only)	335921	Fiber Optic Cable Manufacturing		
		(communication and energy wire, except fiber optic-insulating only)	335929	Other Communication and Energy Wire Manufacturing		
F4	3363	Aluminum Die Castings	331521	Aluminum Die Casting Foundries		
	3364	Nonferrous Die Castings, Except Aluminum	331522	Nonferrous (Except Aluminum) Die Casting Foundries		
]	3365	Aluminum Foundries	331524	Aluminum Foundries (Except Die-Casting)		
	3366	Copper Foundries	331525	Copper Foundries (Except Die-Casting)		
	3369	Nonferrous Foundries, Except Copper and Aluminum	331528	Other Nonferrous Foundries (Except Die- Casting)		
F5	3398	Metal Heat Treating	332811	Metal Heat Treating		
	3399	Primary Metal Products, Not Elsewhere Classified (iron ore recovery from open hearth slag)	331111	Iron and Steel Mills		
	l	(ferrous powder, paste, flakes, etc.)	331221	Rolled Steel Shape Manufacturing		
	1	(aluminum powder, paste, flakes, etc.)	331314	Secondary Smelting and Alloying of Aluminum		
		(copper powder, paste, flakes, etc.)	331423	Secondary Smelting, Refining, and Alloying of Copper		
		(nonferrous powder, paste, flakes, etc. except copper and aluminum)	331492	Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)		
		(nonferrous nails, brads, staples, tacks, etc. made from purchased nonferrous wire)	332618	Other Fabricated Wire Product Manufacturing		

	Sector G. Metal Mining (Ore Mining and Dressing)						
Sub- sector		SIC Codes	NAICS Codes Notes				
G1	1021	Copper Ores	212234	Copper Ore and Nickel Ore Mining			
G2	1011	Iron Ores	212210	Iron Ore Mining			
	1021	Copper Ores	212234	Copper Ore and Nickel Ore Mining			
	1031	Lead and Zinc Ores	212231	Lead Ore and Zinc Ore Mining			
	1041	Gold Ores	212221	Gold Ore Mining			
	1044	Silver Ores	212222	Silver Ore Mining			
	1061	Ferroalloy Ores, Except Vanadium					
	l	(nickel)	212234	Copper Ore and Nickel Ore Mining			
		(other ferroalloys except nickel)	212299	All Other Metal Ore Mining			
		Metal Mining Services					

	Sector G. Metal Mining (Ore Mining and Dressing)						
Sub- sector		SIC Codes		NAICS Codes	Notes		
	1081	(except site preparation and related activities performed on a contract or fee basis and geophysical surveying and mapping) (site preparation and related construction activities on a contract basis)	213114	Support Activities for Metal Mining Site Preparation Contractors			
	1094	Uranium-Radium-Vanadium Ores	212291	Uranium-Radium-Vanadium Ore Mining			
	1099	Miscellaneous Metal Ores, Not Elsewhere Classified	212299	All Other Metal Ore Mining			

	Sector H. Coal Mines and Coal Mining-Related Facilities						
Sub- sector SIC Codes NAICS Code		NAICS Codes	Notes				
H1	1221	Bituminous Coal and Lignite Surface Mining	212111	Bituminous Coal and Lignite Surface Mining			
	1222	Bituminous Coal Underground Mining	212112	Bituminous Coal Underground Mining			
	1231	Anthracite Mining	212113	Anthracite Mining			
	1241	Coal Mining Services (except site preparation and related construction activities on a contract basis)	213113	Support Activities for Coal Mining			
		(site preparation and related construction activities on a contract basis)	238910	Site Preparation Contractors			

	Sector I. Oil and Gas Extraction						
Sub- sector		SIC Codes		NAICS Codes	Notes		
I 1	1311	Crude Petroleum and Natural Gas	211111	Crude Petroleum and Natural Gas Extraction			
	1321	Natural Gas Liquids	211112	Natural Gas Liquid Extraction			
	1381	Drilling Oil and Gas Wells	213111	Drilling Oil and Gas Wells			
	1382	Oil and Gas Field Exploration Services	213112	Support Activities for Oil and Gas Operations			
	1389	Oil and Gas Field Services, Not Elsewhere Classified (except construction of field gathering lines, site preparation and related construction activities performed on a contract or fee basis)	213112	Support Activities for Oil and Gas Operations			
		(construction of field gathering lines on a contract or fee basis)	237120	Oil and Gas Pipeline and Related Structures Construction			
		(site preparation and related construction activities on a contract basis)	238910	Site Preparation Contractors			

	Sector J. Mineral Mining and Dressing						
Sub- sector		SIC Codes	NAICS Codes		Notes		
J2	1411	Dimension Stone	212311	Dimension Stone Mining and Quarrying			
	1422	Crushed and Broken Limestone	212312	Crushed and Broken Limestone Mining and Quarrying			
	1423	Crushed and Broken Granite	212313	Crushed and Broken Granite Mining and Quarrying			
	1429	Crushed and Broken Stone, Not Elsewhere Classified	212319	Other Crushed and Broken Stone Mining and Quarrying			
J1	1442	Construction Sand and Gravel	212321	Construction Sand and Gravel Mining			
	1446	Industrial Sand	212322	Industrial Sand Mining			
J3	1455	Kaolin and Ball Clay	212324	Kaolin and Ball Clay Mining			
	1459	Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified	212325	Clay, Ceramic, and Refractory Minerals Mining			
	1474	Potash, Soda, and Borate Minerals	212391	Potash, Soda, and Borate Mineral Mining			
	1475	Phosphate Rock	212392	Phosphate Rock Mining			
	1479	Chemical and Fertilizer Mineral Mining, Not Elsewhere Classified	212393	Other Chemical and Fertilizer Mineral Mining			

	Sector J. Mineral Mining and Dressing						
Sub- sector		SIC Codes		NAICS Codes	Notes		
J2	1481	Nonmetallic Minerals Services, Except Fuels					
		(except geophysical surveying and mapping and site preparation and related construction activities performed on a contract or fee basis)	213115	Support Activities for Nonmetallic Minerals (except Fuels)			
		(site preparation and related construction activities on a contract basis)	238910	Site Preparation Contractors			
	1499	Miscellaneous Nonmetallic Minerals, Except Fuels					
		(except bituminous limestone and bituminous sandstone)	212399	All Other Nonmetallic Mineral Mining			

	Sector K. Hazardous Waste Treatment, Storage or Disposal Facilities							
Sub- Sector	Activity Code	Narrative Description	Notes					
K1	HZ	 Hazardous waste treatment Hazardous waste storage Hazardous waste disposal Hazardous waste facilities operating under interim status Hazardous waste facilities operating under a permit under Subtitle C of RCRA 	 HZ is the Activity Code (i.e., non-SIC / non-NAICS designation) for this Sector. It potentially applies to any facility regardless of SIC / NAICS Code, in addition to these specifically related to hazardous waste: SIC 4953 Refuse Systems (hazardous waste treatment and disposal); NAICS 562211 Hazardous Waste Treatment and Disposal; NAICS 562112 Hazardous Waste Collection (hazardous waste transfer stations). 					

	Sector L. Landfills and Land Application Sites							
Sub- Sector	Activity Code	Narrative Description	Notes					
L1	LF	All Landfill, Land Application Sites and Open Dumps	LF is the Activity Code (i.e., non-SIC and non-NAICS designation)					
L2	LF	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.	for this Sector. It may apply to any facility / SIC Code / NAICS Code, in addition to these specifically related to landfills and landfill application sites: • SIC 4953 Refuse Systems (solid waste landfills); • NAICS 562212 Solid Waste Landfill. Industrial waste is waste from any of the facilities covered by the MSGP (also described in 40 CFR 122.26(b)(14)).					

	Sector M. Automobile Salvage Yards						
Sub- sector	SIC COMPS		NAICS Codes		Notes		
M1	5015	Motor Vehicle Parts, Used (merchant wholesalers except those selling via retail method)	423140	Motor Vehicle Parts (Used) Merchant Wholesalers			

	Sector N. Scrap Recycling Facilities							
Sub- sector		SIC Codes	es NAICS Codes Notes					
N1	5093	Scrap and Waste Materials						
		(merchant wholesalers except Source-Separated Recycling)	423930	Recyclable Material Merchant Wholesalers				
N2	5093	Scrap and Waste Materials						
		(Source-Separated Recycling)	423930	Recyclable Material Merchant Wholesalers				

	Sector O. Steam Electric Generating Facilities								
Sub- Sector	Activity Code	Narrative Description	Notes						
O1	SE	 steam electric power generation using coal, including coal handling areas steam electric power generation using natural gas steam electric power generation using oil steam electric power generation using nuclear energy steam electric power generation using any other fuel to produce a steam source coal pile runoff (includes effluent limitations established by 40 CFR 423) dual fuel co-generation (i.e., steam generation using fossil fuel to augment a heat-capture generation system) 	SE is the Activity Code (i.e., non-SIC and non-NAICS designation) for this Sector. It may apply to any facility / SIC Code / NAICS Code, in addition to these specifically related to steam electric generation: • SIC 4911 Electric Services (fossil fuel power generation, nuclear electric power generation & other electric power generation) • NAICS 221112 Fossil Fuel Electric Power Generation • NAICS 221113 Nuclear Electric Power Generation						

	Sector P. Land Transportation						
Sub- sector	SIC Codes		NAICS Codes		Notes		
P1	4011	Railroads, Line-Haul Operating	482111	Line-Haul Railroads			
	4013	Railroad Switching and Terminal Establishments (short line railroads)	482112	Short Line Railroads			
		(except short line railroads)	488210	Support Activities for Rail Transportation			
	4111	Local and Suburban Transit		Cupperty tournated for Hair Francisco			
		(mixed mode)	485111	Mixed Mode Transit Systems			
		(commuter rail)	485112	Commuter Rail Systems			
		(bus and motor vehicle)	485113	Bus and Other Motor Vehicle Transit Systems			
		(except mixed mode, commuter rail, airport transportation service, and bus and motor vehicle)	485119	Other Urban Transit Systems			
		(airport transportation service)	485999	All Other Transit and Ground Passenger Transportation			
	4119	Local Passenger Transportation, Not Elsewhere Classified					
		(limousine rental with driver and automobile rental with driver)	485320	Limousine Service			
		(employee transportation)	485410	School and Employee Bus Transportation			
		(special needs transportation)	485991	Special Needs Transportation			
		(hearse rental with driver and carpool and vanpool operation)	485999	All Other Transit and Ground Passenger Transportation			
		(sightseeing buses and cable and cog railways, except scenic)	487110	Scenic and Sightseeing Transportation, Land			
		(land ambulance)	621910	Ambulance Services			
	4121	Taxicabs	485310	Taxi Service			
	4221	Farm Product Warehousing and Storage					
	4222	Refrigerated Warehousing and Storage					
	4225	General Warehousing and Storage					
	4131	Intercity and Rural Bus Transportation	485210	Interurban and Rural Bus Transportation			
	4141	Local Bus Charter Service	485510	Charter Bus Industry			
	4142	Bus Charter Service, Except Local	485510	Charter Bus Industry			
	4151	School Buses	485410	School and Employee Bus Transportation			
	4173	Terminal and Service Facilities for Motor Vehicle Passenger Transportation	488490	Other Support Activities for Road Transportation			
	4212	Local Trucking Without Storage (general freight)	484110	General Freight Trucking, Local			
		(household goods moving)	484210	Used Household and Office Goods Moving			

	Sector P. Land Transportation					
Sub- sector		SIC Codes		NAICS Codes	Notes	
		(specialized freight)	484220	Specialized Freight (except Used Goods) Trucking, Local		
		(solid waste collection without disposal)	562111	Solid Waste Collection		
		(hazardous waste collection without disposal)	562112	Hazardous Waste Collection		
		(other waste collection without disposal)	562119	Other Waste Collection		
	4213	Trucking, Except Local (general freight, truckload)	484121	General Freight Trucking, Long-Distance, Truckload		
		(general freight, less than truckload)	484122	General Freight Trucking, Long-Distance, Less Than Truckload		
		(household goods moving)	484210	Used Household and Office Goods Moving		
		(specialized freight)	484230	Specialized Freight (except Used Goods) Trucking, Long-Distance		
	4214	Local Trucking With Storage (general freight)	484110	General Freight Trucking, Local		
		(household goods moving)	484210	Used Household and Office Goods Moving		
		(specialized freight)	484220	Specialized Freight (except Used Goods) Trucking, Local		
	4215	Courier Services, Except by Air (hub and spoke intercity delivery) (local delivery)	492110 492210	Couriers Local Messengers and local Delivery		
	4226	Special Warehousing and Storage, Not Elsewhere Classified (warehousing in foreign trade zones) (fur storage) (except fur storage and warehousing	493110 493120	General Warehousing and Storage Refrigerated Warehousing and Storage		
		in foreign trade zones) Terminal and Joint Terminal	493190	Other Warehousing and Storage		
	4231	Maintenance Facilities for Motor Freight Transportation	488490	Other Support Activities for Road Transportation		
]	4311	United States Postal Service	491110	Postal Service		
	5171	Petroleum Bulk Stations and Terminals (except petroleum sold via retail method)	424710	Petroleum Bulk Stations and Terminals		
		(heating oil sold to final consumer)	454311	Heating Oil Dealers		
		(LP gas sold to final consumer)	454312	Liquefied Petroleum Gas (Bottled Gas) Dealers		

		Se	ctor Q.	Water Transportation	
Sub- sector	SIC Codes		NAICS Codes	Notes	
Q1	4412	Deep Sea Foreign Transportation of Freight	483111	Deep Sea Freight Transportation	
	4424	Deep Sea Domestic Transportation of Freight	483113	Coastal and Great Lakes Freight Transportation	
	4432	Freight Transportation on the Great Lakes - St. Lawrence Seaway	483113	Coastal and Great Lakes Freight Transportation	
	4449	Water Transportation of Freight, Not Elsewhere Classified	483211	Inland Water Freight Transportation	
	4481	Deep Sea Transportation of Passengers, Except by Ferry (deep sea activities) (coastal activities)	483112 483114	Deep Sea Passenger Transportation Coastal and Great Lakes Passenger Transportation	
	4482	Ferries (coastal and Great Lakes)	483114	Coastal and Great Lakes Passenger Transportation	
		(inland)	483212	Inland Water Passenger Transportation	
	4489	Water Transportation of Passengers, Not Elsewhere Classified (water taxis) (airboats, excursion boats, and	483212 487210	Inland Water Passenger Transportation Scenic and Sightseeing Transportation, Water	
	4491	sightseeing boats) Marine Cargo Handling (dock and pier operations) (all but dock and pier operations)	488310 488320	Port and Harbor Operations Marine Cargo Handling	
	4492	Towing and Tugboat Services	488330	Navigational Services to Shipping	
	4493	Marinas	713930	Marinas	
	4499	Water Transportation Services, Not Elsewhere Classified (lighterage)	483211	Inland Water Freight Transportation	
		(lighthouse and canal operations)	488310	Port and Harbor Operations	
		(piloting vessels in and out of harbors and marine salvage)	488330	Navigational Services to Shipping	
		(all but lighthouse operations, piloting vessels in and out of harbors, boat and ship rental, marine salvage, lighterage, marine surveyor services, and canal operations)	488390	Other Support Activities for Water Transportation	
		(boat and ship rental, commercial)	532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	

	Sector R. Ship and Boat Building and Repair Yards							
Sub- sector		SIC Codes		NAICS Codes	Notes			
R1	3731	Ship Building and Repairing (except repairs in floating drydocks) (repair services provided by floating drydocks)	336611 488390	Ship Building and Repairing Other Support Activities for Water Transportation (includes ship scaling facilities)				
	3732	Boat Building and Repairing (boat building) (pleasure boat repair and maintenance services without retailing new boats)	336612 811490	Boat Building Other Personal and Household Goods Repair and Maintenance				
		(ship scaling)	488390	Other Support Activities for Water Transportation (drydocks, floating [i.e., routine repair and maintenance of ships]; other support activities for water transportation; ship dismantling at floating drydock; ship scaling services not done at a shipyard)				
		(motorboat [i.e., inboard and outboard] repair and maintenance services; outboard motor repair shops)	811490	Other Personal and Household Goods Repair and Maintenance				

	Sector S. Air Transportation Facilities							
Sub- sector		SIC Codes		NAICS Codes	Notes			
S1	4512	2 Air Transportation, Scheduled						
		(passenger)	481111	Scheduled Passenger Air Transportation				
		(freight)	481112	Scheduled Freight Air Transportation				
	4513	Air Courier Services	492110	Couriers				
	4522	Air Transportation, Nonscheduled						
		(passenger)	481211	Nonscheduled Chartered Passenger Air Transportation				
		(freight)	481212	Nonscheduled Chartered Freight Air Transportation				

	Sector S. Air Transportation Facilities							
Sub- sector	SIG GODES			NAICS Codes	Notes			
		(using general purpose aircraft for a variety of passenger, freight, courier, and other uses)	481219	Other Nonscheduled Air Transportation				
		(sightseeing planes)	487990	Scenic and Sightseeing Transportation, Other				
		(air ambulance)	621910	Ambulance Services				
	4581	Airports, Flying Fields, and Airport Terminal Services (air freight handling at airports, hangar operations, airport terminal services, aircraft storage, airports, and flying fields)	488119	Other Airport Operations				
		(aircraft servicing and repairing)	488190	Other Support Activities for Air Transportation				

	Sector T. Treatment Works							
Sub- sector	Activity Code	Narrative Description	Notes					
Т1	TW	 treatment works with a design flow of 1.0 MGD or more treating domestic sewage or any other sewage sludge; wastewater treatment devices or system used by the treatment works for the storage, treatment, recycling and reclamation of municipal or domestic sewage; land located within the confines of the treatment works that is dedicated to the disposal of sewage sludge; treatment works required to have an approved pretreatment program under 40 CFR Part 403 	TW is the Activity Code (i.e., non-SIC and non-NAICS designation) for this Sector. It may apply to any facility / SIC Code / NAICS Code, in addition to these specifically related to treatment works: • SIC 4952 Sewerage Systems • NAICS 221320 Sewage Treatment Facilities					

		Sector U	. F000	and Kindred Products	
Sub- sector		SIC Codes		NAICS Codes	Notes
U3	2011	Meat Packing Plants	311611	Animal (except Poultry) Slaughtering	
	2013	Sausages and Other Prepared Meat Products (except lard made from purchased materials)	311612	Meat Processed from Carcasses	
	1	(lard made from purchased materials)	311613	Rendering and Meat Byproduct Processing	
	2015	Poultry Slaughtering and Processing (poultry slaughtering and processing) (egg processing)	311615 311999	Poultry Processing All Other Miscellaneous Food Manufacturing	
	2021		311512	Creamery Butter Manufacturing	
	2022	Natural, Processed, and Imitation Cheese	311513	Cheese Manufacturing	
	2023	Dry, Condensed and Evaporated Dairy Products (liquid non-dairy creamer)	311511	Fluid Milk Manufacturing	
		(except liquid non-dairy creamer)	311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing	
	2024	Ice Cream and Frozen Deserts	311520	Ice Cream and Frozen Desert Manufacturing	
	2026	Fluid Milk (except ultra-high temperature) (ultra-high temperature)	311511 311514	Fluid Milk Manufacturing Dry, Condensed, and Evaporated Dairy Product Manufacturing	
	2032	Canned Specialties (except canned puddings) (canned puddings)	311422 311999	Specialty Canning All Other Miscellaneous Food Manufacturing	
	2033	Canned Fruits, Vegetables, Preserves, Jams, and Jellies	311421	Fruit and Vegetable Canning	
	2034	Dried and Dehydrated Fruits, Vegetables and Soup Mixes (vegetable flour)	311211	Flour Milling	
		(except vegetable flour and soup mixes made from purchased dried and dehydrated ingredients)	311423	Dried and Dehydrated Food Manufacturing	
		(soup mixes made from purchased dehydrated ingredients)	311999	All Other Miscellaneous Food Manufacturing	
	2035	Pickled Fruits and Vegetables, Vegetable Sauces and Seasonings, and Salad Dressings (pickled fruits and vegetables)	311421	Fruit and Vegetable Canning	
		(sauces and salad dressings)	311941	Mayonnaise, Dressing, and Other Prepared Sauce Manufacturing	

	Sector U. Food and Kindred Products						
Sub- sector		SIC Codes	NAICS Codes		Notes		
	2037	Frozen Fruits, Fruit Juices, and Vegetables	311411	Frozen Fruit, Juice, and Vegetable Manufacturing			
	2038	Frozen Specialties, Not Elsewhere Classified	311412	Frozen Specialty Food Manufacturing			
U1	2041	Flour and Other Grain Mill Products	311211	Flour Milling			
	2043	Cereal Breakfast Foods (cereal breakfast foods and related preparations except grain based coffee substitutes)	311230	Breakfast Cereal Manufacturing			
		(grain based coffee substitutes)	311920	Coffee and Tea Manufacturing			
	2044	Rice Milling	311212	Rice Milling			
	2045	Prepared Flour Mixes and Doughs	311822	Flour Mixes and Dough Manufacturing from Purchased Flour			
	2046	Wet Corn Milling (except refining purchased corn oil) (refining purchased corn oil)	311221 311225	Wet Corn Milling Fats and Oils Refining and Blending			
	2047	Dog and Cat Food	311111	Dog and Cat Food Manufacturing			
	2048	Prepared Feeds and Feed Ingredients for Animals and Fowls, Except Dogs and Cats (except slaughtering animals for pet food)	311119	Other Animal Food Manufacturing			
		(slaughtering animals for pet food)	311611	Animal (except Poultry) Slaughtering			
U3	2051	Bread and Other Bakery Products, Except Cookies and Crackers	311812	Commercial Bakeries			
	2052	Cookies and Crackers (unleavened bread and soft pretzels) (except unleavened bread and	311812	Commercial Bakeries			
		pretzels)	311821	Cookie and Cracker Manufacturing			
		(hard pretzels and snack pretzels, except soft)	311919	Other Snack Food Manufacturing (pretzels, except soft)			
	2053	Frozen Bakery Products, Except Bread	311813	Frozen Cakes, Pies, and Other Pastries Manufacturing			
	2061	Cane Sugar, Except Refining	311311	Sugarcane Mills			
	2062	Cane Sugar Refining	311312	Cane Sugar Refining			
	2063	Beet Sugar	311313	Beet Sugar Manufacturing			
	2064	Candy and Other Confectionery Products					
		(chocolate confectionery)	311330	Confectionery Manufacturing from Purchased Chocolate			
		(nonchocolate confectionery)	311340	Nonchocolate Confectionery Manufacturing			

		Sector U	l. Food	and Kindred Products	
Sub- sector		SIC Codes		NAICS Codes	Notes
	2066	Chocolate and Cocoa Products (except chocolate products, made from purchased chocolate)	311320	Chocolate and Confectionery Manufacturing from Cacao Beans	
		(chocolate products made from purchased chocolate)	311330	Confectionery Manufacturing from Purchased Chocolate	
	2067	Chewing Gum	311340	Nonchocolate Confectionery Manufacturing	
	2068	Salted and Roasted Nuts and Seeds	311911	Roasted Nuts and Peanut Butter Manufacturing	
U2	2074	Cottonseed Oil Mills (cottonseed processing) (processing purchased cottonseed oil)	311223 311225	Other Oilseed Processing Fats and Oils Refining and Blending	
	2075	Soybean Oil Mills (soybean processing, except edible soybean oil)	311222	Soybean Processing	
		(processing purchased soybean oil)	311225	Fats and Oils Refining and Blending	
	2076	Vegetable Oil Mills, Except Corn, Cottonseed, and Soybean (oilseed processing) (processing purchased vegetable and	311223	Other Oilseed Processing	
		oilseed oils)	311225	Fats and Oils Refining and Blending	
	2077	Animal and Marine Fats and Oils (animal fats and oils) (canned marine fats and oils)	311613 311711	Rendering and Meat Byproduct Processing Seafood Canning	
		(fresh and frozen marine fats and oils)	311712	Fresh and Frozen Seafood Processing	
	2079	Shortening, Table Oils, Margarine, and Other Edible Fats and Oils, Not Elsewhere Classified (processing soybean oil into edible cooking oils from soybeans crushed in the same establishment)	311222	Soybean Processing	
		(processing vegetable oils, except soybean, into edible cooking oils from oilseeds and vegetables crushed in the same establishment)	311223	Other Oilseed Processing	
		(except processing vegetable and soybean oils into edible oils from oilseeds and vegetables crushed in the same establishment)	311225	Fats and Oils Refining and Blending	
U3	2082	Malt Beverages (malt extract)	311942	Spice and Extract Manufacturing	
		(except malt extract)	312120	Breweries	
	2083	Malt	311213	Malt Manufacturing	

	Sector U. Food and Kindred Products					
Sub- sector		SIC Codes		NAICS Codes	Notes	
	2084	Wines, Brandy and Brandy Spirits	312130	Wineries		
	2085	Distilled and Blended Liquors				
		(apple jack)	312130	Wineries		
		(except apple jack)	312140	Distilleries		
	2086	Bottled and Canned Soft Drinks and Carbonated Water	312111	Coft Drink Manufacturing		
		(except bottled water) (bottled water)	312111	Soft Drink Manufacturing Bottled Water Manufacturing		
		Flavoring Extracts and Flavoring	312112	Bottled Water Manufacturing		
	2087	Syrups, Not Elsewhere Classified (coffee flavoring and syrups)	311920	Coffee and Tea Manufacturing		
		(flavoring syrups and concentrates except coffee)	311930	Flavoring Syrup and Concentrate Manufacturing		
		(flavoring extracts and natural food colorings)	311942	Spice and Extract Manufacturing		
		(powered drink mix)	311999	All Other Miscellaneous Food Manufacturing		
	2091	Canned and Cured Fish and Seafoods	311711	Seafood Canning		
	2092	Prepared Fresh or Frozen Fish and Seafoods	311712	Fresh and Frozen Seafood Processing		
	2095	Roasted Coffee	311920	Coffee and Tea Manufacturing		
	2096	Potato Chips, Corn Chips, and Similar Snacks	311919	Other Snack Food Manufacturing		
	2097	Maufactured Ice	312113	Ice manufacturing		
	2098	Macaroni, Spaghetti, Vermicelli, and Noodles	311823	Dry Pasta Manufacturing		
	2099	Food Preparations, Not Elsewhere Classified				
		(rice, uncooked and packaged with other ingredients made in rice mills)	311212	Rice Milling		
		(marshmallow creme)	311340	Nonchocolate Confectionery Manufacturing		
		(bouillon and potatoes dried and packaged with other ingredients produced in dehydrating plants)	311423	Dried and Dehydrated Food Manufacturing		
		(dry pasta packaged with other ingredients made in dry pasta plants)	311823	Dry Pasta Manufacturing		
		(tortillas)	311830	Tortilla Manufacturing		
		(peanut butter)	311911	Roasted Nuts and Peanut Butter Manufacturing		
		(tea)	311920	Coffee and Tea Manufacturing		
		(vinegar, prepared dip)	311941	Mayonnaise, Dressing, and Other Prepared Sauce Manufacturing		

		Sector U	l. Food	and Kindred Products	
Sub- sector		SIC Codes		NAICS Codes	Notes
		(spices, dry dip mix, dry salad dressing mix, and seasoning mix)	311942	Spice and Extract Manufacturing	
	İ	(perishable prepared food)	311991	Perishable Prepared Food Manufacturing	
		(except bouillon, marshmallow creme, spices, peanut butter, perishable prepared foods, tortillas, tea and tea extracts, dry dip mix, prepared dips, dry salad dressing mix, seasoning mix, dried potatoes, pasta, and rice mixed with other ingredients in mills or dehydrating plants, reducing maple sap to maple syrup, wool grease, and vinegar)	311999	All Other Miscellaneous Food Manufacturing	
	2111	Cigarettes	312221	Cigarette Manufacturing	
	2121	Cigars	312229	Other Tobacco Product Manufacturing	
	2131	Chewing and Smoking Tobacco and Snuff	312229	Other Tobacco Product Manufacturing	
	2141	Tobacco Stemming and Redrying			
	Į.	(stemming and redrying tobacco)	312210	Tobacco Stemming and Redrying	
		(reconstituted tobacco)	312229	Other Tobacco Product Manufacturing	

Sub- sector		SIC Codes		NAICS Codes	Notes
V1	2211	Broadwoven Fabric Mills, Cotton	313210	Broadwoven Fabric Mills	
	2221	Broadwoven Fabric Mills, Manmade Fiber and Silk	313210	Broadwoven Fabric Mills	
	2231	Broadwoven Fabric Mills, Wool (Including Dyeing and Finishing) (except finishing wool fabric without weaving wool fabric)	313210	Broadwoven Fabric Mills 2231	
		(wool broadwoven fabric finishing without weaving fabric)	313311	Broadwoven Fabric Finishing Mills	
		(wool fabric, except broadwoven, finishing without weaving fabric)	313312	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	
	2241	Narrow Fabric and Other Smallwares Mills: Cotton, Wool, Silk and Manmade Fiber	313221	Narrow Fabric Mills	
	2251	Women's Full-Length and Knee- Length Hosiery, Except Socks	313312	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	

	Sector V. Textile Mills, Apparel, and Other Fabric Product Manufacturing						
Sub- sector		SIC Codes		NAICS Codes	Notes		
		(dyeing and finishing sheer hosiery without knitting sheer hosiery)					
		(except dyeing and finishing sheer hosiery)	315111	Sheer Hosiery Mills			
	2252	Hosiery, Not Elsewhere Classified (dyeing and finishing hosiery , except sheer, without knitting hosiery)	313312	Textile and Fabric Finishing (except Broadwoven Fabric) Mills			
		(girls' full length and knee length sheer hosiery)	315111	Sheer Hosiery Mills			
		(except girls' full-length and knee- length sheer hosiery and dyeing and finishing hosiery without knitting hosiery)	315119	Other Hosiery and Sock Mills			
	2253	Knit Outerwear Mills (dyeing and finishing knit outerwear without knitting outerwear)	313312	Textile and Fabric Finishing (except Broadwoven Fabric) Mills			
		(except bath and lounging robes and dying and finish without knitting garments)	315191	Outerwear Knitting Mills			
		(knitting bath or lounging robes)	315192	Underwear and Nightwear Knitting Mills			
	2254	Knit Underwear and Nightwear Mills (dyeing and finishing underwear and nightwear without knitting garments)	313312	Textile and Fabric Finishing (except Broadwoven Fabric) Mills			
		(except dyeing and finishing underwear and nightwear without knitting garments)	315192	Underwear and Nightwear Knitting Mills			
	2257	Weft Knit Fabric Mills (except finishing without knitting weft fabric)	313241	Weft Knit Fabric Mills			
		(finishing weft fabric without knitting weft fabric)	313312	Textile and Fabric Finishing (except Broadwoven Fabric) Mills			
	2258	Weft Knit Fabric Mills (except finishing without knitting weft fabric)	313241	Weft Knit Fabric Mills			
		(finishing weft fabric without knitting weft fabric)	313312	Textile and Fabric Finishing (except Broadwoven Fabric) Mills			
	2259	Knitting Mills, Not Elsewhere Classified (knitting weft fabric and fabricating textile products, such as bedspreads, curtains, or towels)	313241	Weft Knit Fabric Mills			

		Sector V. Textile Mills, Ap	parel, a	and Other Fabric Product Manuf	acturing
Sub- sector		SIC Codes		NAICS Codes	Notes
		(knitting lace or warp fabric and fabricating textile products, such as bedspreads, curtains, or towels)	313249	Other Knit Fabric and Lace Mills	
		(dyeing and finishing knit gloves and mittens without knitting gloves or mittens)	313312	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	
		(knitting gloves and mittens) (knitting girdles and allied foundation garments)	315191 315192	Outerwear Knitting Mills Underwear and Nightwear Knitting Mills	
	2261	Finishers of Broadwoven Fabrics of Cotton	313311	Broadwoven Fabric Finishing Mills	
	2262	Finishers of Broadwoven Fabrics of Manmade Fibers and Silk	313311	Broadwoven Fabric Finishing Mills	
	2269	Finishers of Textiles, Not Elsewhere Classified (linen fabric finishing)	313311	Broadwoven Fabric Finishing Mills	
		(except linen fabric finishing)	313312	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	
	2273	Carpets and Rugs	314110	Carpet and Rug Mills	
	2281	Yarn Spinning Mills	313111	Yarn Spinning Mills	
	2282	Yarn Texturizing, Throwing, Twisting and Spinning Mills	313112	Yarn Texturizing, Throwing, Twisting Mills	
	2284	Thread Mills (except finishing thread without manufacturing thread)	313113	Thread Mills	
		(finishing thread without manufacturing thread)	313312	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	
	2295	Coated Fabrics, Not Rubberized	313320	Fabric Coating Mills	
	2296	Tire Cord and Fabrics	314992	Tire Cord and Tire fabric Mills	
	2297	Nonwoven Fabrics	313230	Nonwoven Fabric Mills	
	2298	Cordage and Twine (hemp rope made in spinning mills)	313111	Yarn Spinning Mills	
		(except hemp rope made in spinning mills)	314991	Rope, Cordage, and Twine Mills	
	2299	Textile Goods, Not Elsewhere Classified			
		(hemp bags made in spinning mills, & spinning yarn of flax, hemp, jute, and ramie)	313111	Yarn Spinning Mills	
		(manufacturing thread of hemp, linen, and ramie)	313113	Thread Mills	

		Sector V. Textile Mills, Ap	parel,	and Other Fabric Product Manuf	acturing
Sub- sector		SIC Codes		NAICS Codes	Notes
		(broadwoven fabrics of jute, linen, hemp, and ramie and hand woven fabrics)	313210	Broadwoven Fabric Mills	
		(narrow woven fabric of jute, linen, hemp, and ramie)	313221	Narrow Fabric Mills	
		(nonwoven felt)	313230	Nonwoven Fabric Mills	
		(finishing hard fiber thread and yarn without manufacturing thread or yarn)	313312	Textile and Fabric Finishing (except Broadwoven Fabric) Mills	
		(manufacturing other textile products)	314999	All Other Miscellaneous Textile Product Mills	
	2311	Men's and Boys' Suits, Coats, and Overcoats	045044	Men's and Boys' Cut and Sew Apparel	
		(contractors)	315211	Contractors	
		(except contractors)	315222	Men's and Boys' Cut and Sew Suit, Coat and Overcoat Manufacturing	
	2321	Men's and Boys' Shirts, Except Work Shirts			
		(contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(except contractors)	315223	Men's and Boys' Cut and Sew Shirt (except Work Shirt) Manufacturing	
	2322	Men's and Boys' Underwear and Nightwear			
		(contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(except contractors)	315221	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturing	
	2323	Men's and Boys' Neckwear (contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(except contractors)	315993	Men's and Boys' Neckwear Manufacturing	
	2325	Men's and Boys' Separate Trousers and Slacks			
		(contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(except contractors)	315224	Men's and Boys' Cut and Sew Trouser, Slack and Jean Manufacturing	
	2326	Men's and Boys' Work Clothing			
		(contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(except contractors)	315225	Men's and Boys' Cut and Sew Work Clothing Manufacturing	

Sub- ector		SIC Codes		NAICS Codes	Notes
00101	2329	Men's and Boys' Clothing, Not Elsewhere Classified			
		(contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(except team athletic uniforms and contractors)	315228	Men's and Boys' Cut and Sew Other Outerwear Manufacturing	
		(team athletic uniforms except contractors)	315299	All Other Cut and Sew Apparel Manufacturing	
	2331	Women's, Misses', and Juniors' Blouses and Shirts			
		(contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	315232	Women's and Girls' Cut and Sew Blouse and Shirt Manufacturing	
	2335	Women's, Misses', and Juniors' Dresses			
		(contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	315233	Women's and Girls' Cut and Sew Dress Manufacturing	
	2337	Women's, Misses', and Juniors' Suits, Skirts, and Coats			
		(contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	315234	Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket, and Skirt Manufacturing	
	2339	Women's, Misses', and Juniors' Outerwear, Not Elsewhere Classified			
		(contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except team athletic uniforms, scarves, and contractors)	315239	Women's and Girls' Cut and Sew Other Outerwear Manufacturing	
		(team athletic uniforms except contractors)	315299	All Other Cut and Sew Apparel Manufacturing	
		(scarves except contractors)	315999	Other Apparel Accessories and Other Apparel Manufacturing	
	2341	Women's, Misses', Children's, and Infants' Underwear and Nightwear			
		(boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	

Sub-		SIC Codes		NAICS Codes	Notes
sector		(boys' except contractors)	315221	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturing	
		(women and girls' except contractors)	315231	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturing	
		(infants' except contractors)	315291	Infants' Cut and Sew Apparel Manufacturing	
	2342	Brassieres, Girdles, and Allied Garments		Warranta Cirlat and Infantal Cut and Cour	
		(contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	315231	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturing	
	2353	Hats, Caps, and Millinery (men's and boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
	<u> </u>	(except contractors)	315991	Hat, Cap, and Millinery Manufacturing	
	2361	Girls', Children's, and Infants' Dresses, Blouses, and Shirts (boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(girls' and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(boys' shirts except contractors)	315223	Men's and Boys' Cut and Sew Shirt (except Work Shirt) Manufacturing	
		(girls' blouses and shirts except contractors)	315232	Women's and Girls' Cut and Sew Blouse and Shirt Manufacturing	
		(girls' dresses except contractors)	315233	Women's and Girls' Cut and Sew Dress Manufacturing	
	<u> </u>	(infants' except contractors)	315291	Infants' Cut and Sew Apparel Manufacturing	
	2369	Girls', Children's, and Infants' Outerwear, Not Elsewhere Classified		Maria and Barri Out and Out America	
		(boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(girls' and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(boys' robes except contractors)	315221	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturing	
		(boys' suits and coats except contractors)	315222	Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturing	
		(boys' trousers, slacks, and jeans except contractors)	315224	Men's and Boys' Cut and Sew Trouser, Slack and Jean Manufacturing	

		Sector V. Textile Mills, Ap	parel, a	and Other Fabric Product Manufa	acturing
Sub- sector		SIC Codes		NAICS Codes	Notes
		(boys' other outerwear except contractors)	315228	Men's and Boys' Cut and Sew Other Outerwear Manufacturing	
		(girls' robes except contractors)	315231	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturing	
		(girls' suits, coats, jackets, and skirts except contractors)	315234	Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket, and Skirt Manufacturing	
		(girls' other outerwear except contractors)	315239	Women's and Girls' Cut and Sew Other Outerwear Manufacturing	
		(infants' except contractors)	315291	Infants' Cut and Sew Apparel Manufacturing	
	2371	Fur Goods (men's and boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	315292	Fur and Leather Apparel Manufacturing	
	2381	Dress and Work Gloves, Except Knit and All-Leather			
		(men's and boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	315992	Glove and Mitten Manufacturing	
	2384	Robes and Dressing Gowns			
		(men's and boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(men's except contractors)	315221	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturing	
		(women's except contractors)	315231	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturing	
	2385	Waterproof Outerwear			
		(men's and boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(men's and boys' water resistant or water repellent tailored overcoats, except made from rubberized fabric, plastics, etc. and contractors)	315222	Men's and Boys' Cut and Sew Suit, Coat, and Overcoat Manufacturing	

		Sector V. Textile Mills, Ap	parel, a	and Other Fabric Product Manuf	acturing
Sub- sector		SIC Codes		NAICS Codes	Notes
		(men's and boys' water resistant or water repellent nontailored outerwear, except made from rubberized fabric, plastics, etc. and contractors)	315228	Men's and Boys' Cut and Sew Other Outerwear Manufacturing	
		(women's and girls' water resistant or water repellent tailored coats, except made from rubberized fabric, plastics, etc. and contractors)	315234	Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket, and Skirt Manufacturing"	
		(other women's and girls' water resistant or water repellent nontailored outerwear, except made from rubberized fabric, plastics, etc. and contractors)	315239	Women's and Girls' Cut and Sew Other Outerwear Manufacturing	
		(infants' waterproof outerwear made from rubberized fabric, plastics, etc. except contractors)	315291	Infants' Cut and Sew Apparel Manufacturing	
		(men's, boys', women's, and girls' waterproof outerwear made from rubberized fabric, plastics, etc. except contractors)	315299	All Other Cut and Sew Apparel Manufacturing	
		(accessories, such as aprons, bibs, and other miscellaneous waterproof items, made from rubberized fabric, plastics, etc. except contractors)	315999	Other Apparel Accessories and Other Apparel Manufacturing	
	2386	Leather and Sheep-Lined Clothing (men's and boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	315292	Fur and Leather Apparel Manufacturing	
	2387	Apparel Belts (men's and boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	315999	Other Apparel Accessories and Other Apparel Manufacturing	
	2389	Apparel and Accessories, Not Elsewhere Classified			
		(men's and boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	

Sub- ector		SIC Codes		NAICS Codes	Notes
ector		(garters and garter belts except contractors)	315231	Women's and Girls' Cut and Sew Lingerie, Loungewear, and Nightwear Manufacturing	
		(apparel, such as academic gowns, clerical outerwear, and band uniforms, except contractors)	315299	All Other Cut and Sew Apparel Manufacturing	
		(accessories such as, handkerchiefs, arm bands, cummerbunds, suspenders, etc., except contractors)	315999	Other Apparel Accessories and Other Apparel Manufacturing	
	2391	Curtains and Draperies	314121	Curtain and Drapery Mills	
	2392	Housefurnishings, Except Curtains and Draperies (except mops, dust rags, and bags) (blanket, laundry, and wardrobe bags) (dust rags) (floor and dust mops)	314129 314911 314999 339994	Other Household Textile Product Mills Textile Bag Mills All Other Miscellaneous Textile Product Mills Broom, Brush, and Mop Manufacturing	
	2393	Textile Bags	314911	Textile Bag Mills	
	2394	Canvas and Related Products	314912	Canvas and Related Product Mills	
	2395	Pleating, Decorative and Novelty Stitching, and Tucking for the Trade (except apparel contractors)	314999	All Other Miscellaneous Textile Product Mills Men's and Boys' Cut and Sew Apparel	
		(men's and boy's apparel contractors) (women's, girls', and infants' apparel contractors)	315211 315212	Contractors Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
	2396	Automotive Trimmings, Apparel Findings, and Related Products (textile products except automotive and apparel trimmings and findings, printing or embossing on apparel, and contractors)	314999	All Other Miscellaneous Textile Product Mills	
		(men's and boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(apparel findings and trimmings, except contractors)	315999	Other Apparel Accessories and Other Apparel Manufacturing	
		(printing and embossing on fabric articles)	323113	Commercial Screen Printing	
		(textile motor vehicle trimming except contractors)	336360	Motor Vehicle Seating and Interior Trim Manufacturing	
	2397	Schiffli Machine Embroideries	313222	Schiffli Machine Embroidery	

Sub- sector		SIC Codes		and Other Fabric Product Manuf NAICS Codes	Notes
Sector	2399	Fabricated Textile Products, Not Elsewhere Classified (except apparel and accessories, automotive seat belts, seat and tire covers, and contractors)	314999	All Other Miscellaneous Textile Product Mills	
		(men's and boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(apparel and apparel accessories, except contractors)	315999	Other Apparel Accessories and Other Apparel Manufacturing	
		(seat belts, and seat and tire covers)	336360	Motor Vehicle Seating and Interior Trim Manufacturing	
	3131	Boot and Shoe Cut Stock and Findings (except wood heels and metal buckles)	316999	All Other Leather Good Manufacturing	
		(heels, boot and shoe, finished wood, manufacturing)	321999	All Other Miscellaneous Wood Product Manufacturing	A facility with the primary activity of NAICS 321999 "heels, boot and shoe, finished wood, manufacturing" can be regulated under Sector A or Sector V. Sector A requires additional technology-based effluent limits comprising good housekeeping; additional SWPPP requirements; additional inspection requirements; and benchmark monitoring for COD and TSS. Sector V requires additional technology-based effluent limits comprised of good housekeeping measures and employee training; additional SWPPP requirements; and additional inspection requirements. Regulatory burden would likely be greater under Sector A.

		Sector V. Textile Mills, Ap	parel, a	and Other Fabric Product Manufa	cturing
Sub- sector		SIC Codes		NAICS Codes	Notes
		(metal buckles)	339993	Fastener, Button, Needle, and Pin Manufacturing	Any facility whose primary activity is manufacturing metal buckles (SIC 3131 / NAICS 339993) should be regulated under Sector Y, but may continue to be regulated under Sector V, or alternatively, under Sector AD. Sector Y does not apply additional sector-specific requirements to metal buckle manufacturers. Sector V applies additional technology-based limitations comprised of good housekeeping measures for material storage areas and employee training. Under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements. Regulatory burden would likely be greater under Sector V.
	3142	House Slippers	316212	House Slipper Manufacturing	
	3143	Men's Footwear, Except Athletic	316213	Men's Footwear (except Athletic) Manufacturing	
	3144	Women's Footwear, Except Athletic	316214	Women's Footwear (except Athletic) Manufacturing	
	3149	Footwear, Except Rubber, Not Elsewhere Classified	316219	Other Footwear Manufacturing	
	3151	Leather Gloves and Mittens (men's and boys' contractors)	315211	Men's and Boys' Cut and Sew Apparel Contractors	
		(women's, girls', and infants' contractors)	315212	Women's, Girls', and Infants' Cut and Sew Apparel Contractors	
		(except contractors)	315992	Glove and Mitten Manufacturing	
	3161	Luggage	316991	Luggage Manufacturing	
	3171	Women's Handbags and Purses	316992	Women's Handbag and Purse Manufacturing	
	3172	Personal Leather Goods, Except Women's Handbags and Purses (except nonprecious metal personal goods, such as card cases, cigar cases, and comb cases)	316993	Personal Leather Good (except Women's Handbag and Purse) Manufacturing	

	Sector V. Textile Mills, Apparel, and Other Fabric Product Manufacturing							
Sub- sector	SIL LODES I			NAICS Codes	Notes			
		(nonprecious metal personal goods, such as card cases, cigar cases, and comb cases)	339914	Costume Jewelry and Novelty Manufacturing	Any facility whose primary activity is manufacturing nonprecious metal personal goods, such as card cases, cigar cases, and comb cases (SIC 3172 / NAICS 339914) should be regulated under Sector Y, but may continue to be regulated under Sector V, or alternatively, under Sector AD. Sector Y does not apply additional sector-specific requirements to metal buckle manufacturers. Sector V applies additional technology-based limitations comprised of good			
					housekeeping measures for material storage areas and employee training. Under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements.			
					Regulatory burden would likely be greater under Sector V.			
	3199	Leather Goods, Not Elsewhere Classified	316999	All Other Leather Good Manufacturing				

	Sector W. Furniture and Fixtures								
Sub- sector	SIC Codes		NAICS Codes		Notes				
W1	2434	Wood Kitchen Cabinets	337110	Wood Kitchen Cabinet and Countertop Manufacturing					
	2511	Wood Household Furniture, Except Upholstered							
		(except wood box spring frames)	337122	Nonupholstered Wood Household Furniture Manufacturing					
		(wood box spring frames (parts))	337215	Showcase, Partition, Shelving, and Locker Manufacturing					
	2512	Wood Household Furniture, Upholstered	337121	Upholstered Household Furniture Manufacturing					
	2514	Metal Household Furniture (upholstered)	337121	Upholstered Household Furniture Manufacturing					
		(except upholstered metal furniture and metal box spring frames)	337124	Metal Household Furniture Manufacturing					

	Sector W. Furniture and Fixtures							
Sub- sector	, SIC Codes			NAICS Codes	Notes			
		(metal box spring frames)	337215	Showcase, Partition, Shelving, and Locker Manufacturing				
	2515	Mattresses, Foundations, and Convertible Beds	337121	Upholstered Household Furniture				
		(convertible beds)		Manufacturing				
		(mattresses and foundations)	337910	Mattress Manufacturing				
	2517	Wood, Television, Radio, Phonograph, and Sewing Machine Cabinets	337129	Wood, Television, Radio, Phonograph, and Sewing Machine Cabinet Manufacturing				
	2519	Household Furniture, Not Elsewhere Classified	337125	Household Furniture (except Wood and Metal) Manufacturing				
ĺ	2521	Wood Office Furniture	337211	Wood Office Furniture Manufacturing				
	2522	; • ; = ; = ; = ;	337214	Office Furniture (Except Wood) Manufacturing				
	2531	Public Building and Related Furniture (seats for motor vehicles)	336360	Motor Vehicle Seating and Interior Trim				
		(except motor vehicle seats and blackboards)	337127	Manufacturing Institutional Furniture Manufacturing				
		(blackboards)	339942	Lead Pencil and Art Good Manufacturing				
	2541	Wood Office and Store Fixtures, Partitions, Shelving, and Lockers						
		(counter tops)	337110	Wood Kitchen Cabinet and Countertop Manufacturing				
		(wood lunchroom tables and chairs)	337127	Institutional Furniture Manufacturing				
		(custom architectural millwork)	337212	Custom Architectural Woodwork and Millwork Manufacturing				
		(except custom architectural millwork, counter tops, and lunchroom tables and chairs)	337215	Showcase, Partition, Shelving, and Locker Manufacturing				
	2542	Office and Store Fixtures, Partitions, Shelving, and Lockers, Except Wood (lunchroom tables and chairs)	337127	Institutional Furniture Manufacturing				
		(except lunchroom tables and chairs)	337215	Showcase, Partition, Shelving, and Locker Manufacturing				
	2591	Drapery Hardware and Window Blinds and Shades	337920	Blind and Shade Manufacturing				
	2599	Furniture and Fixtures, Not Elsewhere Classified						
		(except hospital beds) (hospital beds)	337127 339111	Institutional Furniture Manufacturing Laboratory Apparatus and Furniture Manufacturing				

	Sector X. Printing and Publishing							
Sub- sector		SIC Codes		NAICS Codes	Notes			
X1	2711	Newspapers: Publishing, or Publishing and Printing (except Internet newspaper publishing)	511110	Newspaper Publishers				
	2721	Periodicals: Publishing, or Publishing and Printing (except Internet periodical publishing)	511120	Periodical Publishers				
	2731	Books: Publishing, or Publishing and Printing (except Internet book publishing) (except music books)	511130	Book Publishers				
		(music books)	512230	Music Publishers				
	2732	Book Printing	323117	Book Printing				
	2741	Miscellaneous Publishing (except Internet publishers) (shopping news and advertising periodical publishing or publishing and printing except Internet)	511120	Periodical Publishers				
		(technical manuals and books publishing or publishing and printing, except Internet)	511130	Book Publishers				
		(directory publishers, except Internet publishers)	511140	Directory and Mailing List Publishers				
		(except database, advertising periodicals, shopping news, technical manuals and books, and sheet music publishing or publishing and printing)	511199	All Other Publishers				
		(sheet music publishing or publishing and printing)	512230	Music Publishers				
	2752	Commercial Printing, Lithographic (except quick printing) (quick printing)	323110 323114	Commercial Lithographic Printing Quick Printing				
	2754	Commercial Printing, Gravure	323111	Commercial Gravure Printing				
	2759	Commercial Printing, NEC	3 <u>2</u> 3111	Commordia Gravare i mung	+			
		(flexographic printing)	323112	Commercial Flexographic Printing				
		(screen printing)	323113	Commercial Screen Printing				
		(digital printing, except quick printing)	323115	Digital Printing				
		(other commercial printing except flexographic, screen, digital, and quick printing)	323119	Other Commercial Printing				
	2761	Manifold Business Forms						

	Sector X. Printing and Publishing							
Sub- sector	SIC Codes		NAICS Codes		Notes			
	2771	Greeting Cards (except Internet greeting card publishers) (lithographic printing of greeting cards)	323110	Commercial Lithographic Printing				
		(gravure printing of greeting cards)	323111	Commercial Gravure Printing				
		(flexographic printing of greeting cards)	323112	Commercial Flexographic Printing				
		(screen printing of greeting cards)	323113	Commercial Screen Printing				
		(other printing of greeting cards)	323119	Other Commercial Printing				
		(publishing greeting cards)	511191	Greeting Card Publishers				
	2782	Blankbooks, Looseleaf Binders and Devices						
		(checkbooks)	323116	Manifold Business Form Printing				
		(except checkbooks)	323118	Blankbook, Loose-leaf Binder, and Device Manufacturing				
	2789	Bookbinding and Related Work	323121	Tradebinding and Related Work				
	2791	Typesetting	323122	Prepress Services				
	2796	Platemaking and Related Services	323122	Prepress Services				

Sub- sector		SIC Codes		NAICS Codes	Notes
Y1	3011	Tires and Inner Tubes	326211	Tire Manufacturing (except Retreading)	
	3021	Rubber and Plastics Footwear	316211	Rubber and Plastics Footwear Manufacturing	
	3052	Rubber and Plastics Hose and Belting	326220	Rubber and Plastics Hoses and Belting Manufacturing	
	3053	Gaskets, Packing, and Sealing Devices	339991	Gaskets, Packing, and Sealing Device Manufacturing	
	3061	Molded, Extruded, and Lathe-Cut Mechanical Rubber Goods	326291	Rubber Product Manufacturing for Mechanical Use	
	3069	Fabricated Rubber Products, Not Elsewhere Classified			
		(rubberizing fabric or purchased textile products)	313320	Fabric Coating Mills	
		(bags made from rubberized fabric)	314911	Textile Bag Mills	
		(rubber cut and sew outerwear)	315299	All Other Cut and Sew Apparel Manufacturing	

Sub- sector		SIC Codes		NAICS Codes	Notes
		(bibs, bathing caps, related rubber accessories)	315999	Other Apparel Accessories and Other Apparel Manufacturing	
		(rubber resilient floor coverings)	326192	Resilient Floor Covering Manufacturing	
		(except rubberized fabric and garments, gloves, life vests, wet suits, accessories, such as bibs and bathing caps, rubber toys, bags made from rubberized fabric, rubber diaper covers, and rubber resilient floor coverings)	326299	All Other Rubber Product Manufacturing	
		(rubber gloves, inflatable rubber life jackets)	339113	Surgical and Appliance and Supplies Manufacturing	
		(wet suits)	339920	Sporting and Athletic Goods Manufacturing	
		(rubber toys, except dolls)	339932	Game, Toy, and Children's Vehicle Manufacturing	
Y2	3081	Unsupported Plastics Film and Sheet	326113	Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing	
	3082	Unsupported Plastics Profile Shapes	326121	Unlaminated Plastics Profile Shape Manufacturing	
	3083	Laminated Plastics Plate, Sheet, and Profile Shapes	326130	Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing	
	3084	Plastics Pipe	326122	Plastics Pipe and Pipe Fitting Manufacturing	
	3085	Plastics Bottles	326160	Plastics Bottle Manufacturing	
	3086	Plastics Foam Products (polystyrene foam products)	326140	Polystyrene Foam Product Manufacturing	
		(except polystyrene foam products)	326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing	
	3087	Custom Compounding of Purchased Plastics Resins	325991	Custom Compounding of Purchased Resins	
	3088	Plastics Plumbing Fixtures	326191	Plastics Plumbing Fixture Manufacturing	
	3089	Plastics Products, Not Elsewhere Classified		Halania da di Diadia a Darfila Obarra	
		(plastics sausage casings)	326121	Unlaminated Plastics Profile Shape Manufacturing	
		(pipe fittings) (except plastics pipe fittings, inflatable plastics life jackets, plastics furniture parts, and plastics sausage casings)	326122 326199	Plastics Pipe and Pipe Fitting Manufacturing All Other Plastics Product Manufacturing	
		(finished plastic furniture parts)	337215	Showcase, Partition, Shelving, and Locker Manufacturing	

	3931 3942 3944	(inflatable plastic life jackets) Musical Instruments Dolls and Stuffed Toys Games, Toys, and Children's Vehicles, Except Dolls and Bicycles	339113 339992 339931	Surgical Appliance and Supplies Manufacturing Musical Instrument Manufacturing Doll and Stuffed Toy Manufacturing	
	3942	Dolls and Stuffed Toys Games, Toys, and Children's Vehicles,			
		Games, Toys, and Children's Vehicles,	339931	Doll and Stuffed Toy Manufacturing	
	3944				
		(metal tricycles)	336991	Motorcycle, Bicycle, and Parts Manufacturing	Any facility whose primary activity is manufacturing metal tricycles (SIC 3944 NAICS 336991) should be regulated under Sector AB, but may continue to be regulated under Sector Y, or alternatively under Sector AD. Sector AB applies additional SWPPP requirements. Sector Y does not apply additional sector-specific requirements to metal tricycle manufacturers and under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements. Regulatory burden would be greater under Sector AB.
		(except metal tricycles)	339932	Game, Toy, and Children's Vehicle Manufacturing	
	3949	Sporting and Athletic Goods, Not Elsewhere Classified	339920	Sporting and Athletic Goods Manufacturing	
	3951	Pens, Mechanical Pencils, and Parts	339941	Pens, Mechanical Pencil Manufacturing	
L	3953	Marking Devices	339943	Marking Device Manufacturing	
	3955	Carbon Paper and Inked Ribbons	339944	Carbon Paper and Inked Ribbon Manufacturing	
	3961	Costume Jewelry and Costume Novelties, Except Precious Metal (except cuff links) (nonprecious cuff links)	339914 339993	Costume Jewelry and Novelty Manufacturing Fastener, Button, Needle, and Pin	
-	3965	Fasteners, Buttons, Needles, and	339993	Manufacturing Fastener, Button, Needle, and Pin	
L	3991	Pins Brooms and Brushes	339994	Manufacturing Broom, Brush, and Mop Manufacturing	

Sector Y. Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries Sub-**SIC Codes NAICS Codes Notes** sector 3993 Signs and Advertising Specialties Any facility whose primary activity is screen printing purchased advertising specialties (SIC 3993 / NAICS 323113) should be regulated under Sector X, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector X applies additional technology-based effluent limits comprised of good housekeeping measures for material storage areas, and (screen printing purchased advertising 323113 Commercial Screen Printing additional SWPPP requirements. Sector specialties³⁴) Y does not apply additional requirements to these facilities and under Sector AD EPA could establish additional facilityspecific monitoring and reporting requirements. Regulatory burden would be greater under Sector X. 339950 Sign Manufacturing (signs) 339995 3995 **Burial Caskets Burial Casket Manufacturing** Linoleum, Asphalted-Felt-Base, and 3996 Other Hard Surface Floor Coverings, 326192 Resilient Floor Covering Manufacturing Not Elsewhere Classified

Sub- sector		SIC Codes		NAICS Codes	Notes
	3999	Manufacturing Industries, Not Elsewhere Classified (fur dressing and finishing)	316110	Leather and Hide Tanning and Finishing	Any facility whose primary activity is fur dressing and finishing (SIC 3999 / NAICS 316110) should be regulated under Sector Z, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector Z applies additional technology-based effluent limits comprised of good housekeeping measures for material storage areas and handling areas, and additional SWPPP requirements. Sector Y does not apply additional requirements to these facilities and under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements. Regulatory burden would be greater under Sector Z.
		(burnt wood articles)	321999	All Other Miscellaneous Wood Product Manufacturing	Any facility whose primary activity is burnt wood articles (SIC 3999 / NAICS 321999) should be regulated under Sector A, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector A applies additional technology-based effluent limits comprised of good housekeeping measures, additional SWPPP requirements, and benchmark monitoring for COD and TSS. Sector Y does not apply additional requirements to these facilities and under Sector AD EPA could establish additional facility- specific monitoring and reporting requirements. Regulatory burden would be greater under Sector A.

Sub- sector	SIC Codes		NAICS Codes	Notes
	(matches and match books manufacturing)	325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing	Any facility whose primary activity is matches and match books manufacturing (SIC 3999 / NAICS 325998) should be regulated under Sector C, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sectors C and Y do not require additional sector-specific requirements. EPA could establish additional facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden is not expected to differ between Sectors C and Y.
	(plastics products such as combs, hair curlers, etc.)	326199	All Other Plastics Product Manufacturing	differ between Sectors C and 1.
	(hand operated hair clippers for humans)	332211	Cutlery and Flatware (except Precious) Manufacturing	Any facility whose primary activity is manufacturing hand operated hair clippers for humans (SIC 3999 / NAICS 332211) should be regulated under Sector AA, but may continue to be regulated under Sector Y, or alternatively under Sector AD. Sector AA applies additional technology- based effluent limits comprised of good housekeeping measures, spill prevention and response procedures, and spills and leaks; additional SWPPP requirements; and additional inspection requirements. Sector Y does not require additional sector- specific requirements. EPA could establish additional facility-specific monitoring and reporting requirements under Sector AD.

Sub- sector	SIC Codes		NAICS Codes	Notes
	(tape measures)	332212	Hand and Edge Tool Manufacturing	Any facility whose primary activity is manufacturing tape measures (SIC 3999 / NAICS 332212) should be regulated under Sector AA, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector AA applies additional
				technology-based effluent limits comprised of good housekeeping measures, spill prevention and response procedures, and spills and leaks; additional SWPPP requirements; and additional inspection requirements. Sector Y does not require additional sector- specific requirements. EPA could establish additional facility-specific monitoring and reporting requirements under Sector AD.
				Regulatory burden would be greater under Sector AA.
	(flocking metal products for the trade)	332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers	Any facility whose primary activity is manufacturing flocking metal products for the trade (SIC 3999 / NAICS 332812) should be regulated under Sector AA, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector AA applies additional technology- based effluent limits comprised of good housekeeping measures, spill prevention and response procedures, and spills and leaks; additional SWPPP requirements; and additional inspection requirements. Sector Y does not require additional sector- specific requirements. EPA could establish additional facility-specific monitoring and reporting requirements under Sector AD.

Sub- sector	SIC Codes		NAICS Codes	Notes
	(other miscellaneous metal products, such as combs, hair curlers, etc.)	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	Any facility whose primary activity is manufacturing other miscellaneous metal products, such as combs, hair curlers, etc. (SIC 3999 / NAICS 332999) should be regulated under Sector AA, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector
				AA applies additional technology-based effluent limits comprised of good housekeeping measures, spill prevention and response procedures, and spills and leaks; additional SWPPP requirements; and additional inspection requirements. Sector Y does not require additional sector-specific requirements. EPA could establish additional facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden would be greater under Sector AA.
	(beauty and barber shop equipment, except chairs)	333319	Other Commercial and Service Industry Machinery Manufacturing	under Sector AA.
	(lamp shades of paper or textile)	335121	Residential Electric Lighting Fixture Manufacturing	
	(electric hair clippers for humans)	335211	Electric Housewares and Household Fan Manufacturing	Any facility whose primary activity is manufacturing electric hair clippers for humans (SIC 3999 / NAICS 335211) should be regulated under Sector AC, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sectors Y and AC do not apply sector-specific requirements to facilities manufacturing electric hair clippers for humans. EPA may establish facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden is not expected to differ between Sectors Y and AC.

Sub- sector	SIC Codes		NAICS Codes	Notes
	—— (beauty and barber chairs)	337127	Institutional Furniture Manufacturing	Any facility whose primary activity is manufacturing beauty and barber chairs (SIC 3999 / NAICS 337127) should be regulated under Sector W, but may continue to be regulated under Sector Y, or alternatively, under Sector AD. Sector W applies additional SWPPF requirements to facilities manufacturing beauty and barber chairs. Sector Y applies no additional requirements and under Sector AD EPA could establish additional facility-specific monitoring and reporting requirements. Regulatory burden would be greater under Sector W.
	(embroidery kits)	339932	Game, Toy, and Children's Vehicle Manufacturing	
	(other miscellaneous products not specially provided for previously)	339999	All Other Miscellaneous Manufacturing	

	Sector Z. Leather Tanning and Finishing						
Sub- sector	SIC Codes	NAICS Codes	Notes				
Z 1	3111 Leather Tanning and Finishing	316110 Leather and Hide Tanning and Finishing					

Sub- sector		Sector AA. Fabricated Metal Products							
	SIC Codes			NAICS Codes	Notes				
AA1	3411	Metal Cans	332431	Metal Can Manufacturing					
[;	3412	Metal Shipping Barrels, Drums, Kegs, and Pails	332439	Other Metal Container Manufacturing					
3	3421	Cutlery (except hedge shears and trimmers, tinners' snips, and similar nonelectric hand tools)	332211	Cutlery and Flatware (except Precious) Manufacturing					
		(hedge shears and trimmers, tinners snips, and similar nonelectric hand tools)	332212	Hand and Edge Tool Manufacturing					
:	3423	Hand and Edge Tools, Except Machine Tools and Handsaws	332212	Hand and Edge Tool Manufacturing					
;	3425	Saw Blades and Handsaws	332213	Saw Blade and Handsaw Manufacturing					
3	3429	Hardware, Not Elsewhere Classified (vacuum and insulated bottles, jugs, and chests)	332439	Other Metal Container Manufacturing					
		(except fire hose nozzles, hose couplings, vacuum and insulated bottles, jugs and chests, fireplace fixtures, time locks, turnbuckles, pulleys, tackle blocks, luggage and utility racks, sleep sofa mechanisms and chair glides, traps, handcuffs and	332510	Hardware Manufacturing					
		leg irons, ladder jacks, and other like metal products)							
		(turnbuckles and hose clamps)	332722	Bolt, Nut, Screw, Rivet, and Washer Manufacturing					
		(fire hose nozzles and hose couplings)	332919	Other Metal Valve and Pipe Fitting Manufacturing					
		(fireplace fixtures, traps, handcuffs and leg irons, ladder jacks, and other like metal products)	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing					
		(pulleys, tackle blocks, block and tackle assemblies)	333923	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing					
		(time locks)	334518	Watch, Clock, and Part Manufacturing					
		(luggage and utility racks) (sleep sofa mechanisms and chair	336399 337215	All Other Motor Vehicle Parts Manufacturing Showcase, Partition, Shelving, and Locker					
3	3431	glides) Enameled Iron and Metal Sanitary Ware	332998	Manufacturing Enameled Iron and Metal Sanitary Ware Manufacturing					
-	3432	Plumbing Fixture Fittings and Trim		wanulaciumiy	-				

		Sector A	A. Fab	ricated Metal Products	
Sub- sector		SIC Codes		NAICS Codes	Notes
		(except shower rods, lawn hose nozzles, and lawn sprinklers)	332913	Plumbing Fixture Fitting and Trim Manufacturing	
		(lawn hose nozzles and lawn sprinklers)	332919	Other Metal Valve and Pipe Fitting Manufacturing	
		(metal shower rods)	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	
	3442	Metal Doors, Sash, Frames, Molding, and Trim Manufacturing			
	3443	Fabricated Plate Work (Boiler Shops) (fabricated plate work and metal weldments)	332313	Plate Work Manufacturing	
		(power boilers and heat exchangers)	332410	Power Boiler and Heat Exchanger Manufacturing	
		(heavy gauge tanks)	332420	Metal Tank (Heavy Gauge) Manufacturing	
		(metal cooling towers)	333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing (metal cooling towers)	
	3444	Sheet Metal Work		Cooming towers/	
		(stamped metal skylights)	332321	Metal Window and Door Manufacturing	
		(except sheet metal bins and vats, skylights, and sheet metal cooling towers)	332322	Sheet Metal Work Manufacturing	
		(metal bins and vats)	332439	Other Metal Container Manufacturing	
		(cooling towers, sheet metal)	333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing	
	3446	Architectural and Ornamental Ironwork	332323	Ornamental and Architectural Metal Work Manufacturing	
	3448	Prefabricated Metal Buildings and Components	332311	Prefabricated Metal Building and Component Manufacturing	
	3449	Miscellaneous Structural Metal Work (custom roll forming)	332114	Custom Roll Forming	
		(fabricated bar joists and concrete reinforcing bars)	332312	Fabricated Structural Metal Manufacturing	
		(curtain wall and metal plaster bases and lath)	332323	Ornamental and Architectural Metal Work Manufacturing	
	3451	Screw Machine Products	332721	Precision Turned Product Manufacturing	
	3452	Bolts, Nuts, Screws, Rivets, and Washers	332722	Bolt, Nut, Screw, Rivet, and Washer Manufacturing	
	3462		332111	Iron and Steel Forging	
	3463	Nonferrous Forgings	332112	Nonferrous Forging	

	Sector AA. Fabricated Metal Products						
Sub- sector		SIC Codes		NAICS Codes	Notes		
	3465	Automotive Stampings	336370	Motor Vehicle Metal Stamping			
	3466	Crowns and Closures	332115	Crown and Closure Manufacturing			
	3469	Metal Stampings, Not Elsewhere Classified (except kitchen utensils, pots and pans for cooking, coins, and stamped metal boxes)	332116	Metal Stamping			
		(kitchen utensils, pots, and pans for cooking)	332214	Kitchen Utensil, Pot, and Pan Manufacturing			
		(stamped metal tool, cash, mail, and lunch boxes)	332439	Other Metal Container Manufacturing			
	3471	Electroplating, Plating, Polishing, Anodizing, and Coloring	332813	Electroplating, Plating, Polishing, Anodizing, and Coloring			
AA2	3479	Coating, Engraving, and Allied Services, Not Elsewhere Classified (except jewelry, silverware, and flatware engraving and etching)	332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers			
		(precious metal jewelry engraving and etching)	339911	Jewelry (except Costume) Manufacturing			
		(silver and plated ware engraving and etching)	339912	Silverware and Holloware Manufacturing			
		(costume jewelry engraving and etching)	339914	Costume Jewelry and Novelty Manufacturing			
AA1	3482	Small Arms Ammunition	332992	Small Arms Ammunition Manufacturing			
	3483	Ammunition, Except for Small Arms	332993	Ammunition (except for Small Arms) Manufacturing			
	3484	Small Arms	332994	Small Arms Manufacturing			

	Sector AA. Fabricated Metal Products						
Sub- sector		SIC Codes		NAICS Codes	Notes		
	3489	Ordinance and Accessories, Not Elsewhere Classified	332995	Other Ordinance and Accessories Manufacturing			
	3491	Industrial Valves	332911	Industrial Valve Manufacturing			
	3492	Fluid Power Valves and Hose Fittings	332912	Fluid Power Valve and Hose Fitting Manufacturing			
	3493	Steel Springs, Except Wire	332611	Spring (Heavy Gauge) Manufacturing			
	3494	Valves and Pipe Fittings, Not Elsewhere Classified (except metal pipe hangers and supports)	332919	Other Metal Valve and Pipe Fitting Manufacturing			
		(metal pipe hangers and supports)	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing			
	3495	Wire Springs (except watch and clock springs)	332612	Spring (Light Gauge) Manufacturing			
		(clock and watch springs)	334518	Watch, Clock, and Part Manufacturing			
	3496	Miscellaneous Fabricated Wire Products (potato mashers)	332214	Kitchen Utensil, Pot, and Pan Manufacturing			
		(except shopping carts and potato mashers)	332618	Other Fabricated Wire Product Manufacturing			
		(shopping carts made from purchased wire)	333924	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing			
	3497	Metal Foil and Leaf (laminated aluminum foil rolls and sheets for flexible packaging uses)	322225	Laminated Aluminum Foil Manufacturing for Flexible Packaging Uses			
		(foil and foil containers)	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing			
	3498	Fabricated Pipe and Pipe Fittings	332996	Fabricated Pipe and Pipe Fitting Manufacturing			
	3499	Fabricated Metal Products, Not Elsewhere Classified					
		(powder metallurgy)	332117	Powder Metallurgy Part Manufacturing			
		(metal boxes)	332439	Other Metal Container Manufacturing			
		(safe and vault locks) (metal aerosol valves)	332510 332919	Hardware Manufacturing Other Metal Valve and Pipe Fitting Manufacturing			
		(other metal products)	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing			
		(metal automobile seat frames)	336360	Motor Vehicle Seating and Interior Trim Manufacturing			
		(metal furniture frames)	337215	Showcase, Partition, Shelving, and Locker Manufacturing			
	3911	Jewelry, Precious Metal	339911	Jewelry (except Costume) Manufacturing			

	Sector AA. Fabricated Metal Products						
Sub- sector	SIC Codes			NAICS Codes	Notes		
	3914	Silverware, Plated Ware, and Stainless Steel Ware (cutlery and flatware, nonprecious and precious plated)	332211	Cutlery and Flatware (except Precious) Manufacturing			
		(precious metal plated hollowware)	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing			
		(except nonprecious and precious plated metal cutlery, flatware, and hollowware)	339912	Silverware and Holloware Manufacturing			
	3915	Jewelers Findings and Materials and Lapidary Work (watch jewels)	334518	Watch, Clock, and Part Manufacturing	Any facility whose primary activity is manufacturing watch jewels (SIC 3915 / NAICS 334518) should be regulated under Sector AC, but may continue to be regulated under Sector AA, or alternatively, under Sector AD. Sector AA applies additional technology- based effluent limits comprising good housekeeping measures, spill prevention and response, and spills and leaks; additional SWPPP requirements; and additional inspection requirements. Sector AC does not apply additional sector- specific requirements and EPA may establish facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden would be greater under Sector AA.		
		(except watch jewels)	339913	Jewelers' Material and Lapidary Work Manufacturing			

Sub-	1		Lquipi	nent, Industrial or Commercial M	
sector	SIC Codes			NAICS Codes	Notes
AB1	3511	Steam, Gas, and Hydraulic Turbines, and Turbine Generator Set Units	333611	Turbine and Turbine Generator Set Units Manufacturing	
	3519	Internal Combustion Engines, Not Elsewhere Classified (except stationary engine radiators) (stationary engine radiators)	333618 336399	Other Engine Equipment Manufacturing All Other Motor Vehicle Parts Manufacturing	
	3523	Farm Machinery and Equipment (hand hair clippers for animals)	332212	Hand and Edge Tool Manufacturing	
		(corrals, stalls, and holding gates)	332323	Ornamental and Architectural Metal Work Manufacturing	
		(except corrals, stalls, holding gates, hand clippers for animals, and farm conveyors/elevators)	333111	Farm Machinery and Equipment Manufacturing	
		(farm conveyors and elevators)	333922	Conveyor and Conveying Equipment Manufacturing	
	3524	Lawn and Garden Tractors and Home Lawn and Garden Equipment (nonpowered lawnmowers)	332212	Hand and Edge Tool Manufacturing	
		(except nonpowered lawnmowers)	333112	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing	
	3531	Construction Machinery and Equipment (except railway track maintenance equipment; winches, aerial work platforms; and automotive wrecker hoists)	333120	Construction Machinery Manufacturing	
		(winches, aerial work platforms, automobile wrecker hoists, locomotive cranes, and ship cranes)	333923	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing	
		(railway track maintenance equipment)	336510	Railroad Rolling Stock Manufacturing	
	3532	Mining Machinery and Equipment, Except Oil and Gas Field Machinery and Equipment	333131	Mining Machinery and Equipment Manufacturing	
	3533	Oil and Gas Field Machinery and Equipment	333132	Oil and Gas Field Machinery and Equipment Manufacturing	
	3534	Elevators and Moving Stairways	333921	Elevators and Moving Stairway Manufacturing	
	3535	, , , , , , ,	333922	Conveyors and Conveying Equipment Manufacturing	
	3536	Overhead Traveling Cranes, Hoists, and Monorail Systems	333923	Overhead Traveling Cranes, Hoists, and Monorail System Manufacturing	

	,	Sector AB. Transportation	Equipr	nent, Industrial or Commercial Ma	nchinery
Sub- sector		SIC Codes	NAICS Codes		Notes
	3537	Industrial Trucks, Tractors, Trailers, and Stackers			
		(metal air cargo containers)	332439	Other Metal Container Manufacturing	
		(metal pallets)	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	
		(except metal pallets and metal air cargo containers)	333924	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing	
	3541	Machine Tools, Metal Cutting Types	333512	Machine Tool (Metal Cutting Types) Manufacturing	
	3542	Machine Tools, Metal Forming Types	333513	Machine Tool (Metal Forming Types) Manufacturing	
	3543	Industrial Patterns	332997	Industrial Pattern Manufacturing	
	3544	Special Dies and Tools, Die Sets, Jigs and Fixtures, and Industrial Molds (industrial molds)	333511	Industrial Mold Manufacturing	
		(except molds)	333514	Special Die and Tool, Die Set, Jig, and Fixture Manufacturing	
	3545	Cutting Tools, Machine Tool Accessories, and Machinist Precision Measuring Devices (precision measuring devices)	332212	Hand and Edge Tool Manufacturing	
		(except precision measuring devices)	333515	Cutting Tool and Machine Tool Accessory Manufacturing	
	3546	Power-Driven Handtools	333991	Power-Driven Handtool Manufacturing	
	3547	Rolling Mill Machinery and Equipment	333516	Rolling Mill Machinery and Equipment Manufacturing	
	3548	Electric and Gas Welding and Soldering Equipment			
		(except transformers for arc-welding)	333992	Welding and Soldering Equipment Manufacturing	
		(transformers for arc-welders)	335311	Power, Distribution, and Specialty Transformer Manufacturing	
	3549	Metalworking Machinery, Not Elsewhere Classified	333518	Other Metalworking Machinery Manufacturing	
	3552	Textile Machinery	333292	Textile Machinery Manufacturing	
	3553	Woodworking Machinery	333210	Sawmill and Woodworking Machinery Manufacturing	
	3554	Paper Industries Machinery	333291	Paper Industry Machinery Manufacturing	
	3555	Printing Trades Machinery and Equipment	333293	Printing Machinery and Equipment Manufacturing	
	3556	Food Products Machinery	333294	Food Product Machinery Manufacturing	

	Sector AB. Transportation Equipment, Industrial or Commercial Machinery					
Sub- sector		SIC Codes		NAICS Codes	Notes	
	3559	Special Industry Machinery, Not Elsewhere Classified (nuclear control rod drive mechanisms)	332410	Power Boiler and Heat Exchanger Manufacturing		
		(cotton ginning machinery)	333111	Farm Machinery and Equipment Manufacturing		
		(rubber and plastics manufacturing machinery)	333220	Plastics and Rubber Industry Machinery Manufacturing		
		(semiconductor machinery manufacturing)	333295	Semiconductor Machinery Manufacturing		
		(except rubber and plastics manufacturing machinery, semiconductor manufacturing machinery, and automotive maintenance equipment)	333298	All Other Industrial Machinery Manufacturing		
		(automotive maintenance equipment)	333319	Other Commercial and Service Industry Machinery Manufacturing		
	3561	;	333911	Pump and Pumping Equipment Manufacturing		
	3562	; =====================================	332991	Ball and Roller Bearing Manufacturing		
	3563	7 111 41114 4414 4411	333912	Air and Gas Compressor Manufacturing		
	3564	Industrial and Commercial Fans and Blowers and Air Purification Equipment				
		(air purification equipment)	333411	Air Purification Equipment Manufacturing		
		(fans and blowers)	333412	Industrial and Commercial Fan and Blower Manufacturing		
	3565	; · · · · · · · · · · · · · · · · · · ·	333993	Packaging Machinery Manufacturing		
	3566	Speed Changers, Industrial High- Speed Drives, and Gears	333612	Speed Changer, Industrial High-Speed Drives, and Gear Manufacturing		
	3567	Industrial Process Furnaces and Ovens	333994	Industrial Process Furnace and Oven Manufacturing		
	3568	Mechanical Power Transmission Equipment, Not Elsewhere Classified	333613	Mechanical Power Transmission Equipment Manufacturing		
	3569	General Industrial Machinery and Equipment, Not Elsewhere Classified (textile fire hose)	314999	All Other Miscellaneous Textile Product Mills		
		(electric swimming pool heaters)	333414	Heating Equipment (except Warm Air Furnaces) Manufacturing		
		(except fire hoses and electric swimming pool heaters)	333999	All Other Miscellaneous General Purpose Machinery Manufacturing		
	3581	; · · · · · · · · · · · · · · · · · · ·	333311	Automatic Vending Machine Manufacturing		
	3582	Commercial Laundry, Drycleaning, and Pressing Machines	333312	Commercial Laundry, Drycleaning, and Pressing Machine Manufacturing		

	Sector AB. Transportation Equipment, Industrial or Commercial Machinery						
Sub- sector	or SIC Codes			NAICS Codes	Notes		
	3585	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment	333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing			
		(except motor vehicle air-conditioning)					
<u> </u>		(motor vehicle air-conditioning)	336391	Motor Vehicle Air-Conditioning Manufacturing			
	3586	Measuring and Dispensing Pumps	333913	Measuring and Dispensing Pump Manufacturing			
	3589	Service Industry Machinery, Not Elsewhere Classified	333319	Other Commercial and Service Industry Machinery Manufacturing			
	3592	Carburetors, Pistons, Piston Rings, and Valves	336311	Carburetor, Piston, Piston Ring, and Valve Manufacturing			
	3593	Fluid Power Cylinders and Actuators	333995	Fluid Power Cylinder and Actuator Manufacturing			
	3594	Fluid Power Pumps and Motors	333996	Fluid Power Pumps and Motors Manufacturing			
	3596	Scales and Balances, Except Laboratory	333997	Scale and Balance (except Laboratory) Manufacturing			
	3599	Industrial and Commercial Machinery and Equipment, Not Elsewhere Classified	222742				
		(machine shops)	332710	Machine Shops			
		(grinding castings for the trade)	332813	Electroplating, Plating, Polishing, Anodizing and Coloring			
		(flexible metal hose)	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing			
		(carnival amusement park equipment)	333319	Other Commercial and Service Industry Machinery Manufacturing			
		(other industrial and commercial machinery and equipment)	333999	All Other Miscellaneous General Purpose Machinery Manufacturing			
		(water leak detectors)	334519	Other Measuring and Controlling Device Manufacturing			
		(gasoline, oil, and intake filters for internal combustion engines, except for motor vehicles)	336399	All Other Motor Vehicle Parts Manufacturing			
	3711	Motor Vehicles and Passenger Car Bodies (automobiles)	336111	Automobile Manufacturing			
		(light trucks and utility vehicles)	336112	Light Truck and Utility Vehicle Manufacturing			
		(heavy duty trucks)	336120	Heavy Duty Truck Manufacturing			
		(kit car and other passenger car bodies)	336211	Motor Vehicle Body Manufacturing			

Sub-		•		ment, Industrial or Commercial Mach	
ector		SIC Codes		NAICS Codes	Notes
		(military armored vehicles)	336992	Military Armored Vehicle, Tank, and Tank Component Manufacturing	
		Truck and Bus Bodies	336211	Motor Vehicle Body Manufacturing	
	3714	Motor Vehicle Parts and Accessories (dump truck lifting mechanisms and fifth wheels)	336211	Motor Vehicle Body Manufacturing	
		(gasoline engines and engine parts including rebuilt)	336312	Gasoline Engine and Engine Parts Manufacturing	
		(wiring harness sets, other than ignition; block heaters and battery heaters; instrument board assemblies; permanent defrosters; windshield washer-wiper mechanisms; cruise control mechanisms; and other electrical equipment for internal combustion engines)	336322	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing	
		(steering and suspension parts)	336330	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing	
		(brake and brake systems, including assemblies)	336340	Motor Vehicle Brake System Manufacturing	
		(transmissions and power train parts, including rebuilding)	336350	Motor Vehicle Transmission and Power Train Parts Manufacturing	
		(except truck and bus bodies, trailers, engine and engine parts, motor vehicle electrical and electronic equipment, motor vehicle steering and suspension components, motor vehicle brake systems, and motor vehicle transmission and power train parts)	336399	All Other Motor Vehicle Parts Manufacturing	
	3715	11 11 11 11 11 11 11 11 11 11 11 11 11	336212	Truck Trailer Manufacturing	
	3716		336213	Motor Home Manufacturing	
	3721	Aircraft (except research and development not producing prototypes)	336411	Aircraft Manufacturing	
	3724	Aircraft Engines and Engine Parts (except research and development not producing prototypes)	336412	Aircraft Engine and Engine Parts Manufacturing	
	3728	Aircraft Parts and Auxiliary Equipment, Not Elsewhere Classified		Fluid Power Valve and Hose Fitting	
		(fluid power aircraft subassemblies)	332912	Manufacturing	
		(target drones)	336411	Aircraft Manufacturing	

	Sector AB. Transportation Equipment, Industrial or Commercial Machinery						
Sub- sector		SIC Codes		NAICS Codes	Notes		
		(except fluid power aircraft subassemblies, target drones, and research and development not producing prototypes)	336413	Other Aircraft Part and Auxiliary Equipment Manufacturing			
	3743	Railroad Equipment (locomotive fuel lubricating or cooling medium pumps)	333911	Pump and Pumping Equipment Manufacturing			
		(except locomotive fuel lubricating or cooling medium pumps)	336510	Railroad Rolling Stock Manufacturing			
]	3751	Motorcycles, Bicycles, and Parts	336991	Motorcycle, Bicycle, and Parts Manufacturing			
	3761	Guided Missiles and Space Vehicles (except research and development not producing prototypes)	336414	Guided Missile and Space Vehicle Manufacturing			
	3764	Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts (except research and development	336415	Guided Missile and Space Vehicle Propulsion			
	3769	not producing prototypes) Guided Missile and Space Vehicle Parts and Auxiliary Equipment, Not Elsewhere Classified (except research and development	336419	Unit and Propulsion Unit Parts Manufacturing Other Guided Missile and Space Vehicle Parts			
		not producing prototypes)	330413	and Auxiliary Equipment Manufacturing			
	3792	Travel Trailers and Campers	336214	Travel Trailer and Camper Manufacturing			
	3795	Tanks and Tank Components	336992	Military Armored Vehicle, Tank, and Tank Component Manufacturing			
	3799	Transportation Equipment, Not Elsewhere Classified					
		(wheelbarrows)	333924	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing			
		(automobile, boat, utility and light truck trailers)	336214	Travel Trailer and Camper Manufacturing			
1	l	(trailer hitches)	336399	All Other Motor Vehicle Parts Manufacturing			
		(except automobile, boat, utility light truck trailers, trailer hitches, and wheelbarrows)	336999	All Other Transportation Equipment Manufacturing			

		Sector AC. Electronic,	Electrical, Photographic and Optical Goods			
Sub- sector	SIC Codes			NAICS Codes	Notes	
AC1	3571	-	334111	Electronic Computer Manufacturing		
	3572	Computer Storage Devices	334112	Computer Storage Device Manufacturing		
	3575	Computer Terminals	334113	Computer Terminal Manufacturing		
	3577	Computer Peripheral Equipment, Not Elsewhere Classified (except plotter controllers and magnetic tape head cleaners)	334119	Other Computer Peripheral Equipment Manufacturing		
		(plotter controllers)	334418	Printed Circuit Assembly (Electronic Assembly) Manufacturing		
		(magnetic tape head cleaners)	334613	Magnetic and Optical Recording Media Manufacturing		
	3578	Calculating and Accounting Machinery, Except Electronic Computers	200044			
		(change making machines)	333311	Automatic Vending Machine Manufacturing		
		(except point of sales terminals, change making machines and funds transfer devices)	333313	Office Machinery Manufacturing		
		(point of sale terminals and fund transfer devices)	334119	Other Computer Peripheral Equipment Manufacturing		
	3579	Office Machines, Not Elsewhere Classified (except timeclocks, time stamps, pencil sharpeners, stapling machines, etc.)	333313	Office Machinery Manufacturing		
		(time clocks and other time recording devices)	334518	Watch, Clock, and Part Manufacturing		
		(pencil sharpeners, staplers and other office equipment)	339942	Lead Pencil and Art Good Manufacturing		
	3612	Power, Distribution, and Specialty Transformers	335311	Power, Distribution, and Specialty Transformer Manufacturing		
	3613	Switchgear and Switchboard Apparatus	335313	Switchgear and Switchboard Apparatus Manufacturing		
	3621		335312	Motors and Generator Manufacturing		
	3624	Carbon and Graphite Products	335991	Carbon and Graphite Product Manufacturing		
	3625	Relays and Industrial Controls	335314	Relay and Industrial Control Manufacturing		
	3629	Electrical Industrial Apparatus, Not Elsewhere Classified	335999	All Other Miscellaneous Electrical Equipment and Component Manufacturing		
	3631	- 11 1	335221	Household Cooking Appliance Manufacturing		
	3632	Household Refrigerators and Home and Farm Freezers	335222	Household Refrigerator and Home Freezer Manufacturing		

	Sector AC. Electronic, Electrical, Photographic and Optical Goods						
Sub- sector		SIC Codes		NAICS Codes	Notes		
	3633	Household Laundry Equipment	335224	Household Laundry Equipment Manufacturing			
	3634	Electric Housewares and Fans (wall and baseboard heating units for permanent installation)	333414	Heating Equipment (except Warm Air Furnaces) Manufacturing			
		(except wall and baseboard heating units for permanent installation, electronic cigarette lighters, and wall mount restroom hand dryers)	335211	Electric Housewares and Household Fan Manufacturing			
		(electronic cigarette lighters)	339999	All Other Miscellaneous Manufacturing			
	3635	Household Vacuum Cleaners	335212	Household Vacuum Cleaner Manufacturing			
	3639	Household Appliances, Not Elsewhere Classified					
ļ	<u> </u>	(household sewing machines)	333298	All Other Industrial Machinery Manufacturing			
		(floor waxing and floor polishing machines)	335212	Household Vacuum Cleaner Manufacturing			
		(except floor waxing and floor polishing machines, and household sewing machines)	335228	Other Major Household Appliance Manufacturing			
	3641	Electric Lamp Bulbs and Tubes	335110	Electric Lamp Bulbs and Part Manufacturing			
	3643	Current-Carrying Wiring Devices	335931	Current-Carrying Wiring Device Manufacturing			
	3644	Noncurrent-Carrying Wiring Devices (fish wire, electrical wiring tool)	332212	Hand and Edge Tool Manufacturing	Any facility whose primary activity is manufacturing fish wire, electrical wiring tool (SIC 3644 / NAICS 332212) should be regulated under Sector AA, but may continue to be regulated under Sector AC, or alternatively, under Sector AD. Sector AA applies additional technology-based effluent limits comprising good housekeeping measures, spill prevention and response, and spills and leaks; additional SWPPP requirements; and additional inspection requirements. Sector AC does not apply additional sector-specific requirements and EPA may establish facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden would be greater under Sector AA.		
		(except fishwire, electrical wiring tool)	335932	Noncurrent-Carrying Wiring Device Manufacturing			

	Sector AC. Electronic, Electrical, Photographic and Optical Goods						
Sub- sector	SIC Codes			NAICS Codes	Notes		
	3645	Residential Electric Lighting Fixtures	335121	Residential Electric Lighting Fixture Manufacturing			
	3646	Commercial, Industrial, and Institutional Electric Lighting Fixtures	335122	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing			
	3647	Vehicular Lighting Equipment	336321	Vehicular Lighting Equipment Manufacturing			
	3648	Lighting Equipment, Not Elsewhere Classified	335129	Other Lighting Equipment Manufacturing			
	3651	Household Audio and Video Equipment	334310	Audio and Video Equipment Manufacturing			
	3652	Phonograph Records and Prerecorded Audio Tapes and Disks (reproduction of all other media	334612	Prerecorded Compact Disc (except Software),			
	3661	except video) Telephone and Telegraph Apparatus (except consumer external modems)	334210	Tape, and Record Reproducing Telephone Apparatus Manufacturing			
		(consumer external modems)	334418	Printed Circuit Assembly (Electronic Assembly) Manufacturing			
	3663	Radio and Television Broadcasting and Communications Equipment	334220	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing			
	3669	Communications Equipment, Not Elsewhere Classified	334290	Other Communications Equipment Manufacturing			
	3671	Electron Tubes	334411	Electron Tube Manufacturing			
	3672	Printed Circuit Boards	334412	Bare Printed Circuit Board Manufacturing			
	3674	Semiconductors and Related Devices	334413	Semiconductor and Related Device Manufacturing			
	3675	Electronic Capacitors	334414	Electronic Capacitor Manufacturing			
	3676	Electronic Resistors	334415	Electronic Resistor Manufacturing			
	3677	Electronic Coils, Transformers, and Other Inductors	334416	Electronic Coil, Transformer, and Other Inductor Manufacturing			
	3678		334417	Electronic Connector Manufacturing			
	3679	Electronic Components, Not Elsewhere Classified		Radio and Television Broadcasting and			
		(antennas)	334220	Wireless Communications Equipment Manufacturing			
		(radio headphones)	334310	Audio and Video Equipment Manufacturing			
		(printed circuit/electronic assembly manufacturing)	334418	Printed Circuit Assembly (Electronic Assembly) Manufacturing			
		(other electronic components)	334419	Other Electronic Component Manufacturing			
	3691	Storage Batteries	335911	Storage Battery Manufacturing			
	3692	Primary Batteries, Dry and Wet	335912	Primary Battery Manufacturing			

	Sector AC. Electronic, Electrical, Photographic and Optical Goods						
Sub- sector		SIC Codes		NAICS Codes	Notes		
	3694	Electrical Equipment for Internal Combustion Engines	336322	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing			
	3695	Magnetic and Optical Recording Media	334613	Magnetic and Optical Recording Media Manufacturing			
	3699	Electrical Machinery, Equipment, and Supplies, Not Elsewhere Classified (electronic teaching machines and flight simulators)	333319	Other Commercial and Service Industry Machinery Manufacturing			
		(outboard electric motors)	333618	Other Engine Equipment Manufacturing	Any facility whose primary activity is manufacturing outboard electric		
					motors (SIC 3699 / NAICS 333618) should be regulated under Sector AB, but may continue to be regulated under Sector AC, or alternatively, under Sector AD. Sector AB applies additional sector-specific SWPPP requirements. Sector AC does not apply additional sector-specific requirements and EPA may establish facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden would be greater under Sector AB.		
		(laser welding and soldering equipment)	333992	Welding and Soldering Equipment Manufacturing	and coolor / LD.		
		(Christmas tree lighting sets, electric insect lamps, electric fireplace logs, and trouble lights)	335129	Other Lighting Equipment Manufacturing			
		(other electrical industrial apparatus)	335999	All Other Miscellaneous Electrical Equipment and Component Manufacturing			
	3812	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical Systems and Instruments	334511	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing			
	3821	Laboratory Apparatus and Furniture	339111	Laboratory Apparatus and Furniture Manufacturing			
	3822	Automatic Controls for Regulating Residential and Commercial Environments and Appliances	334512	Automatic Environmental Control Manufacturing for Residential, Commercial, and Appliance Use			
	3823	Industrial Instruments for Measurement, Display, and Control of Process Variables; and Related Products	334513	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables			

	Sector AC. Electronic, Electrical, Photographic and Optical Goods						
Sub- sector		SIC Codes		NAICS Codes	Notes		
	3824	Totalizing Fluid Meters and Counting Devices	334514	Totalizing Fluid Meter and Counting Device Manufacturing			
	3825	Instruments for Measuring and Testing of Electricity and Electrical Signals	334514	Totalizing Fluid Meter and Counting Device Manufacturing			
		(automotive ammeters and voltmeters)					
		(except automotive instruments)	334515	Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals			
	3826	Laboratory Analytical Instruments	334516	Analytical Laboratory Instrument Manufacturing			
	3827	Optical Instruments and Lenses	333314	Optical Instruments and Lens Manufacturing			
	3829	Measuring and Controlling Devices, Not Elsewhere Classified (motor vehicle gauges)	334514	Totalizing Fluid Meter and Counting Device Manufacturing			
	i	(electronic chronometers)	334518	Watch, Clock, and Part Manufacturing			
		(except medical thermometers, electronic chronometers and motor vehicle gauges)	334519	Other Measuring and Controlling Device Manufacturing			
		(medical thermometers)	339112	Surgical and Medical Instrument Manufacturing			
	3841	Surgical and Medical Instruments and Apparatus (tranquilizer guns)	332994	Small Arms Manufacturing	Any facility whose primary activity is manufacturing tranquilizer guns (SIC 3841 / NAICS 332994) should be regulated under Sector AA, but may continue to be regulated under Sector AC, or alternatively, under Sector AD. Sector AA applies additional technology-based effluent limits comprising good housekeeping measures, spill prevention and response, and spills and leaks; additional SWPPP requirements; and additional inspection requirements. Sector AC does not apply additional sector-specific requirements and EPA may establish facility-specific monitoring and reporting requirements under Sector AD. Regulatory burden would be greater under Sector AA.		
		(operating room tables)	339111	Laboratory Apparatus and Furniture Manufacturing	diddi occidi AA.		

	Sector AC. Electronic, Electrical, Photographic and Optical Goods						
Sub- sector	sector SIC Codes			NAICS Codes	Notes		
		(except tranquilizer guns and operating room tables)	339112	Surgical and Medical Instrument Manufacturing			
	3842	Orthopedic, Prosthetic, and Surgical Appliances and Supplies (incontinent pads and bed pads)	322291	Sanitary Paper Product Manufacturing	Any facility whose primary activity is manufacturing incontinent pads and bed pads (SIC 3842 / NAICS 322291) should be regulated under Sector B, but may continue to be regulated under Sector AC, or alternatively, under Sector AD. Sectors B and AC do not apply additional sector-specific requirements. EPA may require additional facility-specific monitoring and reporting requirement under Sector AD. Regulatory burden is not expected to differ between Sectors B and AC.		
		(electronic hearing aids)	334510	Electromedical and Electrotherapeutic Apparatus Manufacturing			
		(except electronic hearing aids, incontinent pads, anatomical models, and bed pads)	339113	Surgical Appliance and Supplies Manufacturing			
	<u> </u>	(anatomical models)	339999	All Other Miscellaneous Manufacturing			
	3843	Dental Equipment and Supplies	339114	Dental Equipment and Supplies Manufacturing			
	3844	X-Ray Apparatus and Tubes and Related Irradiation Apparatus	334517	Irradiation Apparatus Manufacturing			
	3845	Electromedical and Electrotherapeutic Apparatus (except CT and CAT scanners) (CT and CAT Scanners)	334510 334517	Electromedical and Electrotherapeutic Apparatus Manufacturing Irradiation Apparatus Manufacturing			
	3851	Ophthalmic Goods (intraoccular lenses, i.e., surgical implants)	339113	Surgical Appliance and Supplies Manufacturing			
		(except intraocular lenses)	339115	Ophthalmic Goods Manufacturing			
	3861	Photographic Equipment and Supplies (photographic films, paper, plates and chemicals) (except photographic film, paper,	325992	Photographic Film, Paper, Plate, and Chemical Manufacturing Photographic and Photocopying Equipment			
		plates, and chemicals)	333315	Manufacturing			
	3873	Watches, Clocks, Clockwork Operated Devices, and Parts	334518	Watch, Clock, and Part Manufacturing			

	Sector AD. Non-Classified Facilities					
Sub- Sector	Narrative Description	Notes				
AD1	Other stormwater discharges designated by the Director as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging stormwater associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.					

Appendix O - Summary of Reports Permit Submittals

Permit Section	Applicable Operator	Report/Submittal	Frequency	Due Date(s)	Where to Submit
Part 1.1.4	Only for operators seeking coverage under Part 1.1.4 eligibility criterion C3	Procedures Relating to Endangered Species Protection Appendix E Criterion C3 Eligibility Form: Submittal of Criterion C Form	Once, if applicable	At the same time as the NOI for permit coverage is submitted (an additional 30 calendar day review period will apply)	Electronically using the NPDES eReporting Tool (NeT) for MSGP
Part 1.3	Operator operating consistent with EPA's No Action Assurance and submitted an Intent to Operate (ITO) form [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.']	Submittal of Notice of Intent (NOI)	Once per permit term	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.	Electronically using the NPDES eReporting Tool (NeT for MSGP
Part 1.3	New facility without MSGP coverage (Operators of industrial activities that will commence discharging after March 1, 2021)	Submittal of Notice of Intent (NOI)	Once per permit term	At least 30 calendar days prior to commencing discharge	Electronically using the NPDES eReporting Tool (NeT) for MSGP
Part 1.3	existing MSGP facility [Operators of industrial activities whose stormwater discharges were covered under the 2015 MSGP]	Submittal of Notice of Intent (NOI)	Once per permit term	No later than May 30, 2021. However, if you have not previously obtained coverage under an NPDES permit, you must submit your NOI immediately.	Electronically using the NPDES eReporting Tool (NeT) for MSGP

Permit Section	Applicable Operator	Report/Submittal	Frequency	Due Date(s)	Where to Submit
Part 1.3	Existing facility covered under an alternative permit [Operators seeking coverage for stormwater discharges previously covered under an individual permit or an alternative general permit]	Submittal of Notice of Intent (NOI)	Once per permit term	At least 30 calendar days prior to commencing discharge	Electronically using the NPDES eReporting Tool (NeT) for MSGP
Part 1.3	Existing MSGP facility with a new operator [New operators of existing industrial activities with stormwater discharges previously authorized under the 2021 MSGP]	Submittal of Notice of Intent (NOI)	Once per permit term	At least 30 calendar days prior to the date of transfer of control to the new operator.	Electronically using the NPDES eReporting Tool (NeT) for MSGP
Part 1.3	Existing facility without MSGP coverage [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]	Submittal of Notice of Intent (NOI)	Once per permit term	Immediately; your stormwater discharges are currently unpermitted.	Electronically using the NPDES eReporting Tool (NeT) for MSGP

Permit Section	Applicable Operator	Report/Submittal	Frequency	Due Date(s)	Where to Submit
Part 1.3.4	An operator needing to correct or update any NOI fields	Submittal of a Change NOI	As applicable	For existing operator, within 30 calendar days after the change occurs. Within 30 calendar days of the transfer in operator or a new operator taking over operational control at an existing facility, the new operator must submit a new NOI. No later than 30 calendar days after MSGP coverage becomes active for the new operator, the previous operator must submit a Notice of Termination (NOT) per Part 1.4.	Electronically using the NPDES eReporting Tool (NeT) for MSGP
Part 1.4	An operator seeking to terminate their permit coverage under the 2021 MSGP	Notice of Termination	Once, if applicable	Within 30 days after: a new operator takes over responsibility for the facility; or operations and stormwater discharges have ceased; or for Sector G, H, or J facilities, the applicable termination requirements have been met; or alternative permit coverage has been obtained	Electronically using the NPDES eReporting Tool (NeT) for MSGP

Permit Section	Applicable Operator	Report/Submittal	Frequency	Due Date(s)	Where to Submit
Part 1.5	An eligible operator seeking an exclusion from NPDES permitting per 40 CFR 122.26(g)	Conditional "No Exposure" Certification Form (NEC)	If eligible, once every 5 years	As necessary	Electronically using the NPDES eReporting Tool (NeT) for MSGP
Part 3.1.6	All operators, unless eligible for an exception	Routine Inspection Documentation	At least quarterly	By the end of the quarter	Reports are kept with SWPPP
Part 3.2.3	All operators, unless eligible for an exception	Quarterly Visual Assessment Documentation	At least quarterly	By the end of the quarter	Reports are kept with SWPPP
Part 5.3	Operators that must perform corrective action or Additional Implementation Measures per Parts 5.1 and 5.2	Corrective Action and AIM Documentation	 Document existence of corrective action/AIM condition within 24 hours of becoming aware of the condition; Document corrective actions/AIMs taken or to be taken within 14 days from the time of discovery of the condition. 	As necessary	Reports are kept with SWPPP
Part 6 Part 7.3	All operators	Stormwater Pollution Prevention Plan (SWPPP)	 Attach SWPPP to NOI, provide URL for SWPPP, or provide SWPPP information directly on the NOI form. Update the on-site SWPPP as site conditions indicate. At minimum, the SWPPP must be modified based on corrective actions and deadlines required under Part 5. 	Develop initial SWPPP prior to the submittal of NOI form. Update the SWPPP information included in attachment to NOI, on URL, or on NOI form, at a minimum, no later than 45 days after conducting the final routine facility inspection for the year.	Electronically using the NPDES eReporting Tool (NeT) for MSGP

Permit Section	Applicable Operator	Report/Submittal	Frequency	Due Date(s)	Where to Submit
Part 4 Part 7.4	All operators	Discharge Monitoring Reports (DMRs)	 Indicator Monitoring for pH, Total Suspended Solids (TSS), and Chemical Oxygen Demand (COD) (Part 4.2.1.1.a.): 1/quarter for entire permit coverage; Indicator Monitoring for Polycyclic Aromatic Hydrocarbons (PAHs) (Part 4.2.1.1.b): 2/year in years 1 and 4 of permit coverage; Benchmark Monitoring (Part 4.2.2): 1/quarter in years 1 and 4 of permit coverage (additional monitoring may be required if exceedances occur); Effluent Limitations Monitoring (Part 4.2.3): 1/year for entire permit coverage; State or Tribal Monitoring (Part 4.2.3): 1/year for frequency; Impaired Waters Monitoring (Part 4.2.5): 1/year in years 1 and 4 of permit coverage for discharges to impaired waters without an EPA-approved or established total maximum daily load (TMDL) 	Within 30 days of receiving your full laboratory results for all monitored discharge points during the reporting period.	Electronically using EPA's electronic DMR tool (Net-DMR)

Permit Section	Applicable Operator	Report/Submittal	Frequency	Due Date(s)	Where to Submit
Part 7.4	All operators	Annual Report	1/year	By January 30th	Electronically using the NPDES eReporting Tool (NeT) for MSGP (NeT- MSGP)
Part 7.5	Operators subject to follow-up monitoring per Part 4.2.3.3	Exceedance Report for Numeric Effluent Limitations	If applicable	30 days after receiving laboratory results if 30-day follow-up monitoring indicates exceedance	Follow-up monitoring submitted Electronically using EPA's electronic DMR tool (Net-DMR) Exceedance reports submitted directly to the applicable EPA Regional Office listed in Part 7.8 of the permit
Part 7.6	Any applicable operator	Additional Reporting (Noncompliance endangering health, reportable quantity spills, etc.)	As necessary	Varies – see Part 7.6	Varies – see Part 7.6

Appendix P - List of Federal CERCLA Sites

Part 1.1.7 of the MSGP has special requirements for discharges to a federal CERCLA site.1

If your facility discharges to one of the federal CERCLA sites listed below, you must notify the EPA Regional Office when submitting your NOI and the EPA Regional Office must determine that you are eligible for permit coverage. In determining eligibility for coverage under Part 1.1.7, the EPA Regional Office may evaluate whether you are implementing or plan to implement adequate controls and/or procedures to ensure your discharge will not lead to recontamination of aquatic media at the CERCLA Site, (i.e., your stormwater discharge will not 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 below after you have obtained coverage under this permit, you must contact your EPA Regional Office and ensure that you have either implemented or will implement adequate controls and/or procedures to ensure that your discharges will not lead to recontamination of aquatic media at the 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.

EPA Region 10

The CERCLA Sites and the receiving waters associated with these sites to which the requirements of Part 1.1.7 apply are listed in the table below. The areas where the permit applies are enumerated in Appendix C of the permit. Operators who discharge / intend to discharge into the receiving waters listed below must first contact the EPA Regional Office before submitting an NOI. Contact information is viewable at: https://www.epa.gov/npdes-permits/stormwater-discharges-industrial-activities-region-10.

Similarly, if you have received notice from EPA that the facility to be covered under the MSGP is considered a potential source to a clean up site, you must first contact the Regional EPA office before submitting an NOI.

	Waterbody (HUC code/Watershed)	Superfund Sites CERCLIS ID Latitude / Longitude Major Contaminants
ID	St. Joe River; Coeur d'Alene Lake Basin	<u>St. Maries Creosote</u> IDSFN1002095 47.191697 / -116.343000L PAHs, HPAHs
WA	Commencement Bay, Puget Sound	Commencement Bay, Near Shore/Tide Flats WAD980726368 47.155998 / -122.245998 Dioxins, furans, arsenic, copper, lead, zinc, 4-methyl-phenol, Hex-CB, HPAHs, PCBs, PCE, cadmium, mercury, LPAHs
WA	Duwamish Waterway; Elliott Bay; Puget Sound	Harbor Island (Lead) WAD980722839 47.344584 / -122.210792 Lead, arsenic, copper, HPAHs, LPAHs, mercury, PCBs, zinc, TBT

¹ "CERCLA site" means a facility as defined in Section 101(9) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601(9), that is undergoing a remedial investigation and feasibility study, or for which a Record of Decision for remedial action has been issued in accordance with the National Contingency Plan, 40 C.F.R. Part 300

Page P-1 of 2

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EPA Region 10

The CERCLA Sites and the receiving waters associated with these sites to which the requirements of Part 1.1.7 apply are listed in the table below. The areas where the permit applies are enumerated in Appendix C of the permit. Operators who discharge / intend to discharge into the receiving waters listed below must first contact the EPA Regional Office before submitting an NOI. Contact information is viewable at: https://www.epa.gov/npdes-permits/stormwater-discharges-industrial-activities-region-10.

Similarly, if you have received notice from EPA that the facility to be covered under the MSGP is considered a potential source to a clean up site, you must first contact the Regional EPA office before submitting an NOI.

	Waterbody (HUC code/Watershed)	Superfund Sites CERCLIS ID Latitude / Longitude Major Contaminants
WA	Clam Bay; Puget Sound	Old Navy Dump/ Manchester Lab WA8680030931 47.342798 / -122.325298 PCBs, copper, lead, zinc, silver, 2,4-dimethyl-phenol, PCBs
WA	Elliott Bay; Puget Sound	Pacific Sound Resources WAD009248287 47.345639 / -122.215998 LMW PAHs, HMWPAHs, PCBs
WA	Columbia River	<u>Upper Columbia River</u> (T2) WASFN1002171 47.5722 / -118.5846
WA	Puget Sound	Puget Sound Naval Shipyard WA2170023418 47.333298 / -122.384999 PCBs, mercury
WA	Puget Sound	Wycoff / Eagle Harbor WAD009248295 47.371798 / -122.310012 Mercury, LPAHs, HPAHs
WA	Duwamish Waterway; Elliott Bay; Puget Sound	Lower Duwamish Waterway (T2) WA0002329803 47.321608 / -122.194040 PCBs, PAHs, phthalates, inorganics, mercury, semi-VOCs

APPENDIX B

NOTICE OF INTENT (NOI) FOR STORMWATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITY UNDER THE MULTI-SECTOR
NPDES GENERAL PERMIT

NPDES FORM 3510-6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

NOTICE OF INTENT (NOI) FOR STORMWATER DISCHARGES ASSOCIATED W

INDUSTRIAL ACTIVITY UNDER THE NPDES MULTI-SECTOR GENERAL PERM

Approved OMB No. 2040-0004

FORM

Permit Information

Master Permit Number: NMR050000

NPDES ID: NMR053227

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)?

No

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)?

Νo

- → 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:

NMR053227

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_I_-_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)?

SANTA FE SOLID WASTE MANAGEMENT AGENCY

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)?

CAJA DEL RIO LANDFILL

Operator Information

Operator Information

Operator Name: SANTA FE SOLID WASTE MANAGEMENT AGENCY

Operator Mailing Address

Address Line 1: 149 Wildlife Way

Address Line 2: City: Santa Fe

ZIP/Postal Code: 87506 State: NM

County or Similar Division: Santa Fe

Operator Point of Contact Information

First Name Middle Initial Last Name: Randall Kippenbrock

Title: Executive Director

Email: rkippenbrock@sfswma.org

NOI Preparer Information

 $f ext{$arphi}$ This NOI is being prepared by someone other than the certifier.

First Name Middle Initial Last Name: Joseph Krasner

Organization: SCS Engineers

Phone: 817-571-2288 **Ext.:** 6139

Email: JKrasner@SCSEngineers.com

Facility Information

Facility Information

Facility Name: CAJA DEL RIO LANDFILL

Facility Address

Address Line 1: 149 WILDLIFE WAY

Address Line 2: City: SANTA FE

ZIP/Postal Code: 87506 State: NM

County or Similar Division: Santa Fe

Latitude/Longitude for the Facility

Latitude/Longitude: 35.68111°N, 106.09138°W

Latitude/Longitude Data Source: Map Horizontal Reference Datum: NAD 83

General Facility Information

What is the ownership type of the facility? District

Estimated area of industrial activity at your facility exposed to stormwater (rounded to the nearest quarter acre): 495

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: L1 Primary Subsector: L1

Primary Activity Code: LF

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

Federal Effluent Limitation Guidelines

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

40 CFR Part/Subpart	Eligible Discharges	Affected MSGP Sector	New Source Date	Applicability
Part 445, Subpart A & B	Runoff from hazardous waste and non-hazardous waste landfills	L	02/28/2000	Does your facility have any discharges subject to this effluent limitation guideline? Yes

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? 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 001: Outfall 001 is located downgradient of a natural overland drainage way exists along the southern property boundary

Applicable Sectors

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

		Sector	Subsector	SIC/Activity Code
€	3	L - LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS	L1 - All Landfill, Land Application Sites and Open Dumps	LF

Latitude/Longitude: 35.676789°N, 106.097883°W

 $\hfill \Box$ This discharge point is Substantially Identical to an existing discharge point.

Receiving Water

GNIS Name: Waterbody Name: Listed Water ID:
n/a Unnamed Waterbody (Arroy o Calabasas 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?

No

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 for determining if the receiving water is listed as impaired on the 303(d) list and in need of a TMDL, the cause(s) of the impairment if the receiving water is impaired on the CWA 303(d) list, if a TMDL has been completed for the receiving waterbody, and the TMDL ID and pollutants for which there is a TMDL may be outdated and inaccurate. It is recommended that you consult with your state's guidance for discharges into impaired waters to determine the correct pollutants and TMDLS and update the causes for the impairment and TMDL information accordingly.

Is the receiving water listed as impaired on the 303(d) list and in need of a TMDL? No

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: Danita Boettner					
Phone: 505-424-1850 Ext.: 110					
Email: DBoettner@sfswma.org					
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_msgpappendix_adefinitions.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): http://www.sfswma.org/about-us/caja-del-rio/cdrswppp					
□ Option 3: Provide the following information from your SWPPP:					

Endangered Species Protection Worksheet: Criterion A

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) 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

Are your industrial activities the subject of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of your facility's discharges and discharge-related activities on ESA-listed species and critical habitat?

No

You must determine whether species listed as either threatened or endangered under the Endangered Species Act, and/or their critical habitat are located in your facility's action area. ESA-listed species and critical habitat are under the purview of the NMFS and the USFWS.

Determine Your Action Area

Your "action area" (as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a___definitions.pdf)) includes all areas to be affected directly or indirectly by the action and not merely the immediate area involved in the action, including areas beyond the footprint of the facility that are likely to be affected by stormwater discharges, discharge-related activities, and authorized non-stormwater discharges. You must select and confirm that all the following are true:

In determining my "action area", I have considered that discharges of pollutants into downstream areas can expand the action area well beyond the footprint of my facility and the discharge point(s). I have taken into account the controls I will be implementing to minimize pollutants and the receiving waterbody characteristics (e.g. perennial, intermittent, ephemeral) in determining the extent of physical, chemical, and/or biotic effects of the discharges. I confirm that all receiving waterbodies that could receive pollutants from my facility are included in my action area.

True

♣ In determining my "action area", I have considered that discharge-related activities must also be accounted for in determining my action area. I understand that discharge-related activities are any activities that cause, contribute to, or result in stormwater and authorized non-stormwater point source discharges, and measures such as the siting, construction, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged. I understand that any new or modified stormwater controls that will have noise or other similar effects, and any disturbances associated with construction of controls, are part of my action area.

Provide a written description of your action area and explain your rationale for the extent of the action area drawn on your map. Click here for an example.

The action area for the Caja del Rio Landfill's stormwater generally drains via sheet fl ow, drainage ditches, and engineered features into a large detention basin/channel. This detention area will be expanded as landfilling proceeds to capture stormwater from abov e-grade landfill areas. A thorough review of threatened and endangered species was conducted at the landfill. Any threatened and endangered species located on-site were relocated.

Attach a map of the action area for your facility. Mapping tool IPaC (the Information, Planning, and Consultation System) located at http://ecos.fws.gov/ipac/ (https://ecos.fws.gov/ipac/) or click here (/net-msgp/documents/action_area_example.pdf) for an example.

Name	Uploaded Date	Size
♣ Species List New Mexico Ecological Services Field Office.pdf (attachment/714650)	05/25/2021	999.82 KB

Determine if ESA-listed species and/or critical habitat are in your facility's action area.

ESA-listed species and critical habitat are under the purview of the NMFS and the USFWS, and in many cases, you will need to acquire species and critical habitat lists from both federal agencies.

National Marine Fisheries Service (NMFS)

To obtain NMFS-listed species and critical habitat information, use the resources listed below:

General Resources:

NOAA Fisheries, Regions Page (https://www.fisheries.noaa.gov/regions)

For the Northeastern U.S.:

 NOAA Fisheries Greater Atlantic Region ESA Section 7 Mapper (https://noaa.maps.arcgis.com/apps/webappviewer/index.html? id=1bc332edc5204e03b250ac11f9914a27)

For Puerto Rico:

- Acropora critical habitat map (https://www.fisheries.noaa.gov/resource/map/acropora-elkhorn-and-staghorn-coral-critical-habitat-map-and-ois-data)
- Green turtle critical habitat map (https://www.fisheries.noaa.gov/resource/map/green-turtle-critical-habitat-map-and-gis-data)
- Hawksbill Turtle critical habitat map (https://www.fisheries.noaa.gov/resource/map/hawksbill-turtle-critical-habitat-map-and-gis-data)

Western U.S.

 West Coast Region Protected Resources App (https://www.webapps.nwfsc.noaa.gov/portal/apps/webappviewer/index.html? id=7514c715b8594944a6e468dd25aaacc9)

Pacific Islands:

• Contact the Pacific Islands Regional Office at (808) 725-5000 or pirohonolulu@noaa.gov (mailto:pirohonolulu@noaa.gov)

I have checked the webpages listed above and confirmed that: There are no NMFS-listed species and/or critical habitat in my action area.

U.S. Fish and Wildlife Service (USFWS)

To obtain FWS-listed species and critical habitat information, use the resources listed below:

- IPaC (the Information, Planning, and Consultation System) (https://ecos.fws.gov/ipac/)
- For instructions for using IPaC, click here.

I have checked the webpages listed above and confirmed that: There are no FWS-listed species and/or critical habitat in my action area.

You are eligible under Criterion A

Identify the USFWS and NMFS information sources used (Note: state resources are not acceptable):

US Fish and Wildlife Services - Official Species List and correspondence

You must attach copies of any letters or other communications with the USFWS or NMFS. Attaching aerial image(s) of the site to this NOI is helpful to EPA, USFWS, and NMFS in confirming eligibility under this criterion.

Name	Uploaded Date	Size
♣ Appendix G - Threatened and Endangered Species Review.pdf (attachment/716640)	05/27/2021	2.42 MB

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) 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)

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

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: Randall Kippenbrock

Certifier Title: Executive Director

Certifier Email: rkippenbrock@sfswma.org

Certified On: 05/27/2021 6:28 PM ET

APPENDIX C CERTIFICATION OF STORMWATER POLLUTION PREVENTION PLAN

APPENDIX C

CERTIFICATION OF STORMWATER POLLUTION PLAN

I certify, under penalty of law, that this document and all attachments were prepared under my direct supervision 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 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 and imprisonment for known violations.

Responsible	Official/Authorized Representatives	:	
Name:	Randall Kippenbrock, P.E.	Title:	Executive Director
Signature:	Ranahal Kyppenbrook	Date:	5/25/2021

APPENDIX D STANDARD FORMS

APPENDIX D-1 STORMWATER POLLUTION PREVENTION PLAN INCIDENT REPORT

1.	discovered:	Date:	
 3. 		Date:	
0.	Approximate location and type of ace etc.):	cident (e.g. tire, explosion, spill,	
4.	Material spilled:		
	Approximate amount:		
	Is this amount reportable* Yes _	No	
	If "Yes" complete the rest of this form of immediately.	and contact the appropriate manager	
5.	Extent of injuries (If any):		
6.		ered:	
7.	What was done with the recovered material?		
8.	Action taken to control the problem a problems:	 Ind prevent further 	
Aut	horized Representative:		
Na	me:	Title:	
Sig	nature:	Date:	

^{*} Reportable quantities of oil defined by 40 CFR §112.4(a). Reportable quantities of other hazardous substances defined by 40 CFR §117 and 40 CFR §302.

APPENDIX D-2 NON-STORMWATER DISCHARGE ASSESSMENT AND CERTIFICATION

	IN	ON-STORMWATER DI	SCHARGE ASSESSMENT AND CERTIF	ICATION	
Date of Test or Evaluation	Outfall Directly Observed During Test or Evaluation	Method Used to Test or Evaluate Discharge	Describe Results Test for the Presence of Non-Stormwater Discharge	Identify Potential Significant Sources	Name Person Who Conducted the Test or Evaluation
a system desig or persons who	ned to assure that qualifie o manage the system, or t	d personnel properly ga hose persons directly re	nents were prepared under my direct su thered and evaluated the information su esponsible for gathering the information	ubmitted. Based on my in submitted is, to the bes	quiry of the person st 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 known violations.

Responsible	Official/Authorized Representative:		
Name:		Title:	
Signature:		Date:	

APPENDIX D-3 SITE INSPECTION FORM AND SWPPP EVALUATION REPORT (PAGE 1 OF 3)

I. GENERAL DATA:

Site: Caja	del Rio Landfill			
Location:	Santa Fe, New Mexico	Time/Date:		
Weather Conditions:				
Inspector:		Title:		
This form is to	o be completed for the following areas:			
 Areas ider Areas whe Discharge 	ere industrial materials or activities are exp ntified in the SWPPP and those that are po ere spills and leaks have occurred in the po points; and easures used to comply with the effluent lin	otential pollutant sour	·	
Any Discharg	ing Occurring During Inspection:	Yes	No	
If yes, descri	be:			
Any Previous	Unidentified Discharges at the Site	Yes	No	
If yes, descri	be:			
_	e of Pollutants or Potential s to Enter Drainage System:	Yes	No	
If yes, descri	be:			

APPENDIX D-3 SITE INSPECTION FORM AND SWPPP EVALUATION REPORT (PAGE 2 OF 3)

Describe Condition of Outfall Area:			
Any Control Measures Needing	n Maintenance or Repair: Ye	es No	
If you describe			
Any Incidents of Noncomplian	ce: Yes	No	
If yes, describe:			
supervision or supervision in accordant gathered and evaluated the info the system, or those persons direknowledge and belief, true, acsubmitting false information includes	ordance with a system designed to a rmation submitted. Based on my inquectly responsible for gathering the in curate, and complete. I am aware ding the possibility of fine and impre	ments were prepared under my direct assure that qualified personnel properly iry of the person or persons who manage formation submitted is, to the best of my that there are significant penalties for isonment for known violations.	
Responsible Official/Authorize	d Representative: Title:		
Name: Signature:	Date:		

APPENDIX D-3 SITE INSPECTION FORM AND SWPPP EVALUATION REPORT (PAGE 3 OF 3)

ONLY UTILIZE THIS PAGE OF THE FORM IF SWPPP CHANGES ARE NECESSARY DUE TO THE INSPECTION

CORRECTIVE ACTIONS: If any SWPPP changes are necessary as described in 2021 MSGP Part 5, describe change needed along with due date and date completed below. **Note: some corrective actions must be performed immediately and/or with 14 days of discovery of the corrective action condition.** Please refer to the MSGP Part 5 for acceptable timelines.

CORRECTIVE ACTION	DUE DATE	DATE COMPLETED

Note: Upon completion of all necessary changes or repairs certify the plan again. Attach this report and the updated compliance certification form (Appendix F) to the SWPPP if this inspection is part of the Annual Inspection Form.

I certify, under penalty of law, that this document and all attachments were prepared under my direct supervision 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 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 and imprisonment for known violations.

Responsible Official/Authorized Representative:		
Name:	Title:	
Signature:	Date:	

APPENDIX D-4 EMPLOYEE TRAINING CHECKLIST

Instructions: Describe the employee training program for your facility below. The program should, at a minimum, address spill prevention and response, good housekeeping, and material management practices. Provide a schedule for the training program and list the employees who attend training sessions.

Training Topic	Brief Description of Training Program and Materials (e.g. Film, Newsletter, Course, etc.)	Schedule for Training (List Dates)
Control Measures (BMPs)		
Monitoring Requirements		
Inspection Requirements		
Planning		
Reporting Requirements		
Documentation Requirements		
Attendance List:		
Responsible Official/Autho	prized Representative:	
Name:	Title:	
C ' .	D .	

APPENDIX D-5 QUARTERLY DISCHARGE MONITORING VISUAL EXAMINATION

Facility Name:	Caja del Rio Landfill	Year:
		 Date
Outfall No. (as s	hown on the Site Map):	Collected:
•	.,	
Collected By:		Quarter: 1 2 3 4
Collected by.		Qodinor. 1 2 0 4
STORM EVENT IN	IFORMATION	
Time flow begai	n (24-hour clock):	Type of Runoff: Rainfall/Snowmelt
Time sample wa	as collected:	Size of drainage area (sq ft):
Duration of the	storm event (hours):	Total rainfall (inches):
Days since last r	ainfall of >0.1 inches:	Estimate of total flow (gallons):
-		
SAMPLE INFORM	ATION (no laboratory analy	vsis required)
Parameter	Evaluation	Comments/Description/Potential Source
	(1 to 10 scale,	
	1=Good, 10=Bad)	
Color	12345678910	
Odor	CLEAR DARK 12345678910	
Odol	NONE PUNGENT	
Clarity	12345678910	
Clamy	CLEAR OPAQUE	
Floating Solids	12345678910	
_	NONE COVERED	
Settle Solids*	12345678910	
	NONE SIGNIFICANT	
Suspended	12345678910	
Solids	NONE SIGNIFICANT 1 2 3 4 5 6 7 8 9 10	
Foam	NONE SIGNIFICANT	
Oil Sheen	1 2 3 4 5 6 7 8 9 10	
0.110011	NONE FREE PRODUCT	
Other (note	12345678910	
each)	CLEAR DARK	
Evaluate after a	llowing sample to settle one	hour
4 . W		anno incompanio (O.V. N. 16 No. Forelain color mate
1. was a sample of	collected at this Outrall in the	e previous quarter? Y N If No, Explain why not:

2. Was sample collected within 30 minutes of the beginning of the storm event? Y $\,{\rm N}$

Name:	Title:
Responsible Official/Aut	horized Representative:
or supervision in accordant evaluated the information those persons directly responded, true, accurate, and	www., that this document and all attachments were prepared under my direct supervision ace with a system designed to assure that qualified personnel properly gathered and submitted. Based on my inquiry of the person or persons who manage the system, or consible for gathering the information submitted is, to the best of my knowledge and d complete. I am aware that there are significant penalties for submitting false possibility of fine and imprisonment for known violations.
identify corrective actions,	water show poor quality indicators? Y N If yes, below describe potential source(s), personnel responsible for corrective actions, and time schedule for completion of ent any follow-up actions and date corrective actions completed.
	er than 0.1 inch in magnitude and at least 72 hours after the previously measurable scharge) storm event? Y N If no, explain why not:
Within one hour? Y N If e	ither answer is no, explain why not:

APPENDIX D-6

QUARTERLY ASSESSMENT/ BENCHMARK MONITORING/EFFLUENT LIMITATIONS MONITORING WAIVER FORM

Quart	ter:	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	
(Circle	e One)	(Jan – Mar)	(Apr – June)	(July - Sept)	(Oct - Dec)	Year:
Quarte: Section:	ly visual as s 6.2.2, 6.3	ssessment, benchr .2.6, and 6.3.2.10	nark monitoring, a of the SWPPP were	nd effluent monitor	ing required under the following reaso	the MSGP and on(s):
	There was no discharge during the quarter due to inadequate rainfall.					
	The following qualifying storm events occurred during this quarter, but were not sampled for the reason indicated:					
	Date	Rair	ıfall Amount	(Flooding, Hig	ason for Not Sam gh Winds, Electric ed During Night H	cal Storm, Storm
direction proper person the info am aw of fine	on or supon ly gathere is who ma ormation s are that th and impris	ervision in acco d and evaluated nage the system submitted is, to here are significa sonment for kno	rdance with a sy If the information , or those person the best of my kr nt penalties for s wing violations."	rstem designed to a submitted. Base as directly respons nowledge and below aubmitting false in	o assure that qued on my inquiry sible for gatheringief, true, accurate	epared under my ualified personnel of the person or g the information, e, and complete. I ling the possibility
Respo	nsible Of	ficial/Authorize	ed Representativ	/e:		
Nam	e:			Title:		
Siano	ıture:			Date:		

APPENDIX E POLLUTION PREVENTION TEAM CONTACT LIST

POLLUTION PREVENTION TEAM CONTACT LIST

Title	Name	Position	Contact Information	
Title			Office	Mobile
Team Leader	Danita Boettner	Landfill Manager	505.424.1850 X110	505.629.3720
Team Member	Angelo Mares	Landfill Superintendent	505.424.1850	505.629.3719
Team Member	Manuel Griego	HEO III	505.424.1850	505.629.8940
Team Member				

APPENDIX F SWPPP AMENDMENT SCHEDULE

APPENDIX F - SWPPP AMENDMENT SCHEDULE

Number	Date	Amendment Description	Author	Certification Date:
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
15				

APPENDIX G ENDANGERED SPECIES DOCUMENTATION

SCS ENGINEERS

Environmental Consultants & Contractors

April 26, 2021 SCS File No. 16221025.00 T1

MEMORANDUM

To: File

From: Joseph Krasner, P.E.

SUBJECT: Threatened and Endangered Species Review for

2021 MSGP NOI Caja del Rio Landfill

As part of the preparation of the 2021 MSGP NOI for the Buckman Road Recycling and Transfer Station, SCS Engineers reviewed the updated list of Threatened and Endangered (T&E) species located at the site. The only update from the 2015 list is the addition of the endangered New Mexico Meadow Jumping Mouse *Zapus hudsonius luteus*. The final critical habitat for this species, per Federal Register Dock FWS-R2-ES-2013-0014, does not include Santa Fe County. As such, the Threatened and Endangered Species and Critical Habitat Evaluation prepared for the 2015 MSGP NOI is still valid and included within the 2021 MSGP NOI.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

New Mexico Ecological Services Field Office 2105 Osuna Road Ne Albuquerque, NM 87113-1001 Phone: (505) 346-2525 Fax: (505) 346-2542

http://www.fws.gov/southwest/es/NewMexico/ http://www.fws.gov/southwest/es/ES_Lists_Main2.html

In Reply Refer To: May 25, 2021

Consultation Code: 02ENNM00-2021-SLI-1101

Event Code: 02ENNM00-2021-E-02587

Project Name: Caja del Rio Landfill (2021 Verification)

Subject: List of threatened and endangered species that may occur in your proposed project

location or may be affected by your proposed project

To Whom It May Concern:

Thank you for your recent request for information on federally listed species and important wildlife habitats that may occur in your project area. The U.S. Fish and Wildlife Service (Service) has responsibility for certain species of New Mexico wildlife under the Endangered Species Act (ESA) of 1973 as amended (16 USC 1531 et seq.), the Migratory Bird Treaty Act (MBTA) as amended (16 USC 701-715), and the Bald and Golden Eagle Protection Act (BGEPA) as amended (16 USC 668-668c). We are providing the following guidance to assist you in determining which federally imperiled species may or may not occur within your project area and to recommend some conservation measures that can be included in your project design.

FEDERALLY-LISTED SPECIES AND DESIGNATED CRITICAL HABITAT

Attached is a list of endangered, threatened, and proposed species that may occur in your project area. Your project area may not necessarily include all or any of these species. Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

If you determine that your proposed action may affect federally-listed species, consultation with the Service will be necessary. Through the consultation process, we will analyze information contained in a biological assessment that you provide. If your proposed action is associated with

Federal funding or permitting, consultation will occur with the Federal agency under section 7(a) (2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at www.fws.gov/endangered/esa-library/index.html#consultations.

The scope of federally listed species compliance not only includes direct effects, but also any interrelated or interdependent project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations) and any indirect or cumulative effects that may occur in the action area. The action area includes all areas to be affected, not merely the immediate area involved in the action. Large projects may have effects outside the immediate area to species not listed here that should be addressed. If your action area has suitable habitat for any of the attached species, we recommend that species-specific surveys be conducted during the flowering season for plants and at the appropriate time for wildlife to evaluate any possible project-related impacts.

Candidate Species and Other Sensitive Species

A list of candidate and other sensitive species in your area is also attached. Candidate species and other sensitive species are species that have no legal protection under the ESA, although we recommend that candidate and other sensitive species be included in your surveys and considered for planning purposes. The Service monitors the status of these species. If significant declines occur, these species could potentially be listed. Therefore, actions that may contribute to their decline should be avoided.

Lists of sensitive species including State-listed endangered and threatened species are compiled by New Mexico state agencies. These lists, along with species information, can be found at the following websites:

Biota Information System of New Mexico (BISON-M): www.bison-m.org

New Mexico State Forestry. The New Mexico Endangered Plant Program: www.emnrd.state.nm.us/SFD/ForestMgt/Endangered.html

New Mexico Rare Plant Technical Council, New Mexico Rare Plants: nmrareplants.unm.edu

Natural Heritage New Mexico, online species database: nhnm.unm.edu

WETLANDS AND FLOODPLAINS

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. These habitats should be conserved through avoidance, or mitigated to ensure that there would be no net loss of wetlands function and value.

We encourage you to use the National Wetland Inventory (NWI) maps in conjunction with ground-truthing to identify wetlands occurring in your project area. The Service's NWI program website, www.fws.gov/wetlands/Data/Mapper.html integrates digital map data with other resource information. We also recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands.

MIGRATORY BIRDS

The MBTA prohibits the taking of migratory birds, nests, and eggs, except as permitted by the Service's Migratory Bird Office. To minimize the likelihood of adverse impacts to migratory birds, we recommend construction activities occur outside the general bird nesting season from March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until the young have fledged.

We recommend review of Birds of Conservation Concern at website www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BCC.html to fully evaluate the effects to the birds at your site. This list identifies birds that are potentially threatened by disturbance and construction.

BALD AND GOLDEN EAGLES

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the ESA on August 9, 2007. Both the bald eagle and golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to "disturb" eagles. Under the BGEPA, the Service may issue limited permits to incidentally "take" eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For information on bald and golden eagle management guidelines, we recommend you review information provided at www.fws.gov/midwest/eagle/guidelines/bgepa.html.

On our web site www.fws.gov/southwest/es/NewMexico/SBC_intro.cfm, we have included conservation measures that can minimize impacts to federally listed and other sensitive species. These include measures for communication towers, power line safety for raptors, road and highway improvements, spring developments and livestock watering facilities, wastewater facilities, and trenching operations.

We also suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding State fish, wildlife, and plants.

Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area. For further consultation on your proposed activity, please call 505-346-2525 or email nmesfo@fws.gov and reference your Service Consultation Tracking Number.

Attachment(s):

- Official Species List
- Migratory Birds

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New Mexico Ecological Services Field Office 2105 Osuna Road Ne Albuquerque, NM 87113-1001 (505) 346-2525

Project Summary

Consultation Code: 02ENNM00-2021-SLI-1101 Event Code: 02ENNM00-2021-E-02587

Project Name: Caja del Rio Landfill (2021 Verification)
Project Type: WATER QUALITY MODIFICATION
Project Description: Landfill filing a NOI under 2021 MSGP.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@35.68222925,-106.09371541029137,14z



Counties: Santa Fe County, New Mexico

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an
office of the National Oceanic and Atmospheric Administration within the Department of
Commerce.

Mammals

NAME STATUS

New Mexico Meadow Jumping Mouse Zapus hudsonius luteus

Endangered

There is **final** critical habitat for this species. The location of the critical habitat is not available.

This species only needs to be considered under the following conditions:

• If project affects dense herbaceous riparian vegetation along waterways (stream, seep, canal/ditch).

Species profile: https://ecos.fws.gov/ecp/species/7965

Birds

NAME STATUS

Mexican Spotted Owl Strix occidentalis lucida

Threatened

There is **final** critical habitat for this species. The location of the critical habitat is not available.

Species profile: https://ecos.fws.gov/ecp/species/8196

Southwestern Willow Flycatcher *Empidonax traillii extimus*

Endangered

There is **final** critical habitat for this species. The location of the critical habitat is not available.

Species profile: https://ecos.fws.gov/ecp/species/6749

Yellow-billed Cuckoo Coccyzus americanus

Threatened

Population: Western U.S. DPS

There is **final** critical habitat for this species. The location of the critical habitat is not available.

Species profile: https://ecos.fws.gov/ecp/species/3911

Fishes

NAME

Event Code: 02ENNM00-2021-E-02587

Rio Grande Cutthroat Trout Oncorhynchus clarkii virginalis

Candidate

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/920

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

DDEEDING

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described <u>below</u>.

1. The Migratory Birds Treaty Act of 1918.

https://ecos.fws.gov/ecp/species/9291

- 2. The Bald and Golden Eagle Protection Act of 1940.
- 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS
Birds of Conservation Concern (BCC) list or warrant special attention in your project location.

To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data
mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
Brewer's Sparrow <i>Spizella breweri</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 15 to Aug 10

NAME	BREEDING SEASON
Burrowing Owl <i>Athene cunicularia</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9737	Breeds Mar 15 to Aug 31
Golden Eagle <i>Aquila chrysaetos</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Grace's Warbler <i>Dendroica graciae</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 20 to Jul 20
Gray Vireo <i>Vireo vicinior</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8680	Breeds May 10 to Aug 20
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Long-eared Owl <i>asio otus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3631	Breeds Mar 1 to Jul 15
Olive-sided Flycatcher <i>Contopus cooperi</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914	Breeds May 20 to Aug 31
Pinyon Jay <i>Gymnorhinus cyanocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9420	Breeds Feb 15 to Jul 15
Rufous Hummingbird selasphorus rufus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8002	Breeds elsewhere
Virginia's Warbler <i>Vermivora virginiae</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9441	Breeds May 1 to Jul 31

NAME	BREEDING SEASON
Willet <i>Tringa semipalmata</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Willow Flycatcher <i>Empidonax traillii</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/3482	Breeds May 20 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

- 1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
- 2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
- 3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

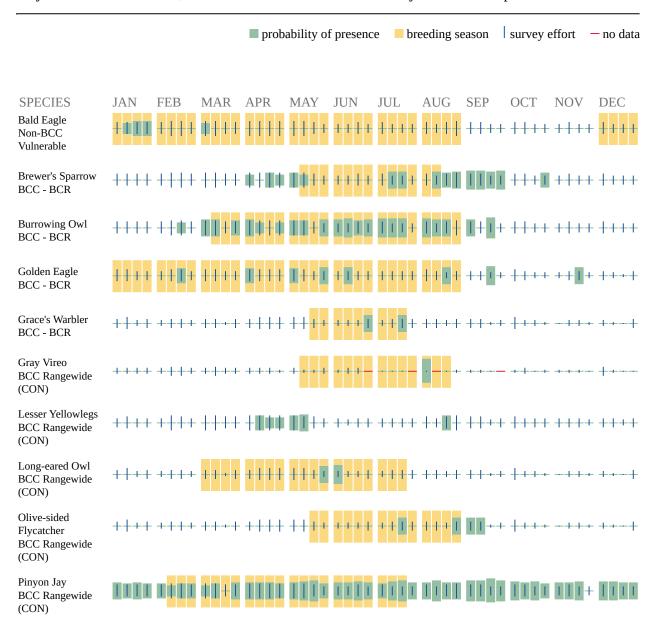
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

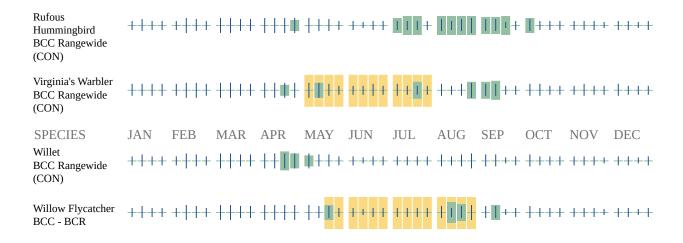
No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS <u>Birds of Conservation Concern</u> (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the <u>Avian Knowledge Network (AKN)</u>. The AKN data is based on a growing collection of <u>survey</u>, <u>banding</u>, <u>and citizen science datasets</u> and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (<u>Eagle Act</u>

requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the <u>AKN Phenology Tool</u>.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the <u>Avian Knowledge Network (AKN)</u>. This data is derived from a growing collection of <u>survey</u>, <u>banding</u>, <u>and citizen science datasets</u>.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

- 1. "BCC Rangewide" birds are <u>Birds of Conservation Concern</u> (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
- 2. "BCC BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
- 3. "Non-BCC Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the <u>Diving Bird Study</u> and the <u>nanotag studies</u> or contact <u>Caleb Spiegel</u> or <u>Pam Loring</u>.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to <u>obtain a permit</u> to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

VOLUME V EXHIBIT 31

SFSWMA Caja del Rio Landfill

Threatened and Endangered Species and Critical Habitat Evaluation

Santa Fe Solid Waste Management Agency

July 2015



GOVERNOR
Susana Martinez



DIRECTOR AND SECRETARY TO THE COMMISSION James S. Lane, Jr.

DEPUTY DIRECTOR

Daniel E. Brooks

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507

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STATE GAME COMMISSION

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BILL MONTOYA

RALPH RAMOS Las Cruces

August 2, 2013

Mr. Gregory Larson, PE CDM Smith 6000 Uptown Blvd. NE, Suite 200 Albuquerque, NM 87110

Caja del Rio Landfill Endangered Species Review for Permit Renewal Application NMDGF Doc. No. 15767

Dear Mr. Larson:

The Department of Game and Fish (Department) has reviewed your 28 April 2013 Review and Update of Threatened and Endangered Species and Critical Habitat for the Caja del Rio Landfill general area, Santa Fe County. The Department concurs with the findings, and does not anticipate adverse effects to wildlife or important wildlife habitats from implementation of this project.

We appreciate the opportunity to comment on this project. Should you have any questions regarding these comments, please contact Mark Watson, Habitat Specialist, of my staff at (505) 476-8115 or mark.watson@state.nm.us.

Sincerely,

Kenneth K. Cunningham

X1-1. C.X

Assistant Chief, Ecological and Environmental Planning Division



6000 Uptown Blvd. NE, Suite 200 Albuquerque, NM 87110

tel: 505 243-3200 fax: 505 243-2700

July 12, 2013

Kristin Madden
Permits and Biological Information Specialist
Conversation Services Division
New Mexico Department of Game and Fish
P.O. Box 25112, Santa Fe, NM 87507
One Wildlife Way, Santa Fe, NM 87507
Santa Fe, New Mexico 87506

Subject: Review and Update of Threatened and Endangered Species and Critical Habitat

Evaluation in the Vicinity of the Caja del Rio landfill,

Santa Fe, New Mexico

CDM Smith Project No.: 10679-91151-STUDY.ENVUPDATE

Dear Ms. Madden:

On behalf of Santa Fe Solid Waste Management Agency (SFSWMA), CDM Smith Inc. (CDM Smith) performed a review of threatened and endangered (T&E) animal and plant species in the vicinity of the Caja del Rio Landfill in support of the Caja del Rio Landfill (Landfill) permit renewal application.

CDM Smith requests, as deemed necessary by the New Mexico Environment Department (NMED) Solid Waste Bureau (SWB), the New Mexico Department of Game and Fish review the attached T&E regarding the Landfill and provide confirmation of concurrence with the associated conclusions.

If you have any questions or concerns regarding the attached information and request, please contact CDM Smith.

Sincerely,

Gregory S. Larson, P.E.

Project Engineer CDM Smith Inc.

Kelly Collins, P.G. Project Manager

CDM Smith Inc.

ATTACHMENT 1

APRIL 28, 2013 MEMORANDUM – REVIEW AND UPDATE OF THREATENED AND ENDANGERED SPECIES AND CRITICAL HABITAT EVALUATION IN THE VICINITY OF THE CAJA DEL RIO LANDFILL, SANTA FE, NEW MEXICO



Memorandum

To: Randall Kippenbrock, P.E.

From: Kelly Collins, P.G.

Date: April 28, 2013

Subject: Review and Update of Threatened and Endangered Species and Critical

Habitat Evaluation in the Vicinity of the Caja del Rio Landfill,

Santa Fe, New Mexico

CDM Smith Project No.: 10679-91151-STUDY.ENVUPDATE

CDM Smith Inc. (CDM Smith) has performed a review of threatened and endangered (T&E) animal and plants species in the vicinity of the Caja del Rio Landfill in support of the Caja del Rio Landfill permit renewal application. This memo is an update to the *Threatened and Endangered Species Survey of the Proposed Santa Fe County Landfill Site, New Mexico, Results of May/June 1994 Survey (CDM Federal, 1994)*.

In 1994, CDM Federal Programs performed a review and site survey of T&E species during the original permitting phase of the Caja del Rio Landfill (landfill). As part of the current permit modification and renewal for the landfill, CDM Smith has reviewed information available from the US Fish and Wildlife Service (USFWS) and 50 Code of Federal Regulations (CFR) 17 Subpart B Lists and identified federally listed T&E and their potential presence in Santa Fe County, specifically in the vicinity of the landfill.

This review process identifies T&E species that receive protection under the Endangered Species Act (ESA). These plant and animal species are placed on the T&E list by either the US Fish and Wildlife Service (USFWS) or by petition. Once a species is considered to meet the definition of threatened or endangered, it becomes a "candidate" species for the listing. Status reviews are performed for all candidate species, and if warranted, the species is listed in the Federal Register and a public comment period is conducted. From this point, a final listing is published and possibly revised, withdrawn, or the proposal is extended due to disagreement.

Thirty days after the final listing for a species is published in the Federal Register, a final ruling becomes effective and protective measures apply. The species included in this review are considered for protection as part of this project.

Randall Kippenbrock, P.E. April 28, 2013 Page 2

EVALUATION

Animal Species

Table 1 presents the animal species listed in 50 CFR 17 Subpart B for the State of New Mexico.

Table 1 Review of T&E Animal Species and New Mexico Counties Present

Threatened		Endangered		
Animal Species	County	Animal Species	County	
<u>Crotalus willardi</u> <u>obscurus</u> Rattlesnake, New	Hidalgo	Assiminea pecos Snail, Pecos assiminea	Chaves	
Mexican ridge-nosed				
<u>Cyprinella formosa</u>	Grant, Luna	<u>Canis lupus</u>	Catron, Grant,	
Shiner, beautiful		Wolf, gray	Hidalgo, Sierra	
<u>Gila nigrescens</u>	Grant	Empidonax traillii	Bernalillo, Catron,	
Chub, Chihuahua		<u>extimus</u>	Cibola, Colfax,	
		Flycatcher,	Dona Ana, Eddy,	
		southwestern willow	Grant, Guadalupe,	
			Hidalgo, Los	
			Alamos, Luna,	
			McKinley, Mora,	
			Otero, Rio Arriba,	
			Sandoval, San Juan,	
			San Miguel, Santa	
			Fe , Sierra, Socorro,	
			Taos, Valencia	
Oncorhynchus gilae	Catron, Grant,	Gambusia nobilis	Chaves, Eddy	
Trout, Gila	Sierra	Gambusia, Pecos		
Notropis girardi	Quay, San Miguel	Gammarus	Chavez	
Shiner, Arkansas		desperatus		
River		Amphipod, Noel's		

Table 1 Review of T&E Animal Species and New Mexico Counties Present

Threatened		Endangered		
Animal Species	County	Animal Species	County	
Notropis simus pecosensis Shiner, Pecos bluntnose	Chaves, DeBaca, Eddy	Gila intermedia Chub, Gila	Grant	
Rana chiricahuensis	Catron, Grant,	Hybognathus amarus	Bernalillo,	
Frog, Chiricahua	Hidalgo, Luna,	Minnow, Rio	Sandoval, Santa	
leopard	Sierra, Socorro	Grande silvery	Fe, Sierra, Socorro, Valencia	
		E - <i>Juturnia kosteri</i> Springsnail, Koster's	Chaves	
		Leptonycteris curasoae yerbabuenae Bat, lesser long- nosed	Hidalgo	
		Leptonycteris nivalis Bat, Mexican long- nosed	Hidalgo	
		<u>Meda fulgida</u> Spikedace	Catron, Grant, Hidalgo	
		<u>Panthera onca</u> Jaguar	Hidalgo	

Table 1 Review of T&E Animal Species and New Mexico Counties Present

Threatened		Endangered		
Animal Species	County	Animal Species	County	
Strix occidentalis	Bernalillo,	<u>Poeciliopsis</u>	Grant, Hidalgo	
<u>lucida</u>	Catron, Cibola,	<u>occidentalis</u>		
Owl, Mexican	Grant, Hidalgo,	Topminnow, Gila		
spotted	Lincoln, Los			
	Alamos,			
	McKinley, Mora,			
	Otero, Rio Arriba,			
	Sandoval, San			
	Miguel, Santa			
	Fe, Sierra,			
	Socorro, Taos,			
	Torrance,			
	Valencia			
		Ptychocheilus lucius	San Juan	
		Pikeminnow,		
		Colorado		
		<u>Pyrgulopsis</u>	Socorro	
		<u>neomexicana</u>		
		Springsnail, Socorro		
		<u>Pyrgulopsis</u>	Chaves	
		<u>roswellensis</u>		
		Springsnail, Roswell		
		Sterna antillarum	Catron, Chaves,	
		Tern, least	Curry, DeBaca,	
			Dona Ana, Eddy,	
			Otero, Quay, Rio	
			Arriba, Socorro	
		Thermosphaeroma	Socorro	
		<u>thermophilus</u>		
		Isopod, Socorro		

Table 1 Review of T&E Animal Species and New Mexico Counties Present

Threatened		Endangered	Endangered	
Animal Species	Animal Species County		County	
		Tiaroga cobitis	Catron, Grant,	
		Minnow, loach	Hidalgo	
		<u>Tryonia alamosae</u>	Socorro	
		Springsnail, Alamosa		
		Xyrauchen texanus	San Juan	
		Sucker, razorback		

T&E animal species present in Santa Fe County include the southwestern willow flycatcher (endangered), Rio Grande silvery minnow (endangered), and the Mexican spotted owl (Threatened). Critical habitat has been established for the southwestern willow flycatcher and the Rio Grande silvery minnow, but the critical habitat designations do not include Santa Fe County. Critical habitat have not been established for the Mexican spotted owl.

The critical habitat for the southwestern willow flycatcher was published in the Federal Register on January 3, 2013 (78 FR 343 534). The critical habitat areas are designated as stream segments, with the lateral extent including the riparian areas and streams that occur within the 100-year floodplain or flood-prone areas in Catron, Grant, Hidalgo, Mora, Rio Arriba, Socorro, Taos, and Valencia Counties in New Mexico. Therefore, although the southwestern willow flycatcher may be present in riparian areas in Santa Fe County, Santa Fe County is not critical habitat for the southwestern willow flycatcher. The southwestern willow flycatcher's habitat is the dense riparian area surrounding the Rio Grande. This type of habitat is present adjacent to the Rio Grande, approximately 11 miles from the landfill. The vegetation in the landfill vicinity is the Juniper Savanna. The Juniper Savannah is characterized by a relative low density of trees (130 per acre) within grassland. The canopy of this region is generally open, except for scattered clusters of closely spaced trees, particularly in canyon areas and hillsides. community where one-seeded juniper (Juniperus monosperma) becomes the most common tree species. Other woody vegetation includes piñon pine (Pinus edulis), yucca (Yucca glauca), tree cholla (Opuntia imbricata), sand sage (Artemesia filifolia), and rabbitbrush (USFS, 2009 BDD EIS). The Juniper Savanna does not provide habitat for the southwestern willow flycatcher.

The Rio Grande silvery minnow was historically one of the most widespread and abundant fishes in New Mexico. In the Rio Grande, it ranged from the confluence of the Rio Chama near Española to the Gulf of Mexico, and in the Pecos River from near Santa Rosa to its confluence

Randall Kippenbrock, P.E. April 28, 2013 Page 6

with the Rio Grande. Recent investigations document the presence of the silvery minnow in less than 5 percent of its historic range. It is restricted to the reach from Cochiti Dam to the headwaters of Elephant Butte. No documentation of the silvery minnow above Cochiti Dam has occurred since prior to the construction and operation of Cochiti Dam in the mid-1970s (BOR/City of Albuquerque 2004). The landfill is approximately 11 miles from the Rio Grande and does not include Rio Grande silvery minnow habitat.

The Mexican spotted owl's habitat includes mature mixed-conifer and pine-oak riparian forests as well as riparian forests dominated by deciduous trees and shrubs (FWS, Endangered and Threatened Wildlife and Plants; Final Decision of Critical Habitat for the Mexican Spotted Owl; Final Rule, 2004). They are also found in canyon habitats dominated by vertical-walled rocky cliffs within complex watersheds including tributary side canyons (FWS, 2004). During the 1994 review of the native land that is now the landfill area the Mexican spotted owl was not observed. Similarly, the Mexican spotted owl was not observed during surveys conducted for the Buckman Direct Diversion Environmental Impact Statement in the landfill vicinity (USFS. 2009). Based on the lack of Mexican spotted owl observations in two surveys in this area and the absence of potential habitat, the Mexican spotted owl is unlikely to occur in the vicinity of the landfill.

Plant Species

The USFWS and 50 CFR 17 Subpart B Lists were also reviewed to identify federally listed T&E plant species and determine if the plants are likely to be present in Santa Fe County, specifically in the vicinity of the landfill. **Table 2** presents the plant species listed, species status, and New Mexico counties in which the species are present.

Table 2 Review of T&E Plant Species and New Mexico Counties Present

Threatened		Endangered	
Plant Species	County	Plant Species	County
Cirsium vinaceum Thistle, Sacramento Mountains	Otero	Argemone pleiacantha ssp. pinnatisecta Poppy, Sacramento prickly	Otero
Coryphantha sneedii var. leei Cactus, Lee pincushion	Eddy	Astragalus humillimus Milk-vetch, Mancos	San Juan
Erigeron rhizomatus Fleabane, Zuni	Catron, Cibola, McKinley	Coryphantha sneedii var. sneedii Cactus, Sneed pincushion	Dona Ana, Eddy

Table 2 Review of T&E Plant Species and New Mexico Counties Present

Threatened		Endangered	
Plant Species	County	Plant Species	County
Eriogonum	Eddy	Echinocereus fendleri var.	Chaves, Eddy, Lincoln,
gypsophilum		<u>kuenzleri</u>	Otero
Wild-buckwheat,		Cactus, Kuenzler hedgehog	
gypsum			
<u>Helianthus</u>	Chaves,	<u>Hedeoma todsenii</u>	Otero, Sierra
<u>paradoxus</u>	Cibola,	Pennyroyal, Todsen's	
Sunflower, Pecos	Guadalupe,		
	Socorro,		
	Valencia		
<u>Sclerocactus</u>	San Juan	<u>Ipomopsis sancti-spiritus</u>	San Miguel
<u>mesae-verdae</u>		Ipomopsis, Holy Ghost	
Cactus, Mesa			
Verde			
		<u>Pediocactus knowltonii</u>	San Juan
		Cactus, Knowlton's	
<u>Hedeoma todsenii</u>	Otero,	<u>Hedeoma todsenii</u>	Otero, Sierra
Pennyroyal,	Sierra	Pennyroyal, Todsen's	
Todsen's			

None of the currently listed T&E plant species are listed as present in Santa Fe County.

CONCLUSION

Critical habitats are specific geographic areas that contain an ecosystem essential for the conservation of a particular T&E species and may require special management and protection. In addition to currently occupied areas, critical habitats may also include areas not currently occupied by the species but that is needed for the species recovery. Proposed areas designated as critical habitats are published by the USFWS in the Federal Register then a public comment period is conducted.

In 1996, following a Congressional moratorium on listing new species, the USFWS faced a severe backlog of species proposed for listing as threatened and endangered. The efforts of the USFWS were focused in this direction and a lower priority was placed on designating critical habitats. The USFWS believes that critical habitat designation usually affords little extra

Randall Kippenbrock, P.E. April 28, 2013 Page 8

protection to species and in some cases can actually result in harm to the species. This harm may be due to negative public sentiment to the designation, to inaccuracies in the initial area designated, and to the fact that there is often a misconception among other Federal agencies that if an area is outside of the designated critical habitat area, then it is of no value to the species. (http://www.fws.gov/endangered/what-we-do/critical-habitats-faq.html)

In addition to noting whether or not critical habitats have been established for species present in Santa Fe County, the project area was considered with regard to whether it provides the natural habitat for species to thrive. The Caja del Rio landfill and vicinity does not feature habitats that would support any of the three federally listed T&E species in Santa Fe County.

cc: File



Camp Dresser & McKee Inc.

CORA. FILE-

environmental services American Financial Center, Building 5 2400 Louisiana Boulevard, N.E., Suite 740 Albuquerque, New Mexico 87110 Tel: 505 881-3077 Fax: 505 881-6169

July 14, 1995

Mr. David Duran Section Chief - Solid Waste Bureau New Mexico Environment Department 1190 St. Francis Drive Santa Fe, NM 87502

RE: Caja del Rio Solid Waste Facility
Threatened and Endangered Species Mitigation Plan
CDM Project No. 1257-118-FD-SPEC

Dear Mr. Duran:

Attached please find a copy of the Cacti Mitigation Plan for the Caja del Rio Solid Waste Facility. This Mitigation Plan is submitted to satisfy Condition "L" on page 17 of the Final Permit Order, dated June 27, 1995.

If additional information of clarification is required, please contact our office.

Sincerely,

CAMP DRESSER & MCKER INC.

Thomas D. Parker, P.E.

Project Manager

cc: Mr. R. Sisneros (City and County of Santa Fe)

Attachment

RECEIVED
JUL 1 9 1995



ATTACHMENT A CAJA DEL RIO SOLID WASTE FACILITY CACTI MITIGATION PLAN CONDITION "L" OF THE FINAL PERMIT ORDER

Scope of Work:

Prior to construction of the Santa Fe Regional Landfill, approximately 70 Wright's pincushion cacti and 50 gramagrass cacti will be relocated from their existing locations in Sections 21, 22, and 27 of Township 17 North, Range 8 East to a new site located approximately 6 miles to the northeast in Township 18 North, Range 8 East in the southeast quarter of the northwest quarter of Section 24.

Method of Relocation:

Each cactus plant will be transplanted in the following manner: Cacti will be located and the average spacing between plants determined; cacti will be excavated; the soil will be gently removed from the cacti roots; the cacti will be placed in burlap until it is transported to the new site; new holes will be excavated at the average spacing determined prior to relocation; the cacti will be placed in the sufficient size hole and backfilled with the excavated soil; cacti will be watered immediately following transplant; cacti will be watered two additional times at two week intervals.

Coordination:

Camp Dresser & McKee will select a qualified contractor to perform the relocation work. The contractor will mark all cacti to be relocated prior to excavation. Contractor will contact Sam DesGeorges of the BLM (505-758-8851) at least 2 weeks before any relocation of cacti occurs. Mr. DesGeorges will meet the contractor at the new site and point out the new locations for the relocated cacti. Work shall be completed by September 1, 1995.

Cative Landscape 3 Fizz: lasadelkio -

803 Camino Acoma Santa Fe, N.M. 87501 (505) 988-9141 RECEIVED

CAMP DRESSER & MOTTLE INC.

25 September 1995

Camp Dresser & McKee, Inc. 2400 Louisiana B1vd. N.E. Albuquerque, New Mexico 87110

Attn: Anne Urenda

The Cacti Relocation Project for the Santa Fe Regional Landfill was completed 24 September '95. We found 84 flags, 34 without any corresponding cacti, 50 with cacti. Some of the cacti we found with flags were neither the Grama grass cacti nor Wright's pincushion. We transplanted these cacti as well accounting for 18 Echinocereus sp. and Mammillaria sp.. Also transplanted were 22 cacti (namely Wright's pincushion) without flags. So, total cacti relocated:

Grama grass cacti 25 Wright's pincushion 29 Cacti seedlings, sp? 3 Other species 18

Total

We began on Monday, 18 September and spent each subsequent day through Saturday, 23 September traversing the areas where the cacti were reportedly flagged and were to be dug. (Sunday, 24 Sept., we planted.) We divided the area into five sections (not counting the access road) and traversed each section at least twice — each time with different people. A total of 21 people participated. While I'm sure some flags remain, we did our very best.

The remaining payment of \$1,115.62 is now due in accordance with invoice #10574.

Thank You,

Nancy Daniel



United States Department of the Interior

FISH AND WILDLIFE SERVICE

New Mexico Ecological Services Field Office 2105 OSUNA ROAD NE ALBUQUERQUE, NM 87113

PHONE: (505)346-2525 FAX: (505)346-2542 URL: www.fws.gov/southwest/es/NewMexico/; www.fws.gov/southwest/es/ES_Lists_Main2.html



Consultation Code: 02ENNM00-2015-SLI-0615 August 20, 2015

Event Code: 02ENNM00-2015-E-00733

Project Name: Caja del Rio Landfill/Del Hur Industries (Sand and Gravel)

Subject: List of threatened and endangered species that may occur in your proposed project

location, and/or may be affected by your proposed project

To Whom It May Concern:

Thank you for your recent request for information on federally listed species and important wildlife habitats that may occur in your project area. The U.S. Fish and Wildlife Service (Service) has responsibility for certain species of New Mexico wildlife under the Endangered Species Act (ESA) of 1973 as amended (16 USC 1531 et seq.), the Migratory Bird Treaty Act (MBTA) as amended (16 USC 701-715), and the Bald and Golden Eagle Protection Act (BGEPA) as amended (16 USC 668-668c). We are providing the following guidance to assist you in determining which federally imperiled species may or may not occur within your project area and to recommend some conservation measures that can be included in your project design.

FEDERALLY-LISTED SPECIES AND DESIGNATED CRITICAL HABITAT

Attached is a list of endangered, threatened, and proposed species that may occur in your project area. Your project area may not necessarily include all or any of these species. Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

If you determine that your proposed action may affect federally-listed species, consultation with the Service will be necessary. Through the consultation process, we will analyze information

contained in a biological assessment that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at www.fws.gov/endangered/esa-library/index.html#consultations.

The scope of federally listed species compliance not only includes direct effects, but also any interrelated or interdependent project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations) and any indirect or cumulative effects that may occur in the action area. The action area includes all areas to be affected, not merely the immediate area involved in the action. Large projects may have effects outside the immediate area to species not listed here that should be addressed. If your action area has suitable habitat for any of the attached species, we recommend that species-specific surveys be conducted during the flowering season for plants and at the appropriate time for wildlife to evaluate any possible project-related impacts.

Candidate Species and Other Sensitive Species

A list of candidate and other sensitive species in your area is also attached. Candidate species and other sensitive species are species that have no legal protection under the ESA, although we recommend that candidate and other sensitive species be included in your surveys and considered for planning purposes. The Service monitors the status of these species. If significant declines occur, these species could potentially be listed. Therefore, actions that may contribute to their decline should be avoided.

Lists of sensitive species including State-listed endangered and threatened species are compiled by New Mexico state agencies. These lists, along with species information, can be found at the following websites:

Biota Information System of New Mexico (BISON-M): www.bison-m.org

New Mexico State Forestry. The New Mexico Endangered Plant Program: www.emnrd.state.nm.us/SFD/ForestMgt/Endangered.html

New Mexico Rare Plant Technical Council, New Mexico Rare Plants: nmrareplants.unm.edu

Natural Heritage New Mexico, online species database: nhnm.unm.edu

WETLANDS AND FLOODPLAINS

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. These habitats should be conserved through avoidance, or mitigated to ensure that there would be no net loss of wetlands function and value.

We encourage you to use the National Wetland Inventory (NWI) maps in conjunction with ground-truthing to identify wetlands occurring in your project area. The Service's NWI program website, www.fws.gov/wetlands/Data/Mapper.html integrates digital map data with other resource information. We also recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands.

MIGRATORY BIRDS

The MBTA prohibits the taking of migratory birds, nests, and eggs, except as permitted by the Service's Migratory Bird Office. To minimize the likelihood of adverse impacts to migratory birds, we recommend construction activities occur outside the general bird nesting season from March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until the young have fledged.

We recommend review of Birds of Conservation Concern at website www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BCC.html to fully evaluate the effects to the birds at your site. This list identifies birds that are potentially threatened by disturbance and construction.

BALD AND GOLDEN EAGLES

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the ESA on August 9, 2007. Both the bald eagle and golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to "disturb" eagles. Under the BGEPA, the Service may issue limited permits to incidentally "take" eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For information on bald and golden eagle management guidelines, we recommend you review information provided at www.fws.gov/midwest/eagle/guidelines/bgepa.html.

On our web site www.fws.gov/southwest/es/NewMexico/SBC_intro.cfm, we have included conservation measures that can minimize impacts to federally listed and other sensitive species. These include measures for communication towers, power line safety for raptors, road and highway improvements, spring developments and livestock watering facilities, wastewater facilities, and trenching operations.

We also suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding State fish, wildlife, and plants.

Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area. For further consultation on your proposed activity, please call 505-346-2525 or email nmesfo@fws.gov and reference your Service Consultation Tracking Number.

Attachment



Official Species List

Provided by:

New Mexico Ecological Services Field Office 2105 OSUNA ROAD NE ALBUQUERQUE, NM 87113 (505) 346-2525

http://www.fws.gov/southwest/es/NewMexico/

http://www.fws.gov/southwest/es/ES_Lists_Main2.html

Consultation Code: 02ENNM00-2015-SLI-0615

Event Code: 02ENNM00-2015-E-00733

Project Type: WATER QUALITY MODIFICATION

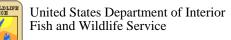
Project Name: Caja del Rio Landfill/Del Hur Industries (Sand and Gravel)

Project Description: Landfill and Sand and Gravel Construction - two separate entities each filing a SWPPP under 2015 MSGP, but both located on Santa Fe Solid Waste Management Agency

property.

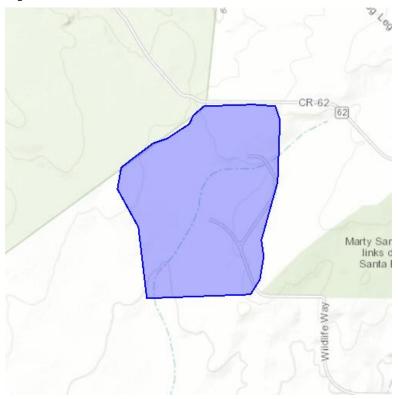
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.





Project name: Caja del Rio Landfill/Del Hur Industries (Sand and Gravel)

Project Location Map:



 $\begin{array}{l} \textbf{Project Coordinates:} \ \text{MULTIPOLYGON} \ ((((-106.08505725860596\ 35.68926517699213,\ -106.08462810516357\ 35.68818464807401,\ -106.08479976654053\ 35.68358352238149,\ -106.0863447189331\ 35.67929587096452,\ -106.0861301422119\ 35.6780409050129,\ -106.0864734649658\ 35.67633272519837,\ -106.08733177185059\ 35.67525202112636,\ -106.09681606292725\ 35.674973127377314,\ -106.09758853912354\ 35.68027194194847,\ -106.09951972961426\ 35.683095508636995,\ -106.09917640686035\ 35.68466411362159,\ -106.09621524810791\ 35.6864766854162,\ -106.094970703125\ 35.68682525219382,\ -106.09291076660156\ 35.68794065564747,\ -106.09256744384766\ 35.68856806323645,\ -106.09158039093018\ 35.689230321449045,\ -106.08707427978516\ 35.689369743530044,\ -106.08505725860596\ 35.68926517699213))) \end{array}$

Project Counties: Santa Fe, NM



Endangered Species Act Species List

There are a total of 3 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Birds	Status	Has Critical Habitat	Condition(s)
Mexican Spotted owl (Strix occidentalis lucida) Population: Entire	Threatened	Final designated	
Southwestern Willow flycatcher (Empidonax traillii extimus) Population: Entire	Endangered	Final designated	
Yellow-Billed Cuckoo (Coccyzus americanus) Population: Western U.S. DPS	Threatened	Proposed	



Critical habitats that lie within your project area

There are no critical habitats within your project area.

APPENDIX H HISTORIC PRESERVATION DOCUMENTATION

(9 Mar 1400)

STATE OF NEW MEXICO

DEPARTMENT OF CULTURAL AFFAIRS HISTORIC PRESERVATION DIVISION

228 EAST PALACE AVENUE SANTA FE, NEW MEXICO 87501 (505) 827-6320

BILL RICHARDSON Governor

May 25, 2004

Jodie Gonzales Santa Fe Solid Waste Management Agency P.O. Box 6189 Santa Fe, NM 87502

Re: Archaeological Testing of Three Sites (LA 102417, 104190, and 104191) Casa del Rio Land Fill, Santa Fe County, NMCRIS 85156.

Dear Ms. Gonzales:

Thank you for submitting the above referenced report for review. This office **concurs** that the three archaeological sites (LA 102417, 104190, and 104191) located at the Caja del Rio Land Fill, Santa Fe County, and tested by Quivira Research Associates are **not eligible** to the National Register of Historic Places (NRHP) under criteria (a), (b), (c) or (d). As such, no historic properties will be affected by the proposed undertaking, and no further work is recommended. Should any new discoveries or human remains be encountered during landfill construction, work should cease immediately in the vicinity of the discoveries and this office notified immediately.

Please feel free to call me at (505) 827-6324 if you have any questions regarding these comments.

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Sincerely,

Lisa M. Meyer Staff Archaeologist

Log: 71224

Jan V. Biella

Deputy State Historic Preservation Officer

APPENDIX I RECORDKEEPING



