

How to Comply with Industrial Stormwater Regulations

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MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

MECC

**MICHIGAN ENVIRONMENTAL
COMPLIANCE CONFERENCE**

Industrial Stormwater Program Goal

To protect public health and freshwater resources by reducing pollutants discharged from industries during storm events.

EGLE strives to meet this goal through...

- ✓ **Partnerships** – Collaboration and cooperation from nearly 4000 regulated facilities.
- ✓ **Compliance Assistance** – EGLE is committed to provided the necessary guidance tools and trainings to help the regulated community understand their obligations.
- ✓ **Compliance Evaluations** – EGLE staff perform hundreds of compliance inspections annually.
- ✓ **Community Responsiveness** – EGLE staff are committed to provide timely responses to the public's inquires, complaints, and concerns.



NPDES Industrial Stormwater Permit Program

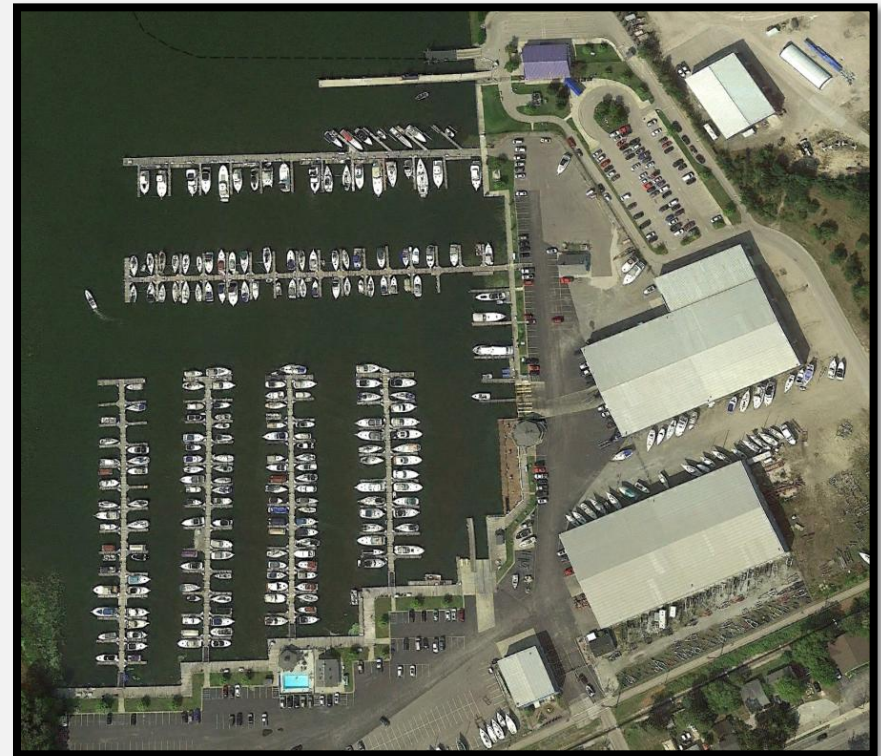
- ✓ It has been a federal program since **1987** under the Clean Water Act.
- ✓ Since **1994** EGLE has had the authority under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act (NREPA), Public Act 451 of 1994, as amended to issue permits and conduct compliance and enforcement actions.



How is permit applicability determined?

3 questions need to be answered...

1. Is the Standard Industrial Classification (SIC) code or Primary Activity regulated under the Michigan industrial stormwater regulations?
2. Does stormwater from the property discharge to the surface waters of the state?
3. Is there exposure of industrial materials and / or activities to stormwater runoff?



SIC Codes and Primary Activities

SIC codes - What are they?

- ✓ Coding system used to categorize industries and services.
- ✓ **Primary SIC Code** needs to be determined - Consider the industrial activity creating revenue or employing the majority of the workers.

Narrative Description

- ✓ Activities that are not regulated specifically by SIC code are regulated by the type of industrial activity occurring at the site...Narrative Description.
 - For example: WWTPs, Steam Electric Power Generating Facilities, Landfills, Hazardous Waste Facilities

SIC Code list can be obtained from the WRD ISW Webpage.

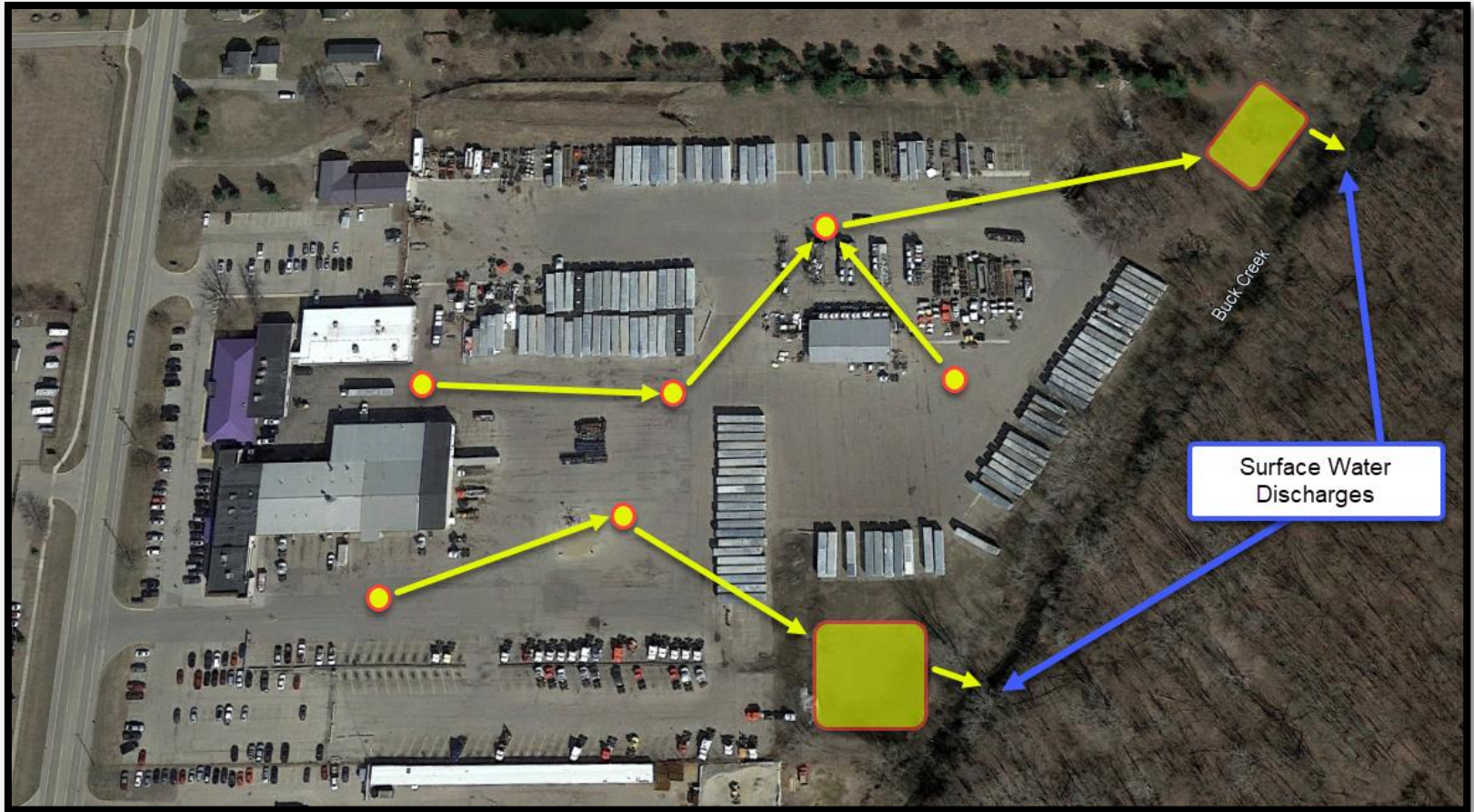
Does stormwater discharge to surface water of the state?



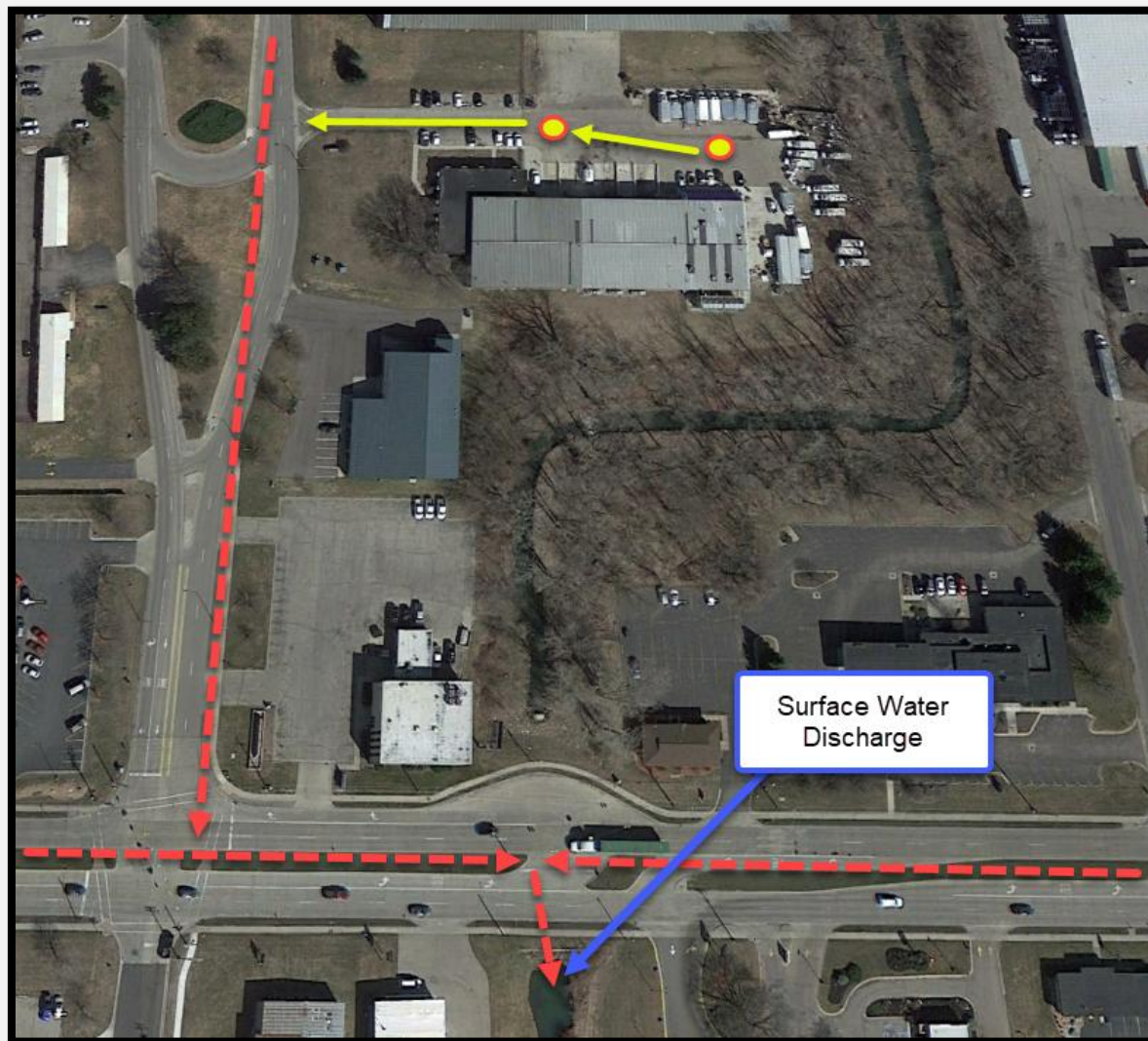
Surface waters include rivers, lakes, streams, wetlands and other watercourses.

Understanding the stormwater drainage at your site...

Direct discharge to surface waters of the state



Indirect discharge via the municipal storm sewer system



If your facility has stormwater catch basins on site discharging to the municipal system...

- ✓ It is important to verify if your municipality has a combined or separate sewerage system.
- ✓ Approximately 40 municipalities in Michigan operate a combined sewer system.
- ✓ No NPDES stormwater permit or NEC needed if all stormwater discharges to a combined system.



If you have stormwater ponds on-site...

Detention Pond or Retention Pond? Make sure you know the difference.

Detention Pond –
Discharge to surface
waters of the state

Retention Pond – No
discharge to surface
waters of the state



Is there exposure?



- ✓ Are the industrial materials storage areas or activity areas exposed to rain or snow?
- ✓ Do those areas discharge to surface waters of the state or separate storm sewer system?

Exposure – containers & compactors



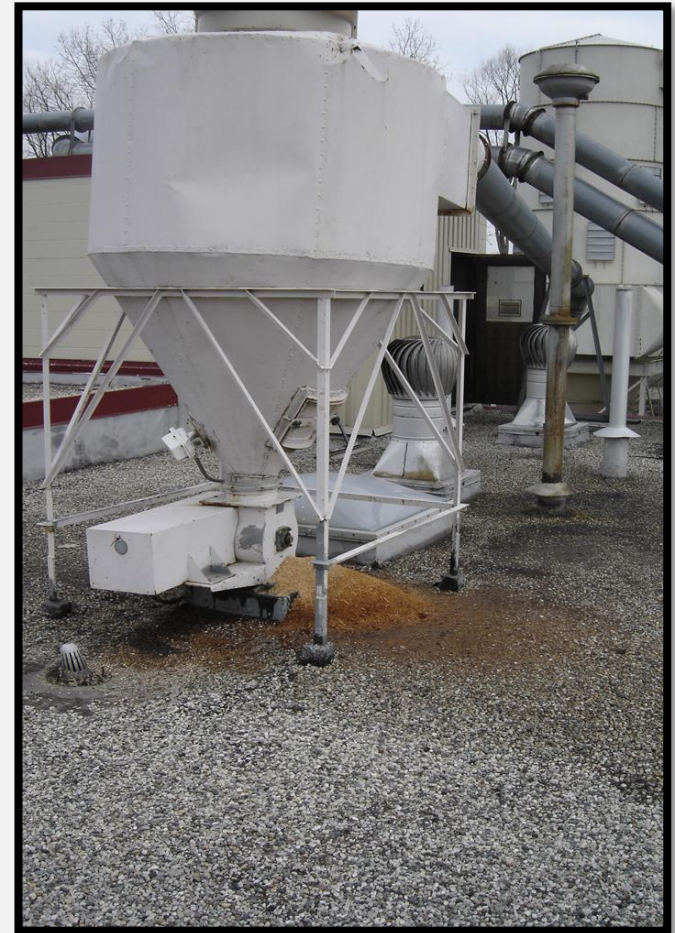
Exposure – material handling equipment



✓ Racking, pallets, baskets, totes, etc.



Exposure – baghouses and other particulate collection systems



Exposure – vents, stacks, and other air emission controls



Exposure – vehicle maintenance items



- ✓ Batteries, tires, part cores, scrap parts, etc.

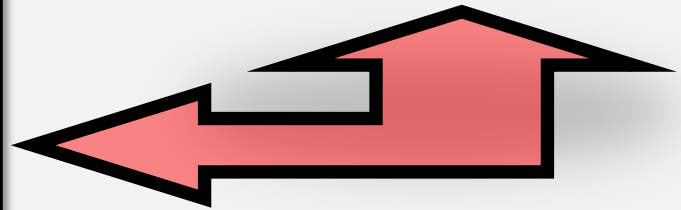
Exposure – fueling & washing



- ✓ Leaks, drips, spills associated with vehicle fueling
- ✓ Wastewater and residue associated with vehicle washing

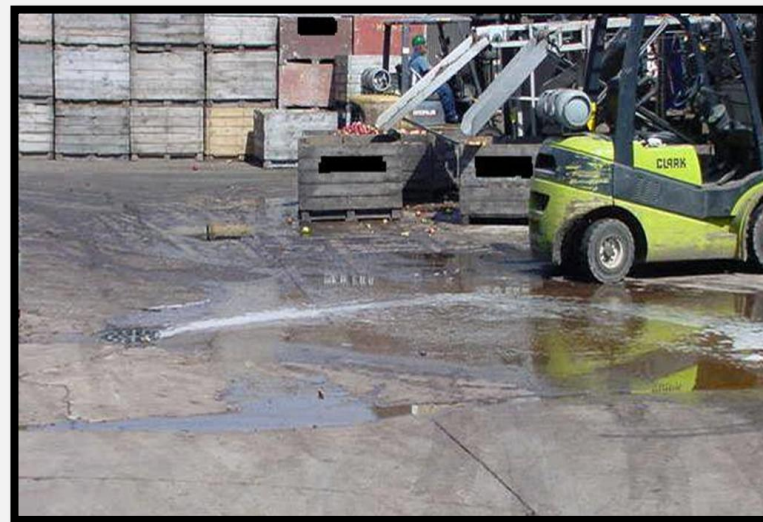


Exposure – plastic pellets



Exposure – organic materials

- ✓ Food products, wood chips, sediment, compost, etc.



Exposure – soil erosion / sedimentation



- ✓ Vehicle tracking, haul roads, slopes, dewatering areas, etc.



If all three criteria apply, then...

- ✓ NPDES industrial stormwater permit coverage will be needed.
- ✓ Permit coverage is valid for 5yrs.
- ✓ Facilities required to obtain coverage under a permit will need to do the following:
 - Develop and implement a Stormwater Pollution Prevention Plan (SWPPP)
 - Acquire the services of an Industrial Stormwater Certified Operator
 - Sample stormwater discharges
 - Certify no unauthorized discharges
 - Pay an annual permit fee of \$260

SWPPP Requirements

- ✓ Develop a site map
- ✓ Source Identification
- ✓ Non-Structural Controls
 - Housekeeping and Preventative Maintenance Inspections, Employee Training, Quarterly Comprehensive Inspections & Visual Assessments, Material Handling Procedures, TMDL Specific Activities
- ✓ Structural Controls
- ✓ Annual Reports

Storm Water Pollution Prevention Plans (SWPPP)

EGLE has created a SWPPP template and checklist to assist permittees in the development of an approvable SWPPP. A sample SWPPP is also provided as a reference.

- [SWPPP Template \(Word\)](#)
- [SWPPP Checklist \(Word\)](#)
- [SWPPP Sample \(PDF\)](#)



Stormwater sampling requirements

- ✓ All permittees have to do quarterly visual assessment sampling.
- ✓ Some permittees have to do visual assessment and analytical sampling.
 - Companies discharging stormwater exposed to areas of their site that are regulated under Part 201 for soil or groundwater contamination.
 - Companies that discharge accumulated stormwater from secondary containment structures required by state or federal statutes.
 - Scrap metal recycling facilities operating under SIC code 5093.
 - Auto salvage facilities operating under SIC code 5015.



Certified Operator Requirements

- ✓ Can be a consultant or an employee at the facility that has passed the exam with at least 70% and received a certification number
- ✓ Training for exam is self study – videos & training manual
- ✓ Registration to take an exam is required
- ✓ Exams are electronically administered
- ✓ Fee \$30
- ✓ Certification is good for 5 years
- ✓ Renewal – Online training and pay fee \$95
- ✓ www.Michigan.gov/wwcertification

Wastewater and
stormwater operator
certification



Certify No Unauthorized Discharges



- ✓ Vehicle wash water, process wastewater, contaminated groundwater, mine dewatering etc.



If all criteria apply except exposure, then...

- ✓ The facility is required to coverage under a No Exposure Certification (NEC).
- ✓ All regulated facilities have the option to try and meet the conditions of a NEC.
- ✓ NEC coverage is valid for 5 years.



What Does No Exposure Mean?

No exposure means all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

Storm-resistant shelters include completely roofed and walled buildings or structures, as well as structures with only a top cover, but no side walls, provided materials under the structure are not subject to any run-on and subsequent runoff of stormwater.

Can anything be outside?

✓ Typically, nothing however there are a few exceptions (**with conditions**):

- **Drums, Barrels, Tanks, and Similar Containers** (*new, sealed, not in use outdoors*)
- **Secondary Containment Structures** (*no discharge of accumulated stormwater*)
- **Above Ground Storage Tanks** (*not associated with fueling vehicles*)
- **Lidded Leak Proof Containers and Compactors**
- **Adequately Maintained Vehicles**
- **Final Products** (*for outdoor use and resistant to weathering*)

✓ NEC guidance document on the WRD ISW webpage explains the conditions in detail.

No Exposure Certification Information

This section provides information regarding Michigan's need to obtain a National Pollutant Discharge Elimination System (NPDES) permit. The No Exposure Certification is a condition of no exposure and are required to re detail:

- [No Exposure Certification Guidance](#)
- [Container and Compactor Guidance](#)

Under a NEC there is...

- ✓ No Certified Operator
- ✓ No SWPPP
- ✓ No Annual Permit Fee



However, the facility must always maintain a condition of “no exposure”

NEC Compliance

- ✓ Covered leak proof scrap metal container



NEC Compliance

✓ Covered leak proof waste containers



✓ Waste compactors with no leakage or spillage



NEC Compliance

- ✓ Visibly clean pallets for the shipment of final products
- ✓ Final products for outdoor use and resistant to weathering



NEC Non-Compliance



✓Leaking compactors and containers



NEC Non-Compliance

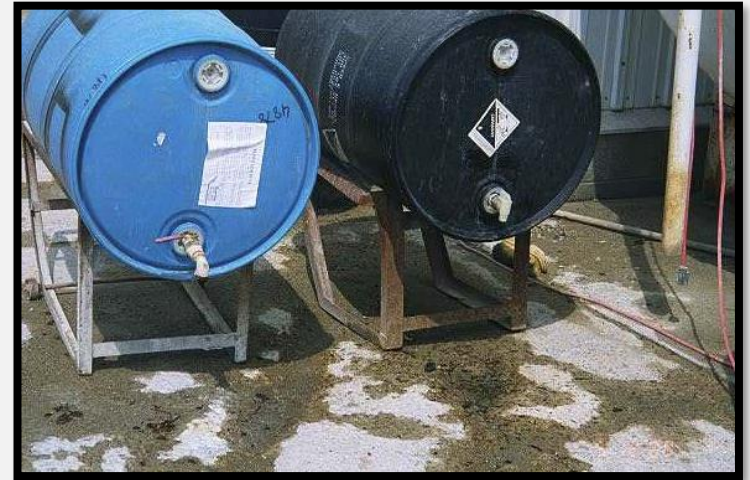
- ✓ Waste pallets, various industrial materials stored outdoors
- ✓ Uncovered roll off container that is not considered leak proof



NEC Non-Compliance



- ✓ Parts racks stored outdoors
- ✓ Totes with liquid residue exposure
- ✓ Barrels with valves to extract contents

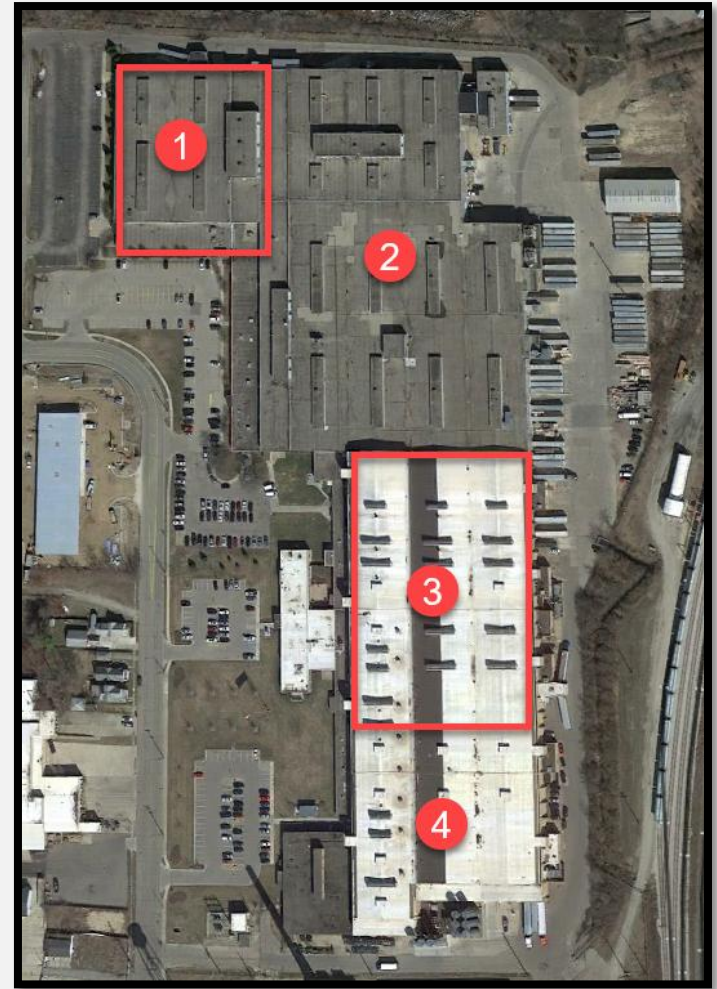


No Permit or NEC required if...

- ✓ The facility's primary activity isn't associated with a regulated SIC code or Narrative Description, or
- ✓ Stormwater from the property doesn't discharge to the surface waters of the state.

Permitting Scenarios to Consider

- ✓ **Leased Facility** – Permit coverage is required for the company engaged in the regulated industrial activity not the building owner.
- ✓ **Multiple companies operating out of 1 building** – Each regulated company would be required to obtain coverage under a permit.
- ✓ **Multiple Buildings** – If the buildings are contiguous or directly across the street they can be covered under one Certificate of Coverage.
- ✓ **Auxiliary Facilities** – Off site facilities that would be classified according to the parent company (not limited to maintenance garages, storage yards, R&D sites). If the parent company is regulated, then the auxiliary facilities are as well.



In Summary

- ✓ Facilities need to obtain coverage under a NPDES Industrial Stormwater Permit if:
 - The facility's primary activity is associated with a regulated SIC code or Narrative Description.
 - Stormwater from the property discharges to surface waters of the state.
 - There is exposure of industrial materials and / or activities.

- ✓ Regulated facilities with no exposure must obtain coverage under a NEC.

- ✓ If a facility's SIC code is not regulated or stormwater doesn't discharge to surface waters of the state, no permit or NEC coverage is required.

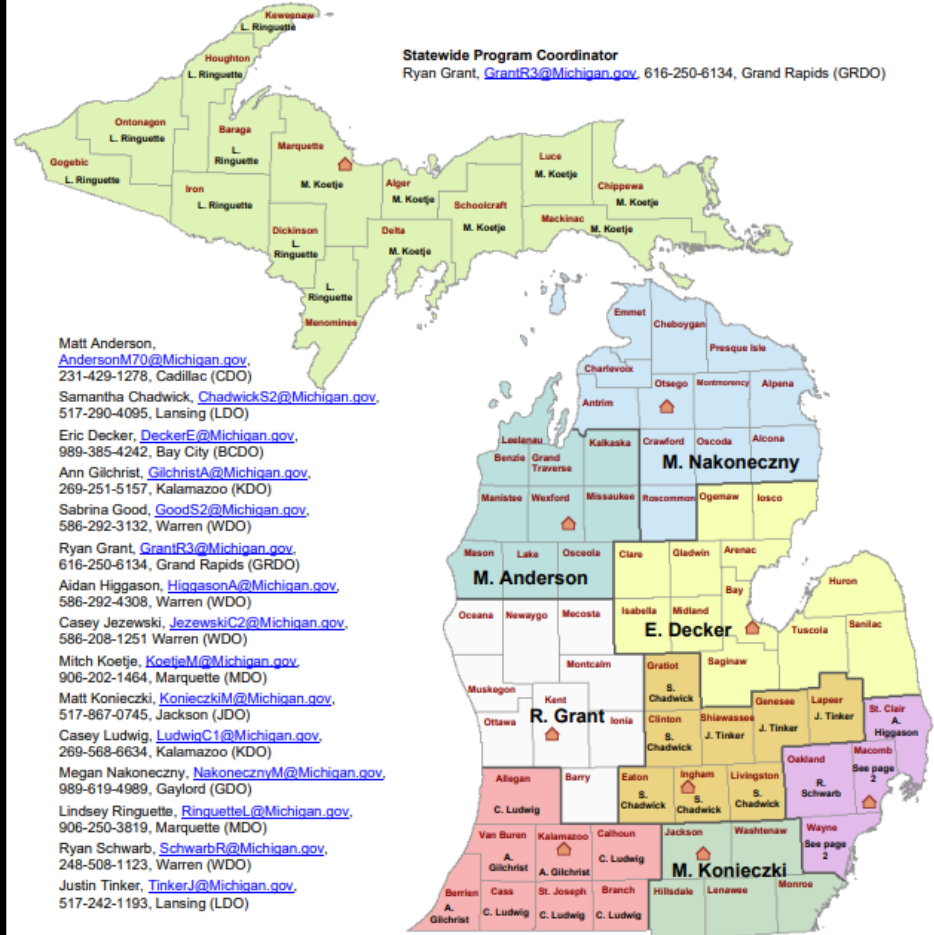
Want more info on the Industrial Stormwater Program?

- ✓ Industrial Stormwater webpage:
www.michigan.gov/industrialstormwater
- ✓ Contact your district staff
- ✓ Call me at 616-250-6134 or email me at grantr3@michigan.gov

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Michigan.gov/IndustrialStormwater

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