

NPDES Stormwater Enforcement at Solid Waste Facilities



Kansas Solid Waste Management Conference

Mulvane, Kansas – October 6, 2016

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Industrial Stormwater Permit Requirements – A Permit Overview, SWP2 Plans, and NPDES Inspection/Enforcement

- A brief overview of regulatory requirements for Stormwater Runoff Associated with Industrial Activity
- Proposed modifications to the General Permit that expires October 31, 2016
- Industrial Stormwater Pollution Prevention (SWP2) Plan Development and Implementation
- Inspection/Enforcement at Solid Waste Facilities

Regulatory Background

- Clean Water Act in 1972 regulated Point Source Discharges
- Amendments in 1987 Added Stormwater as a Point Source
- Industrial Stormwater Phase I – 1990 Required NOI or other form of application (individual, group, etc.)
- Industrial Stormwater Phase II – 2003 Clarified Exemptions
- 1st KDHE Industrial Stormwater General Permit – 2006
- Re-issued Industrial Stormwater General Permit – 2011
- Current KDHE Permit Effective until October 31, 2016
- KDHE Permit (Round 3) is off Public Notice and ready to issue
- EPA 2015 Multi-Sector General Permit (as guidance)
- Previous EPA MSGP's - 1995, 2000, 2008

Current KDHE – NPDES Industrial Stormwater Permit

- Coverage applies to various manufacturing, transportation, warehousing, mining, and scrap/salvage facilities; some public works facilities; and other sites with a significant pollution potential, unless otherwise excluded
- Owners or operators of unpermitted facilities subject to regulation of stormwater runoff from industrial activity as defined in 40 CFR 122.26(b)(14) or are otherwise designated by KDHE must file the Notice of Intent (NOI) form and \$60.00 fee to apply for and obtain coverage under the industrial stormwater general permit S-ISWA-1111-1
- Coverage under the proposed permit S-ISWA-1611-1 will start November 1st, 2016. Coverage is automatic and new NOI forms are not required for existing permitted facilities

Current KDHE Program Status

Industrial Stormwater Permit

Industrial Stormwater:

- There are eleven broad categories of industry that are regulated, covering most industries and many municipal operations, as defined at 40 CFR 122.26(b)(14)
- Coverage is generally determined either by SIC Code (Standard Industrial Classification) or by narrative criteria describing activities at the site
- Includes Landfills and Land Application Sites
- A “No Exposure” certification is available to all industrial categories
- The principle requirement of the permit is development of a Stormwater Pollution Prevention Plan (SWP2 Plan) and implementation of site Best Management Practices (BMPs)

Current KDHE Program Status Industrial Stormwater Permit

- KDHE has authorized about 800 Active Industrial NOI's
- About 350 industrial discharge permits require SWP2 Plans
- About 185 Sites under the Ready-Mix general permit require SWP2 Plans
- About 300 No Exposure Certifications have been accepted
- A total of about 1,600 facilities meeting stormwater permit requirements
- Original estimates were that up to 10,000 Kansas facilities may be regulated
- Numerous additional facilities originally applied for coverage (historic NOI's and group applicants) that were never permitted. These historic applications are no longer valid. These industrial facilities need to submit an NOI.

Current Status of KDHE Industrial Stormwater Permits

Types of Facilities with Stormwater NOI's

- Manufacturing Facilities - 350
- Warehousing Facilities - 75
- Scrap/Salvage Facilities - 35
- Mining/Mineral Facilities - 75
- Asphalt Plants - 50
- Solid Waste Facilities - 100
- WWTPs - 25
- Municipal/other NOI's - 60

General Permit Changes - November 1st, 2016

- The proposed changes to the general permit are minimal
- Editing and formatting; definitions; clarifications
- References to guidance documents, contact numbers and e-mail/web addresses have been updated
- Annual “No Exposure” Re-certifications are required
- Added non-payment permit cancellation/inactivation language
- Added emphasis to evaluations, monitoring and record keeping requirements; MSGP Guidance (e.g. baselines); enforcement
- All forms have been updated and must be used
- We still want original signatures, but will accept some updated or corrected forms by e-mail or fax
- Facilities without current permit coverage, such as group applicants, do not have NPDES discharge authorization

Types of Solid Waste Facilities requiring a permit

- MSW Landfills
- C & D Landfills that receive waste from a regulated industry or if the C & D landfill has soil disturbing activities greater than 1 acre
- Transfer Stations with associated outside activities (metal recycle pile, waste tire pile, screened unauthorized waste, etc.)
- Composting facilities receiving industrial waste (waste other than yard waste)
- Industrial Landfills
- HHW facilities receiving industrial waste, or if co-located with other regulated activities
- Used Oil Processors that are Re-refining (not fuel blenders)
- Material Recycling Facilities

Industrial Stormwater Pollution Prevention Plans

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SWP2 Plans

Industrial Stormwater Permit Objective

The objective of the general permit for Stormwater Runoff Associated with Industrial Activity and the corresponding Stormwater Pollution Prevention Plan is to help the facility prevent pollution of stormwater runoff from the facility by providing Best Management Practices (BMPs) that eliminate or minimize the discharge of pollutants to surface waters from industrial activities, such as equipment operation, materials handling and storage, and process operations.

Stormwater Pollution Prevention (SWP2 Plan) Development - Minimum requirements

Pollution Prevention Team

Description of Potential Pollutant Sources

Measures and Controls

Comprehensive Site Compliance Evaluation

Monitoring and Record Keeping Requirements

SWP2 Plan Update and Modification



Important Items found in the Stormwater Pollution Prevention Plan (SWP2 Plan)

- A signed copy of the NOI
- A Site Map showing drainage features and an inventory of industrial activities/materials/ equipment [have MSDS's available]
- BMP identification
- Visual observation records (site and outfalls)
- Annual Comprehensive Site Evaluation Record
- SWP2 Plan Certification/Updates
- Record/schedule of planned improvements
- Records of stormwater test results

Your SWP2 Plan inspections and record keeping need to include:

- Quarterly visual inspections of industrial activities and an annual visual observation of the outfalls
- Annual comprehensive site evaluation
- A training program and records of training
- Records as part of the SWP2 Plan (Appendix)
 - A signed NOI
 - Inspection records and comprehensive annual review
 - SWP2 Plan revision record,
 - Stormwater testing records
 - A schedule for implementing new BMP's

EPA Guidance Documents and Resources

- “Developing your Stormwater Pollution Prevention Plan”, EPA 833-B-09-002 – June 2015
 - 44 pages, available on EPA Document Website
 - Non-binding Guidance
 - Includes sampling/evaluation, currently not mandated by KDHE
 - Discusses “sector specific requirements” – Fact Sheets
 - Covers each element of the SWP2 Plan Development
 - » Guidance on BMPs,
 - » Inspections/Visual Assessments
 - » Reports and Record Keeping
 - » Annual Comprehensive Evaluation
 - » Built around 2015 Multi-sector General Permit
 - » Photographs, Site Map Sketches, Illustrations

EPA Guidance Documents and Resources



EPA 833-B-09-002



Developing Your Stormwater Pollution Prevention Plan

A Guide for Industrial Operators

June 2015



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EPA Guidance Documents and Resources

- Current NPDES Multi-Sector General Permit, EPA 2015
 - <https://www.epa.gov/npdes/final-2015-msgp-documents>
 - Effective in EPA delegated states and territories
 - Non-binding Guidance in Kansas Jurisdictional Areas
 - 376 pages (4 Megabytes)
 - » Sector and Sub-Sector Specific Guidance
 - » Monitoring Requirements
 - » Baseline/Benchmark Parameters
 - » Sector Specific Fact Sheets

INDUSTRIAL STORMWATER

FACT SHEET SERIES

Sector L: Landfills and Land Application Sites



U.S. EPA Office of Water
EPA-833-F-06-027
December 2006

Individual Sector Fact Sheets EPA 833-F-06-016 through 044

What is the NPDES stormwater permitting program for industrial activity?

Activities, such as material handling and storage, equipment maintenance and cleaning, industrial processing or other operations that occur at industrial facilities are often exposed to stormwater. The runoff from these areas may discharge pollutants directly into nearby waterbodies or indirectly via storm sewer systems, thereby degrading water quality.

In 1990, the U.S. Environmental Protection Agency (EPA) developed permitting regulations under the National Pollutant Discharge Elimination System (NPDES) to control stormwater discharges associated with eleven categories of industrial activity. As a result, NPDES permitting authorities, which may be either EPA or a state environmental agency, issue stormwater permits to control runoff from these industrial facilities.

What types of industrial facilities are required to obtain permit coverage?

This fact sheet specifically discusses stormwater discharges from landfills and land application sites. Facilities and products in this group fall under the following categories, all of which require coverage under an industrial stormwater permit:

- ◆ Landfills
- ◆ Land application sites
- ◆ Open dumps that receive or have received industrial waste

These include sites subject to regulation under Subtitle D of the Resource Conservation and Recovery Act (RCRA) including municipal solid waste landfills (MSWLFs), industrial solid nonhazardous waste landfills, and industrial waste land application sites.

What does an industrial stormwater permit require?

Common requirements for coverage under an industrial stormwater permit include development of a written stormwater pollution prevention plan (SWPPP), implementation of control measures, and submittal of a request for permit coverage, usually referred to as the Notice of Intent or NOI. The SWPPP is a written assessment of potential sources of pollutants in stormwater runoff and control measures that will be implemented at your facility to minimize the discharge of these pollutants in runoff from the site. These control measures include site-specific best management practices (BMPs), maintenance plans, inspections, employee training, and reporting. The procedures detailed in the SWPPP must be implemented by the facility and updated as necessary, with a copy of the SWPPP kept on-site. The industrial stormwater permit also requires collection of visual, analytical, and/or compliance monitoring data to determine the effectiveness of implemented BMPs. For more information on EPA's industrial stormwater permit and links to State stormwater permits, go to www.epa.gov/npdes/stormwater and click on "Industrial Activity."

EPA Guidance Documents and Resources

- EPA developed Individual Sector Fact Sheets EPA 833-F-06-016 through 044
 - 29 individual sectors 10 to 20 pages each
 - Follows MSGP, use as Guidance in Kansas
 - 10 to 20 pages each
 - » Type of facilities covered in each sector and sub-sector
 - » Common Activities, Pollutant Sources Associated Pollutant Parameters
 - » Identifies General BMPs and Potential Sector Specific Pollutant Source Specific BMPs

Construction/Landfill Operation Stormwater BMPs and SWP2 Plan Amendments



- A separate construction stormwater permit is required:
 - For new construction, until perimeter controls are stabilized
 - Construction outside the permitted footprint of the landfill
 - Includes requirements for KSHPO, KDWP, Critical Water Bodies
- The industrial stormwater permit provides coverage for:
 - Standard activities, processes and material areas normally covered, and
 - Phased construction within an existing permitted landfill footprint
 - Berming, diversions and capping within the existing permitted landfill footprint
 - Associated access roads and stormwater controls including sediment basins
- Provided appropriate amendments to the SWP2 Plan are made and BMPS are implemented for the planned construction – amendments need to be consistent with the construction stormwater general permit

NPDES Inspections and Enforcement

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Will the KDHE/EPA/Local MS4 Inspect our facility?

- EPA is performing random, unannounced inspections
- KDHE – BOW inspects facilities that have an individual permit, and responds to complaints
- Local governments will respond to complaints, and may have upcoming requirements for inspections in their MS4 general permits

Recent EPA Inspections/Enforcement Actions

- A County Transfer Station and C & D Landfill
 - \$25,000 Fine
- Columbia Missouri Landfill and Yard Waste Composting Facility
 - \$ 55,000 Fine and \$475,000 Supplemental Environmental Project
- The main issues at the County Transfer Station and C & D Landfill
 - Administrative Issues
 - Not knowing what the permit required
 - Not knowing the difference between BWM requirements and the NPDES requirements until after the inspection
 - Failure to conduct and document required inspections
 - Failure to conduct staff training
 - Failure to conduct the annual comprehensive site evaluation

What will you need for the inspection?

- A final, signed copy of the Stormwater Pollution Prevention Plan (SWP2 Plan), including:
 - A signed copy of the NOI
 - A site map showing drainage features/industrial activities
 - an inventory of industrial activities/materials;
 - MSDS's, determination of pollution potential
 - BMP identification
 - Visual observation records (site and outfalls)
 - Include an annual outfall observation during a storm event
 - Annual Comprehensive Site Evaluation Record
 - SWP2 Plan Certification/Updates
 - Training Records
 - Records of test results, planned improvements

What BMPs should we see?

- Cleaning maintenance program for all impervious areas of the facility
- Covers, roofs and routine maintenance of loading/load-out areas
- Erosion and sediment control on disturbed acreage
- Erosion and sediment control on soil stockpiles
- Minimize accumulation of exposed (industrial) materials
- Appropriate waste transportation; haul road maintenance
- Only permissible or permitted dry weather flows
- Managed wash down, process waters, leachate, shop waste, cooling/boiler/treatment water/regenerate
- Secondary containment for fueling; vehicle maintenance
- Use dry clean-up methods when possible
- Follow label use instructions – e.g. herbicides and pesticides
- The list goes on and on – Best Management Practices are common sense

Annual Permit Renewal Requirements Billing/Renewal Statement

- \$60.00 Annual Fee
- Billed a month prior to renewal date
- Asks two questions
 - Is SWP2 Plan complete/up-to-date?
 - Has the Comprehensive Site Evaluation been performed?

Is the SWP2 Plan Complete and Up-to-Date?

- **2.4.6. SWP2 Plan Update and Modification**
- The SWP2 Plan shall be re-evaluated and modified in a timely manner, but in no case more than 90 days after:
 - a. a change in design, construction, operation or maintenance that has a significant effect on the potential for the discharge of pollutants to the waters of the State, or
 - b. the KDHE, EPA, or permittee's inspections (including the regular comprehensive site compliance evaluation required herein) indicate deficiencies in the SWP2 Plan or any BMP; or
 - c. a visual inspection of contributing areas or a visual inspection of the stormwater discharges or monitoring of the stormwater discharges indicate the plan appears to be ineffective in eliminating or significantly
- minimizing pollutants from sources identified in the plan.

Has the Annual Comprehensive Site Evaluation been performed?

2.4.4. Comprehensive Site Compliance Evaluation

- Shall be conducted at least once a year
- Visual inspection of areas with stormwater discharge associated with industrial activity
- Visual examination of stormwater quality
- Records of all stormwater monitoring data
- Evaluation of measures implemented to reduce pollutants
- Determination of whether additional measures are needed
- Actions taken or a schedule of BMPs to be implemented
- Written evaluation report
- If the comprehensive site evaluation does not identify any non-compliance, the report shall include a statement that the facility is in compliance with the SWP2 Plan and the conditions of this permit.

Industrial Stormwater Permit

Short Guide to Successful Compliance

Submit NOI and obtain General Permit coverage

Read and understand the General Permit

Develop a Good SWP2 Plan for your site

Do and document the required inspections

Do and document the required evaluations

Keep the Plan Up-to-date

Respond to Annual Permit Fee and Billing Questions

KDHE Industrial Stormwater Permit

Forms and Guidance Available on KDHE website:

<http://www.kdheks.gov/stormwater/index.html#indust>

- [Industrial Stormwater General Permit Effective November 1, 2011](#)
 - [Industrial Stormwater Notice of Intent Form \(NOI\) & Instructions](#)
 - [Industrial Stormwater No Exposure Certification form \(NOEC\) & Instructions](#)
 - [Industrial Stormwater Notice of Termination form \(NOT\)](#)
 - [Industrial Stormwater Notice of Transfer of Ownership form \(NOTO\)](#)
 - [Industrial Stormwater SWP2 Plan Completion Certification form \(SWP2 Plan CCF\)](#)
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- KDHE BWM website – NPDES Industrial Stormwater Permittee Responsibilities Guidance

KDHE Industrial Stormwater Permit

Forms and Guidance Available on KDHE website:

[EPA Stormwater Policy and Guidance Documents](#)

[Developing Pollution Prevention Plans and Best Management Practices, Summary](#)

[Guidance EPA 832-R-92-002](#)

[Developing your Stormwater Pollution Prevention Plan, EPA 833-B-09-003](#)

[A Guide to Industrial Operators 2009](#)

[EPA Industrial Stormwater Website Link](#)

[EPA National Environmental Publications](#)

[GA Tech Industrial Stormwater Technical Assistance Website](#)

[Electronic Code of Federal Regulations - Title 40 Protection of Environment](#)

[Standard Industrial Classification \(SIC\) Code Search](#)

[Ready Mix Concrete General Permit](#)

[NPDES Storm Water Sampling Guidance Document, EPA 833-B-92-001](#)

[EPA Industrial Stormwater Monitoring and Sampling Guide, EPA 832-B-09-003](#)

[EPA NPDES Multi-sector General Permit for Industrial Activities](#)

[EPA Individual Sector Fact Sheets EPA 833-F-06-016 through 044](#)

Additional Industrial Stormwater Resources for further information

Contact Eric Staab (estaab@kdheks.gov or ph. 785-296-4347)

or email KDHE at stormwater@kdheks.gov

Questions





www.kdheks.gov/stormwater

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