

# INDUSTRIAL GENERAL PERMIT REFRESHER TRAINING

February 20,  
2013

The basics and a few new things

# Contact Information

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# A Very Brief History

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- Clean Water Act passed in 1972
  - ▣ Waste or process water
  - ▣ Waters did get cleaner, but.... not as much as expected



# A Very Brief History

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- Looking around for other pollution sources impacting surface waters
- Storm water runoff was a significant source
  - ▣ From construction sites
  - ▣ From industrial sites
  - ▣ From urban areas

# A Very Brief History

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- Clean Water Act amended to include storm water discharges from:
  - Construction activities
  - Most manufacturing
  - Some transportation
  - Mining
  - Steam electric power generation
  - Landfills, auto salvage, recycling and a few other things
  - MS4s (cities): starting at 100,000 – down to 50,000

# A Very Brief History

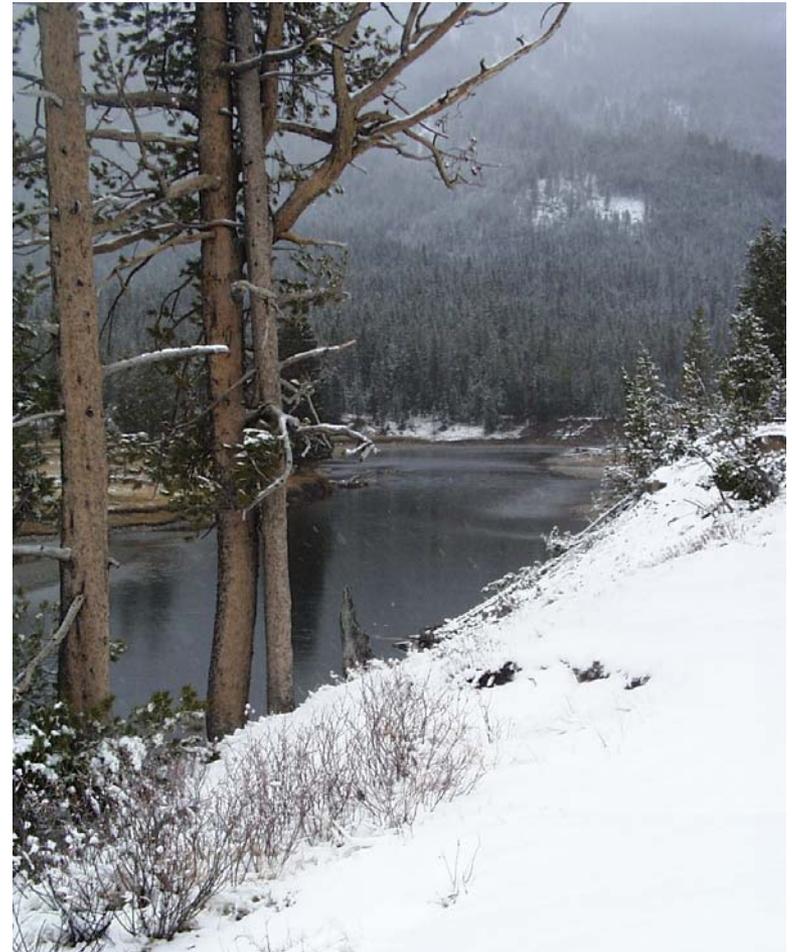
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- Most states run the National Pollutant Discharge Elimination System (NPDES – WYPDES in WY) through “primacy”
- Wyoming has primacy everywhere except on Indian Lands
- EPA has oversight of the state’s program
  - Records reviews
  - Oversight inspections of our inspections
  - Their own inspections
  - Review each permit and enforcement action

# What is the Point?

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- Permit regulates quality of storm water discharges
- To protect “surface waters of the state”



# What is the Point?

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- “...all perennial, intermittent, ephemeral defined drainages, lakes, reservoirs, and wetlands which are not man-made retention ponds used for the treatment of ... waste; and all other bodies of surface water, either public or private which are wholly or partially within the boundaries of the state.”

# Surface Waters

- This means draws, dry drainages, irrigation ditches, stock ponds, etc. are waters of the state
- Land ownership does not affect the status of state waters
- All these “waters” are protected under the WYPDES program
  - Permits (storm water or waste water) are required for discharges to state waters
  - Permits regulate the quality of the discharges

# What kind of permits?

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- General permit covers most facilities
- A few are covered under individual permits

# What Kind of Permits

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## Industrial General Permit (IGP)

- 99% of facilities fall under IGP
  - ▣ One permit, public noticed each 5 years
- Covers most industries
- Some sector-specific req's
- Covered within 30 days

## Individual Industrial Permit

- Permit written for a specific facility
- Certain industries
  - ▣ Refineries
- Class 1 waters
- Specific concerns over location or type of discharge
- Minimum of 90 days to permit
  - ▣ All go to through public notice

# Who?

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- Permit covers specific industrial activities as described in
  - ▣ Federal regulation
  - ▣ State regulation in Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 2, Section 6(g)(ii)
  - ▣ IGP Part 2.14
  - ▣ An abridged list appears in Appendix C of the IGP

# Who?

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- Most manufacturing
- Metal ore mines
- Coal mines
- Some transportation (where washing, maintenance, fueling or painting occur)
- Salvage and recycling (including auto junkyards)
- Steam electric power generation
- Landfills and some wastewater treatment (>1MMGD design capacity)

# Who?

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- May also require coverage on SW discharges that cause or contribute to:
  - A water quality standards violation
  - An impairment of a receiving water
- This has been used rarely

# How?

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- Develop a storm water pollution prevention plan (SWPPP)
- Submit a Notice of Intent (NOI) and a copy of the SWPPP map(s) to WDEQ – unless ...

# How?

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- Submit entire SWPPP if:
  - more than 50 acres is associated with the industrial activity
  - If the facility discharges are within 2000' of a water listed in the state's 303(d) report as impaired or a water that has an approved Total Maximum Daily Load (TMDL) for pollutants expected to be discharged from the facility
  - Are any distance from an impaired water or water with a TMDL if the discharge may contain listed pollutants and will reach that water through a storm sewer system (piped system)

# Sidebar – What is “Impaired?”

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- The 303(d) list means a list of Wyoming’s water quality-limited surface waters
  - ▣ For each water it identifies specific pollutants causing a failure to meet designated uses (specific sources may or may not be identified)
    - e.g., excess *E. coli* in a surface water limits recreation that could otherwise occur
    - Uses are: drinking water, fishery (game and non-game), aquatic life, agriculture, industry, recreation, scenic value, wildlife, fish consumption

# Sidebar 2 - TMDL

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- The CWA requires TMDLs be developed for all impaired waters
- TMDL means the maximum amount of a specific pollutant that can be assimilated by a surface water without causing an impairment of designated uses.
  - TMDLs take into account all sources of that pollutant plus a margin of safety
  - Generally will require that the various pollutant sources are reduced within a specific time frame
- What this means for your permit coming up...

# The IGP ...

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- WDEQ Storm Water Program will evaluate your NOI and map. If complete a letter of authorization (LOA) is issued.
  - Once you have the LOA in hand you're good with the storm water program
  - Implement your SWPPP
  - Conduct at least two inspections each year
  - Keep pollutants onsite

# What the Heck is a SWPPP?

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- It is your plan for your facility that describes what you're doing to keep pollutants onsite and out of runoff...
- It becomes an enforceable part of the permit
- What's in it should be happening



# The SWPPP

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- There are specific content requirements (Part 8)
- The goal of the SWPPP is to describe and implement Best Management Practices (BMPs) that, when implemented, will minimize pollution leaving your site.
  - BMPs: Schedules of activities, prohibitions of practices, maintenance practices to prevent or reduce pollution that can reach waters of the state.
    - Physical practices – detention ponds, oil/water separators, secondary containment, etc.
    - Procedures/practices – fueling, materials storage, labeling, etc.

# SWPPP

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- Keep the SWPPP up to date
  - ▣ What's in the SWPPP needs to be on the ground
- In the event of changes in operations, you have 30 days to update the SWPPP

# SWPPPP - Elements

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- Administrator – who is responsible for content, implementation, maintenance and revision
- Regulated activities on site – what is going on that triggered permit coverage

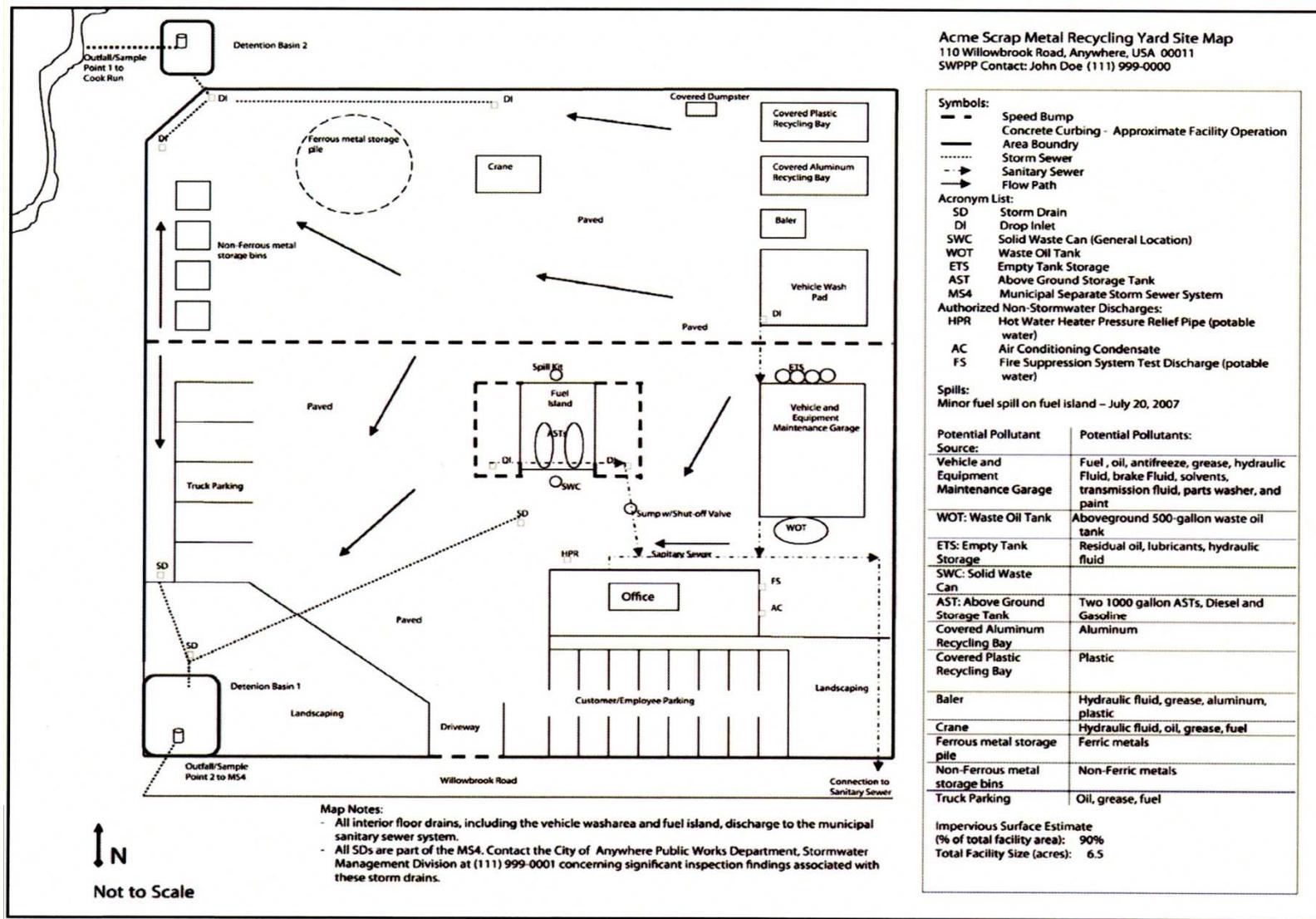


# SWPPPP - Elements

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- Site map
  - ▣ Property boundaries
  - ▣ All outfalls
  - ▣ Surface waters
    - Include any impaired or TMDL waters
  - ▣ Existing or planned BMPs





Site map with essential elements: Facility boundaries, outfalls, pollutant sources, drainage patterns w/in facility, BMPs, receiving waters, loading, processing, fueling...

# SWPPPP - Elements

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- Exposed Materials Inventory
  - List all materials that are processed, handled, treated, stored or disposed of in a manner that may contribute significant pollutants to runoff
- For each ID'd material describe method & location of storage, processing or disposal
- For each assess potential to contribute pollutants to runoff (high, medium, low)
- ID significant spills/leaks exposed to precipitation

# SWPPPP - Elements

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Can use a table...

Sig Mat/ Spills	Storage/ Location	Potential to Discharge	BMPs	Non-SW Discharge
Gravel Pile (GP#1)	2 Piles, west side	Low – in a depression	Topography	n/a
Used Oil (UO#1)	Drums north side maintenance shop	Moderate	On pallets, kept sealed	n/a
Vehicle wash station (VW)	Near east entrance	Low	WW discharged to WWTP	None, WW does not discharge
Glycol Spill (SP#1)	East of mntc shop	Low	Site remediated under VRP	None

# SWPPPP - Elements

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- Measures and Controls
  - ▣ From your inventory, select appropriate BMPs for each pollutant source
  - ▣ Let the characteristics of the pollutants guide your choice

# SWPPPP - Elements

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- Particulate pollutants may need detention or filtering
- Soluble or miscible pollutants may need exposure control or treatment



# SWPPPP – Elements; Ms & Cs



- Good Housekeeping
  - Emphasis on tidiness
  - Label, neat, clean storage
    - Know what you have
    - Get rid of what's not needed
    - Closed containers
    - Control access so you know what you have



# SWPPPP – Elements; Ms & Cs

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Housekeeping?

Opportunity for  
source control...

Maintenance

Storage

Spill control



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# SWPPPP – Elements; Ms & Cs

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- Bulk Storage of petroleum products must be addressed in the SWPPPP
  - May reference an alternate plan such as SPCC
- If no alternate plan
  - SWPPPP must address methods to contain and dispose of a spill, including relevant contact information for reporting
  - Employ secondary containment or equivalent
    - Secondary containment must hold the volume of the largest container + 10% for a minimum of 72 hours

# SWPPPP – Elements; Ms & Cs

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Fuel island  
BMPs



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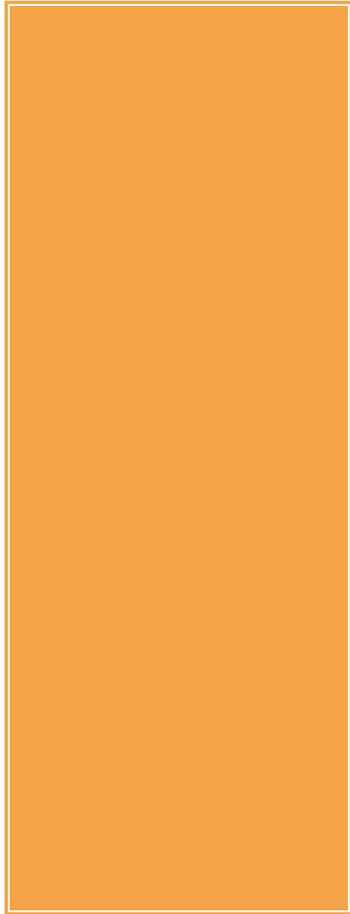
# Reportable Quantity

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- Report a spill when or release of oil and hazardous substances which enters a surface water or are a threat to enter surface water when
  - >10 bbls of crude oil/petroleum condensate/produced water or 25 gallons of refined crude oil products are involved OR
  - A material is considered a “hazardous substance”
- Report to 307-777-7781 or <http://deq.state.wy.us/out/spills>
- See Chapter 4 WWQRR for more detailed information

# Secondary Containment

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# SWPPPP – Elements; Ms & Cs

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- Maintenance
  - ▣ Probably the most neglected aspect of storm water pollution control
- Facility BMPs will need regular maintenance
- SWPPP must specify intervals or conditions upon which maintenance will occur

# SWPPPP – Elements; Ms & Cs

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- Facility equipment may also need maintenance
- Outdoor equipment should be regularly maintained to prevent polluted discharges



# SWPPPP – Elements; Ms & Cs

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- Spill prevention and response for hydrocarbons or other pollutants
  - Identify areas where spills could occur and associated outfalls in the SWPPPP
  - Where appropriate specify materials handling procedures and storage requirements
  - Identify spill clean up procedures and equipment and equipment locations
  - Relevant employees must be informed of spill prevention and response information

# SWPPPP – Elements; Ms & Cs

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# SWPPPP – Elements; Ms & Cs

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- Erosion & Sedimentation
- Many industrial facilities have sediment sources
  - gravel or dirt parking, storage, staging areas
  - stockpiles
  - veg-free areas for fire control
  - steep slopes
  - borrow ditches along access roads

# SWPPPP – Elements; Ms & Cs

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- Erosion and sediment control
  - ▣ Address ESC as needed on the facility and in the SWPPPP
  - ▣ Many options
    - Revegetate areas not needed for operations
    - Limiting disturbance in sensitive areas
    - Structural controls
      - Sediment ponds
      - Stabilized slope drains
      - “Perishable” controls such as silt fence, bales, wattles, etc.

# SWPPPP – Elements; Ms & Cs

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- Exposure control
  - What practices are you putting in to limit exposure?



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# SWPPPP – Elements; Ms & Cs

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- Management of runoff
  - Managing runoff to limit flow concentration, velocity, channel or slope scour
    - Grassed swales, stabilized outlets
  - Infiltration (of clean storm water)
  - Water reuse
    - Dust control
    - Irrigation

# Non-Storm Water Certification

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- 8.2.6
- Your certification that discharges have been evaluated for the presence of non-storm water discharges – process or waste waters
- Common non-storm water discharges
  - ▣ Wash water
  - ▣ Ground water dewatering
  - ▣ Leaking process water equipment

# Non-Storm Water Certification

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- Certification can be based on actual testing of storm water discharges for materials expected to be on the facility
- Or certification can be based on owner's/manager's knowledge of the facility and operation

# Non-Storm Water Certification

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- The certification is an actual statement in the SWPPP or an attachment to the SWPPP
- *“I certify based on [x, y, z tests or my knowledge of the facility and operation(s)] no waters, other than storm water and related effluents, are present in the discharges from this facility’s storm water system...”*
- There is no “official” language for this. Put in something that makes the point based on you are making this determination.

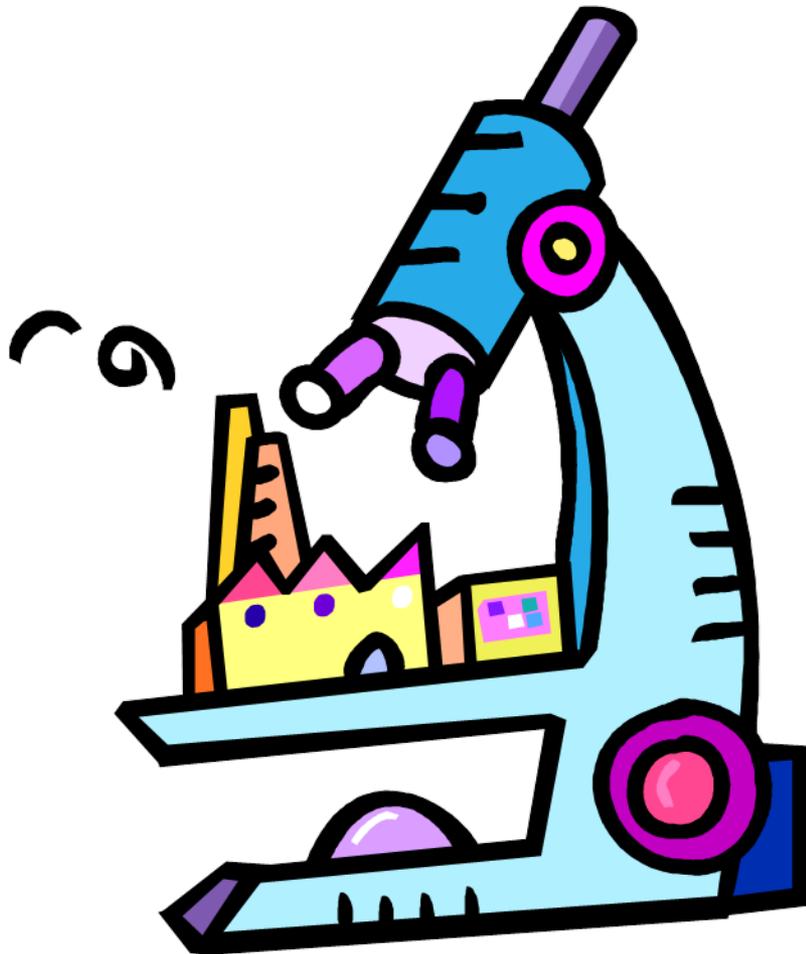
# SWPPP and Sampling Data

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- If you have any existing storm water sampling data, it must be summarized in SWPPP
  - Can reference it if it's in another document
    - That document must be available for review during a storm water inspection
  - This does include previous benchmark or effluent sampling result – storm water only

# SWPPP – Inspections

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- The SWPPP must state at what intervals inspections will occur
- Scope of inspections

# SWPPPs and Other Plans

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- Or not reinventing the wheel...
- If your facility has other plans for DEQ or other agencies that address some or all of the SWPPP requirements, you can reference that plan in lieu of reiterating it in the SWPPP.
  - That plan must be available with the SWPPP

# SWPPP Final Touch

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- All SWPPPs must be certified and signed by the “Legally Responsible Official”
- VP or higher or general manager of entire facility
- Language in 11.7
  - “I certify under penalty of law....”



# Now That Your SWPPP is Done...

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- Train appropriate personnel in relevant aspects
- Let employees know what BMPs should look like and whom to call if they don't

# A Quick Note on Inspections

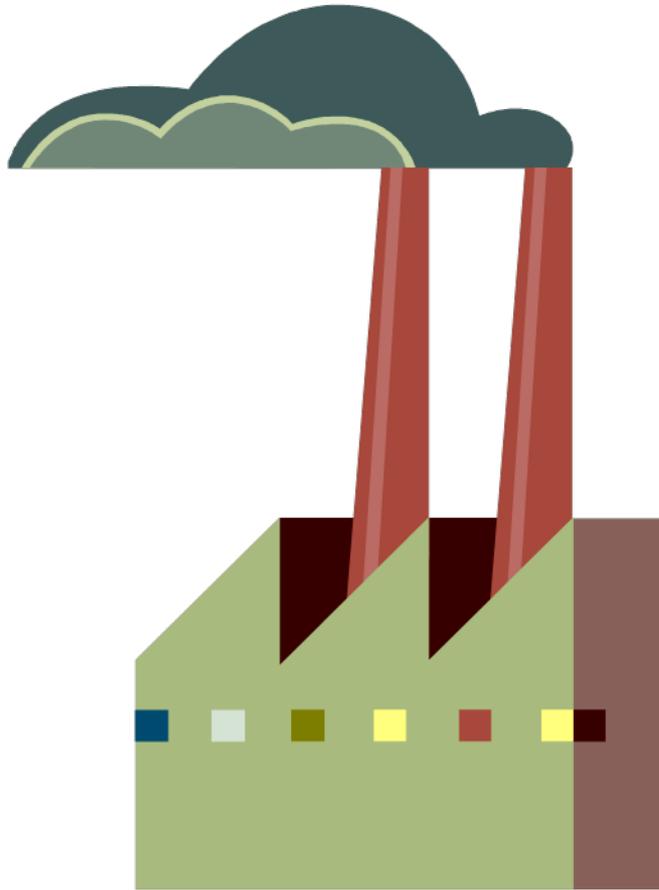
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- At least two a year
  - Once between January and June
  - Once more between July and December
  - If possible at least on inspection should be with 48 hours after a precipitation event



# A Quick Note on Inspections

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- If a site is unstaffed for the entire year and frequent access is impractical, one inspection will be adequate

# Inspection Reports

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- Inspections must be documented
  - ▣ Date and time
  - ▣ Who inspected
  - ▣ Major findings
  - ▣ Corrective actions
  - ▣ When applicable, document that the SWPPP has been modified
  - ▣ When all is in compliance with SWPPP and permit, say so
  - ▣ Sign and certify

# Inspection Reports

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- Finding, reporting and fixing an issue is not a permit violation
- Finding an issue, but not reporting or fixing it is



# Inspection Reports

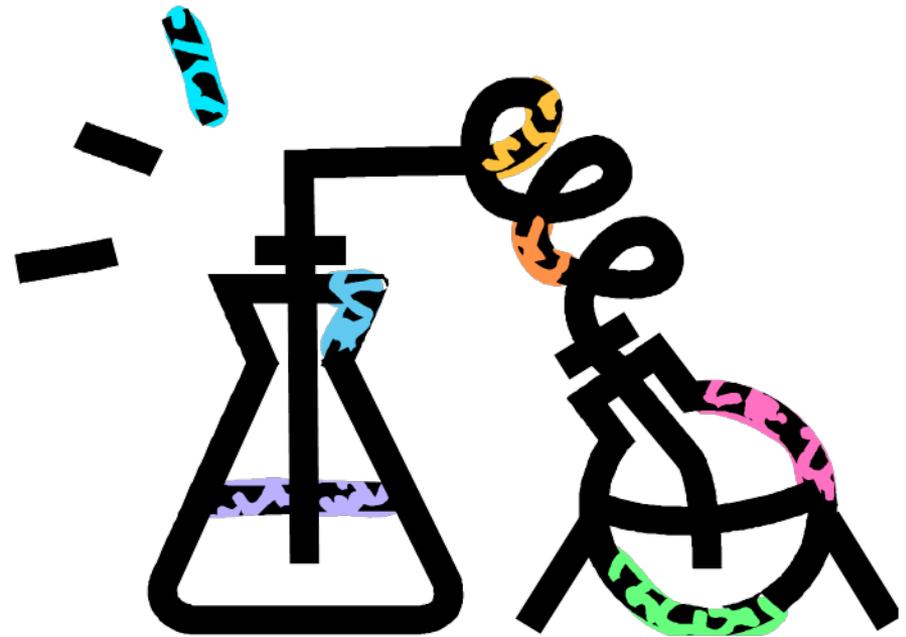
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- Identified deficiencies must be corrected within 14 days
  - Unless another schedule is agreed upon with the DEQ storm water program
- If a change is required in the SWPPP, must be done within 30 of inspection
- Reports to be kept with the SWPPP and retained for three years

# Sampling Runoff

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- Only select industrial sectors are required to sample routinely
- Effluent limits for storm water
- Benchmarks for storm water



# Effluent Limits

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- Several industrial sectors have federal effluent limits
- Three are incorporated into the IGP
  - ▣ Coal pile runoff
    - From any facility regulated under the IGP
  - ▣ Asphalt emulsion manufacturing (SIC 2951)
  - ▣ Cement manufacturing (SIC 3241)
- Real effluent limits – an excursion above the limit is a permit violation

# Effluent Limits

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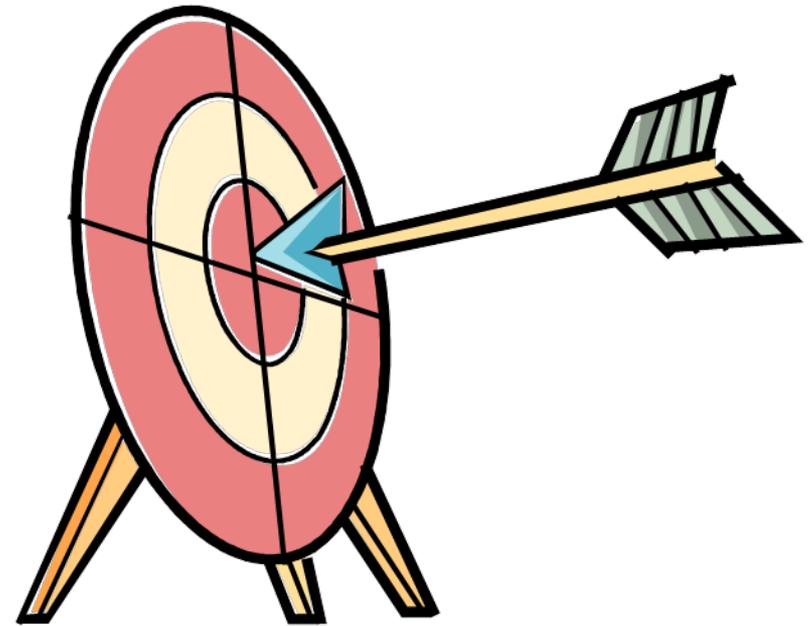


- Annual sample
- Annual reporting by 1/28 of each year
  - was 2/28
- Strongly encouraging eDMR for reporting
- Report whether you discharge or not
- Retain lab records for three years

# Benchmarks

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- Benchmarks are a target, not a limit
- Exceeding a benchmark is a sign that the SWPPP may not be sufficiently effective



# Benchmarks

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- Industrial sectors subject to benchmarks
  - Timber products (SIC 24xx)
  - Clay, concrete and gypsum (most of 32xx)
  - Metal ore mining (SIC 10xx)
  - Scrap and waste recycling (SIC 5093)
  - Auto salvage (SIC 5015)

# Benchmarks

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- Sample twice a year, report average of all sample once per year
  - Can sample more often if necessary to reduce average
  - Report due 1/28 (was 2/28)
  - Retain lab records for at least three years
- Report on a DMR (eDMR or paper DMR)
- Encouraging reporting on eDMR

# Benchmarks

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- For a benchmark exceedance
  - ▣ Review the facility SWPPP and improve as necessary
  - ▣ May trigger a WDEQ inspection as well
  
- Unstaffed, inactive site waiver for benchmark sampling

# Reporting: Effl Limits and Benchmks

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- If you have no discharge because there was not enough precipitation to cause a discharge
  - ▣ Report as “Operation Shut Down” even if the operation was not shut down
    - It’s an EPA thing...

# A Word About Fees - Current

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- Currently we bill annually; \$100/year
- Bill is for previous year's fees
- Billing period is on the calendar year
- Anyone who has overdue unpaid fees is denied new WYPDES permits or authorizations and cannot renew existing WYPDES coverage without catching up

# Proposed Change to Fees

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- Bill before the Legislature (HB0056)
- Still \$100/year – but now on any 12 month period
- Companies will now pay in advance
- As envisioned (bugs still to be worked out)
  - Applicants will pick their issue and expiration months
  - A fee calculator will be online – based on # of months
    - 11 mos = \$100
    - 13 mos = \$200
  - Coverage will be issued through your selected expiration month

# Proposed Change to Fees

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- The onus will be on the permittee to renew if their coverage expires before operations cease and “significant materials” are removed from the site.
  - Depending on the operation, the site may need to be stabilized as well
- Monthly lists of expiring storm water coverage will go to inspectors to verify eligibility to end coverage
- Sites that expired, but still need coverage will be potentially subject to enforcement.

# Proposed Change to Fees

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- NOIs will likely be modified to add “Are you renewing or asking for new coverage?” check boxes
- Timing of renewal will be important.
  - Allow 30 days and ensure that application is complete

# Proposed Change to Fees

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- Terminations – No refunds for early termination
  - ▣ However, permit conditions still apply
  - ▣ Terminate if you don't need coverage or continue to implement SWPPP and conduct inspections
- Transfers – Recovering permit fees from 'transferee' will be between transferee and transferer
  - ▣ Fees are already paid through expiration – no agency involvement

# Proposed Change to Fees

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- Assuming HB0056 passes and becomes law
  - Expect a second billing this summer to “catch up”
  - Billing may cover entire term of general permit remaining or allow selection of an earlier expiration date

# Summary

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- If your operation is a regulated SIC
  - Get coverage under the IGP
  - Complete and implement a SWPPP
    - Pick BMPs that make sense for your pollutants
  - Conduct and document semi-annual self inspections
    - January-June and July to December
  - If subject to effluent limits, sample and report once per year
  - If subject to Benchmarks, sample twice a year, report average of results once a year
- Fees are likely a changing

# Questions, Then a Break...

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