

Is the General Industrial Permit for Stormwater Discharges Applicable to Your Facility and Property?

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Sometime in 2015, a revised General Industrial Permit (IGP) for stormwater discharge will become effective for certain types of businesses operating in California.

The IGP has been required by State Water Resources Control Board (SWRCB), a division of the California Environmental Protection Agency, since 1991. Some companies working in and for the building and construction industry currently comply with IGP requirements because of the type of industrial activity performed at their facility; many others do not need a permit, because the activities conducted do not require permitting for stormwater management.

It is important to note up front, the existing IGP may be applicable to your facility and you may require coverage; conversely, your facility may not need an IGP. An existing IGP is currently in effect in California and was last revised in 1997. The analysis contained here is based on the Final Draft currently under consideration by the SWRCB, and released to the public on their web site:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/docs/industrial_permit-docs/igp_order_fnl.pdf

It is also important to note up front, the IGP is different than the Construction General Permit (CGP) for stormwater discharges. The CGP applies to active construction projects greater than 1 acre (disturbed area) wherever they may be located in California, whereas the IGP applies to individual properties and facilities of any size within certain industrial use categories and the permit conditions are tied to a specific location where industrial activities occur.

Document Purpose

The purpose of this document is to identify some of the types of facilities that builders, contractors, or manufacturers of construction products may own and conduct business activities that could potentially require an IGP. In addition, this document provides a summary of key IGP conditions and requirements that facility owners should be aware of if a permit is necessary.

At the end of the document, we provide some recommendations for further reading and awareness on the topic, identify a few consulting resources who have a history serving the building and construction industry, and include a one-page summary from the SWRCB listing the nine categories of facilities requiring coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities.

Applicability of the Industrial General Permit to Your Facility

An IGP is required for facilities where industrial activities take place, and which may come into contact with rainfall and generate stormwater runoff. There are nine categories of industrial activity that require an IGP in California, with three of the nine categories applicable to the building and construction industry:

- 1) If the facility is subject to effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards found in 40 Code of Federal Regulations, Chapter I, Subchapter N (see Category 1 listed in Attachment A); or
- 2) If there is some type of Manufacturing activity performed (see Category 2 listed in Attachment A); or
- 3) If there is some type of Transportation-related activity such as vehicle maintenance or cleaning operations (see Category 8 listed in Attachment A).

In addition to the nine categories of industrial activity that are required to obtain IGP coverage, the Standard Industrial Classification (SIC) code system is used to further define industrial activities needing IGP coverage. The SIC codes identify certain industry groups. However, just because a specific SIC code is not given for a particular industrial activity does not mean that an industrial facility isn't required to obtain coverage. If your facility conducts activities in any one of the nine general industrial categories, then you will likely be required to obtain IGP coverage. At the end of this document we include the one-page description of facilities that are required to obtain IGP coverage. This document was taken from the Final Draft IGP released on July 19, 2013.

And, in the two tables below, we have identified several industries that come under 40 CFR Subchapter N (See Table 1A), and those industry groups with applicable SIC code numbers which may be involved in some type of activity relating to the construction industry including, but not limited to, storage of construction supplies or products and materials fabrication (See Table 1B). Finally, some businesses serving the building and construction industry may have transportation-related facilities which require IGP coverage including equipment storage, maintenance, or cleaning activities, or transportation fleet related activities.

1A: Facilities Subject To Storm Water Effluent Limitations Guidelines, New Source Performance Standards, or Toxic Pollutant Effluent Standards Found in 40 Code of Federal Regulations, Chapter I, Subchapter N (Subchapter N)	
Cement Manufacturing.....	(40 C.F.R. Part 411)
Mineral Mining and Processing.....	(40 C.F.R. Part 436)
Ore Mining and Dressing.....	(40 C.F.R. Part 440)
Asphalt Emulsion.....	(40 C.F.R. Part 443)

**1B: Manufacturing Facilities: Facilities with Standard Industrial Classifications (SICs)
20XX through 39XX**

Industry Group 242: Sawmills And Planing Mills

- 2421 Sawmills and Planing Mills, General
- 2426 Hardwood Dimension and Flooring Mills
- 2429 Special Product Sawmills, Not Elsewhere Classified

Industry Group 243: Millwork, Veneer, Plywood, And Structural Wood

- 2431 Millwork
- 2434 Wood Kitchen Cabinets
- 2435 Hardwood Veneer and Plywood
- 2436 Softwood Veneer and Plywood
- 2439 Structural Wood Members, Not Elsewhere Classified

Industry Group 244: Wood Containers

- 2441 Nailed and Lock Corner Wood Boxes and Shook
- 2448 Wood Pallets and Skids
- 2449 Wood Containers, Not Elsewhere Classified

Industry Group 245: Wood Buildings And Mobile Homes

- 2451 Mobile Homes
- 2452 Prefabricated Wood Buildings and Components

Industry Group 249: Miscellaneous Wood Products

- 2491 Wood Preserving
- 2493 Reconstituted Wood Products
- 2499 Wood Products, Not Elsewhere Classified

Industry Group 325: Structural Clay Products

- 3251 Brick and Structural Clay Tile
- 3253 Ceramic Wall and Floor Tile
- 3255 Clay Refractories
- 3259 Structural Clay Products, Not Elsewhere Classified

Industry Group 327: Concrete, Gypsum, And Plaster Products

- 3271 Concrete Block and Brick
- 3272 Concrete Products, Except Block and Brick
- 3273 Ready-Mixed Concrete
- 3274 Lime
- 3275 Gypsum Products

Industry Group 328: Cut Stone And Stone Products

- 3281 Cut Stone and Stone Products

Industry Group 329: Abrasive, Asbestos, And Miscellaneous

- 3291 Abrasive Products
- 3292 Asbestos Products
- 3295 Minerals and Earths, Ground or Otherwise Treated
- 3296 Mineral Wool
- 3297 Nonclay Refractories
- 3299 Nonmetallic Mineral Products, Not Elsewhere Classified

Industry Group 344: Fabricated Structural Metal Products

- 3441 Fabricated Structural Metal

What are the requirements contained in the Industrial General Permit for Stormwater Discharges?

The Draft Final IGP contains many requirements that potential permit holders must meet in order to obtain and maintain permit coverage, and a few of these requirements are highlighted below. The Final Draft IGP is more than 70 pages long and includes 10 different attachments, so covering all the requirements is not possible in a short analysis like this. However, the key elements include:

Permit Registration Documents—An industrial facility that discharges stormwater must file for an IGP, and submit what is known as Permit Registration Documents (PRDs) in order to obtain a Waste Discharge Identification Number (WDID). The fee to obtain IGP coverage and be issued a WDID number is about \$1,800.

SWPPP—A site-specific Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional. The SWPPP includes, but is not limited to: i) facility name and contact information; ii) site map; iii) list of significant materials found on-site; iv) description of pollution sources; v) assessment of pollution sources; vi) applicable minimum BMPs; vii) site-specific BMPs; viii) monitoring plan; ix) annual facility compliance evaluation; and x) SWPPP preparation date and date of amendments.

Minimum BMPs—IGP holders must implement minimum best management practices (BMPs) to reduce the potential for pollutants to leave a facility in stormwater runoff. Minimum BMPs that must be implemented include good housekeeping practices, preventative maintenance on equipment, installing erosion and sediment controls, preparing a spill response plan, preventing materials and material handling activities from contacting rainfall and stormwater runoff, and training employees for compliance with the ICP requirements.

Training—New training requirements are included in the Final Draft IGP, and the new requirements are certain to be included when the IGP goes into effect in 2015. The most important new requirement is for individuals who implement the SWPPP. Those working at a facility who implement the SWPPP and who are responsible for compliance activities will have to obtain specific training known as a Qualified Industrial Stormwater Practitioner. Obtaining training normally involves taking a short 1 or 2 day course provided by state-certified trainers.

Sampling and Monitoring—Most IGP holders will have to perform monitoring of storm water runoff to ensure that pollutants are not generated in a facilities' stormwater runoff, including preparation of a Monitoring Implementation Plan, that spells out exactly what needs to be done to comply. And, the Draft Final IGP contains a new monitoring requirement called a Numeric Action Level, which establishes a numeric value (for certain pollutant parameters) for permit compliance, which if exceeded, triggers corrective actions.

Reporting—IGP holders must prepare a comprehensive facility compliance evaluation once per year, and prepare a comprehensive annual report once per year that must be submitted electronically using the SWRCB's SMARTS system (Storm Water Multi-Application and Report Tracking System). The comprehensive facility evaluation is essentially a summary of facility inspection reports documenting BMP performance throughout the year. All data uploaded to the SMARTS is publically available.

Additional Information Sources

For more information on the IGP, the SWRCB maintains a web site where numerous documents can be found that further elaborate on and assist in clarifying IGP requirements. In addition, the state's web site includes presentations in Adobe PDF form that have been given by SWRCB staff covering essential permit elements, and frequently asked questions. Documents may be accessed by using:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

Technical Consulting Resources to Assist Business and Property Owners

The IGP and its requirements can be complex and perhaps confusing, depending upon the facility and the nature of industrial activities. The three companies identified below have worked with and for CICWQ over the years and may be able to provide technical assistance with the IGP:

ALTA Environmental

Kathy Hubbard, Senior Consultant III
3777 Long Beach Blvd, Annex Building
Long Beach, CA 90807
562-495-5777
kathy.hubbard@altaenviron.com
<http://www.altaenviron.com>

Associates Environmental

Jennifer Fieber, Consultant
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ATTACHMENT A

FACILITIES COVERED BY NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES (GENERAL PERMIT)

1. Facilities Subject To Storm Water Effluent Limitations Guidelines, New Source Performance Standards, or Toxic Pollutant Effluent Standards Found in 40 Code of Federal Regulations, Chapter I, Subchapter N (Subchapter N):

Cement Manufacturing (40 C.F.R. Part 411); Feedlots (40 C.F.R. Part 412); Fertilizer Manufacturing (40 C.F.R. Part 418); Petroleum Refining (40 C.F.R. Part 419); Phosphate Manufacturing (40 C.F.R. Part 422); Steam Electric (40 C.F.R. Part 423); Coal Mining (40 C.F.R. Part 434); Mineral Mining and Processing (40 C.F.R. Part 436); Ore Mining and Dressing (40 C.F.R. Part 440); Asphalt Emulsion (40 C.F.R. Part 443); Landfills (40 C.F.R. Part 445); and Airport Deicing (40 C.F.R. Part 449).
2. Manufacturing Facilities:

Facilities with Standard Industrial Classifications (SICs) 20XX through 39XX, 4221 through 4225. (This category combines categories 2 and 10 of the previous general permit.)
3. Oil and Gas/Mining Facilities:

Facilities classified as SICs 10XX through 14XX, including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 Code of Federal Regulations. 434.11(1) because the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Acts authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, by-products, or waste products located on the site of such operations. Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined material; or sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.
4. Hazardous Waste Treatment, Storage, or Disposal Facilities:

Hazardous waste treatment, storage, or disposal facilities, including any facility operating under interim status or a general permit under Subtitle C of the Federal Resource, Conservation, and Recovery Act.
5. Landfills, Land Application Sites, and Open Dumps:

Landfills, land application sites, and open dumps that receive or have received industrial waste from any facility within any other category of this Attachment; including facilities subject to regulation under Subtitle D of the Federal Resource, Conservation, and Recovery Act, and facilities that have accepted wastes from construction activities (construction activities include any clearing, grading, or excavation that results in disturbance).
6. Recycling Facilities:

Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093.
7. Steam Electric Power Generating Facilities:

Any facility that generates steam for electric power through the combustion of coal, oil, wood, etc.
8. Transportation Facilities:

Facilities with SICs 40XX through 45XX (except 4221-25) and 5171 with vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or other operations identified under this Permit as associated with industrial activity.
9. Sewage or Wastewater Treatment Works:

Facilities 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 one million gallons per day or more, or required to have an approved pretreatment program under 40 Code of Federal Regulations part 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Clean Water Act.