



FACT SHEET

For

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES MULTI_SECTOR GENERAL PERMIT
FOR STORMWATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITY

Permit No. GP-0-12-001
Issued Pursuant to Article 17, Titles 7, 8 and Article 70
Of the Environmental Conservation Law

September 2012

**Multi Sector General Permit Revision
Summary of Final Changes**

INTRODUCTION

The New York State Department of Environmental Conservation (NYSDEC) has prepared the new SPDES Multi Sector General Permit for Stormwater Discharges from Industrial Activity (GP-0-12-001). The new permit is effective on October 1, 2012 and will replace the current Multi Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-11-009) which expired on September 30, 2012.

The SPDES Multi Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-12-001) is a five (5) year permit that will cover discharges of stormwater to surface waters of the State from industrial activities as defined in 40 CFR Part 122.26(b)(14)(i thru ix and xi)

Pursuant to Section 402 of the Clean Water Act (“CWA”), stormwater discharges from certain industrial activities from a point source (including discharges through a municipal separate storm sewer system) are unlawful unless they are authorized by a National Pollutant Discharge Elimination System (NPDES) permit or by a state permit program. New York’s State Pollutant Discharge Elimination System (SPDES) is a NPDES-approved program with permits issued in accordance with the Environmental Conservation Law (“ECL”). Facilities must obtain permit coverage through either an individual industrial SPDES permit which address the stormwater discharges, obtain coverage under the SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity or provide certification using the No Exposure Exclusion that industrial activities are not exposed to stormwater.

The draft MSGP was public noticed for a 30 day comment period on March 28, 2012. The Department received 146 sets of comments. The final MSGP was revised in response to comments with the most notable changes between the draft and final versions of (GP-0-12-001) summarized in Part I. A responsiveness summary that generally addresses all comments received has been prepared and is available as a separate document ([LINK](#)). Part II contains a summary of general changes between GP-0-12-001 and GP-0-11-009. Part III contains a complete listing of changes organized by permit section between GP-0-12-001 and GP-0-11-009.

PART I - CHANGES BETWEEN FINAL AND DRAFT GP-0-12-001

Technology Based Effluent Limits – The final MSGP has been updated to include technology based effluent limits (TBEL) to be consistent with EPA’s MSGP. The final MSGP has been reorganized to specifically identify technology based effluent limits (both numeric & non-numeric) and clarifies that the SWPPP must contain the documentation necessary to demonstrate compliance with those effluent limits. The MSGP (Part I.B.1) has been rewritten to include the technology based effluent limits as contained in EPAs 2008 MSGP (Part 2). In addition, the MSGP (Part III.C – SWPPP Contents) has been revised to specify the documentation that the SWPPP must contain to demonstrate compliance with the effluent limitations set forth in Part I.B.1 and Part VIII. Several of the non-numeric effluent limits require facilities to “minimize” various types of pollutant discharges. The final MSGP (Part I.B.1) clarifies that for the technology based limits contained in Part I.B.1 and VIII, the term “minimize” means to reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically achievable (BAT) and practicable (BPT) in light of best industry practice. To determine technological availability and economic achievability, an owner or operator needs to consider what control measures are considered “best” for their industry, and then select and design control measures for their site that are viable in terms of cost and technology. For many facilities minimization of pollutants in stormwater discharges can be achieved without using highly engineered, complex treatment systems. The specific limits included in Part I.B.1.a emphasize effective “low-tech” controls, such as minimizing exposure to stormwater (albeit, without significantly increasing impervious surfaces), regular cleaning of outdoor areas where industrial activities may take place, proper maintenance of equipment, diversion of stormwater around areas where pollutants may be picked up, minimization of runoff through infiltration and flow dissipation practices, and effective advanced planning and training (e.g., for spill prevention and response).

Impaired Waters – The final MSGP has been revised to better address discharges to impaired waters. The Department received public comments pointing out that 40 CFR 122.4(i) prohibits the issuance of a NPDES permit that would add a pollutant of concern to an impaired waterbody unless certain conditions are met. To address those concerns, the requirements for impaired waters have been clarified in the final MSGP. The language that dischargers in impaired waters that are included on the 303(d) list or in a watershed for which a TMDL has been developed and the cause of the impairment is a pollutant of concern included in the benchmarks and/or effluent limitations to which the facility is subject must “show a discharge is not expected to cause or contribute to an exceedance of a water quality standard” has been clarified to require dischargers to impaired waters demonstrate that the pollutant of concern causing the impairment is not present, not exposed or certify that the SWPPP includes heightened requirements as specified in Part III.F.4 of the permit. The final MSGP adds Part III.F.4 Additional SWPPP Requirements for Stormwater Discharges to Impaired Waters. This section specifies that in addition to the basic SWPPP requirements, facilities discharging a pollutant of concern to impaired waters that are included on the 303(d) list or in a watershed for which a TMDL has been developed and the cause of the impairment is a pollutant of concern included in the benchmarks and/or effluent limitations to which the facility is subject must identify: the receiving water that is impaired; the pollutant of concern causing the impairment; the activities and areas where that pollutant could be exposed to stormwater; and, best management practices targeted to the pollutant of concern to minimize the potential for discharge to surface waters of the State.

The Department believes that compliance with the benchmarks and numeric limits are protective of water quality. To ensure that dischargers to impaired waters are at or below the benchmarks and numeric limits, the MSGP has been modified (Part IV.B.1.g) to require additional (quarterly) monitoring requirements. Part IV.B.1.g also requires owners/operators to notify the Department if there is an exceedance of a benchmark or numeric limit and provide a summary of actions taken or planned to reduce the discharge to levels below the benchmarks or numeric limits. The Department believes that these additional requirements would provide the protection necessary for impaired waters that would allow these facilities to be covered under the General Permit rather than excluding them from eligibility or requiring complex site specific calculations to demonstrate that their discharge will not exceed water quality standards. The Department believes that the enhanced SWPPP requirements and testing for compliance with the benchmarks and corrective actions would be sufficient to demonstrate that they will not cause or contribute to violations of water quality standards.

Part IX. Stand-Alone Construction Stormwater Pollution Prevention Plan (SWPPP) Requirements For Soil Disturbances Associated with the initial construction of the Facility and Construction of Access Roads, Buildings, Permanent Structures and Appurtenances at Facilities Covered under Sectors J and L with potential to discharge to waters of the U.S. -

Numerous comments were received during the public comment regarding the proposal to have a Stand Alone Construction SWPPP for construction activity at mines citing that there is no distinction between “construction” and “operation” phases in the Mined Land Reclamation Law (MLRL) and there is no need to create an inconsistent, confusing distinction in the MSGP. Commenters expressed concerns that requiring multiple documents that cover the management of stormwater at facilities where operational and construction activities overlap is overly burdensome, duplicative and would substantially increase the cost of doing business in New York. While Part IX was intended to cover activities that were not routine to mining, it is agreed that the definition of the different phases of mining and proposal for a separate SWPPP would create confusion given the overlap in activities and inconsistencies with the MLRL. The final MSGP removes the distinction between construction activity and other soils disturbance activities that may occur at these facilities. The final MSGP removes definitions associated with the different phases of mining and replaces them with definitions for “mining,” “mine”, “haulageway”, and “reclamation” that are consistent with the MLRL. A definition for “Mining Activity” has been added to include activities associated with mining and reclamation including the exploration and land disturbance to determine the financial viability of a site, construction of haulageways, buildings and structures associated with mining to ensure that all activities listed under EPAs permit are included. Furthermore, Part IX has been removed from the permit and the Sector specific language has been clarified to identify that mining activities that result in a soils disturbance with the potential to discharge to surface waters of the state must be included in the erosion & sediment control plan (ESC) that must be developed and implemented. The final MSGP has also been revised to clarify that the erosion & sediment control plan and associated inspections and corrective actions do not apply to areas that drain internal to the mine that do not have the potential to discharge to surface waters of the State.

Part IX also applied to construction activities that occurred at Landfills. Sector L has also been revised to clarify the requirements for any soils activities that occur at a landfill. The requirements for post construction stormwater controls designed in accordance with the New York State Stormwater Design Manual has been returned to the Sector requirements for landfills as it appeared in GP-0-06-002.

Hardness based effluent limits - EPA's 2008 MSGP contains benchmark cut off concentrations for cadmium, copper, lead, nickel, silver and zinc based on the hardness of the receiving water. This requires owners/operators to collect samples of receiving water hardness. The Department believes that the requirement to monitor the receiving waterbody and adjust benchmarks on a facility specific basis represents an unreasonable regulatory burden and an unmanageable process for assigning benchmark cutoff concentrations to be reported. The Department is concerned that even if collected and analyzed correctly, the result of one time monitoring of hardness would not be a reliable representation of the hardness of a water body. The Department believes that statewide application of benchmarks for cadmium, copper, lead, nickel, silver and zinc are appropriate for New York rather than requiring adjustment of the benchmark cut-off concentrations for these metals, based on the hardness of the receiving water. The draft MSGP included benchmarks based on a receiving water hardness of 100 mg/l (national average for water bodies). In response to comments that the MSGP must be as stringent as EPA's MSGP or set the limits at the lowest possible limit, the Department conducted a statistical analysis of water hardness data collected over a span of 18 years (1993-2011) that included over 6,000 data points and determined that benchmark cut-off concentrations based on a hardness of 100 mg/l would represent the 60th percentile hardness concentration for New York State waters, while a hardness value of 75 mg/l represents the 95th percentile hardness concentration for New York State waters. This 95th percentile represents that if receiving water hardness were to be sampled there exists a 95% probability that the hardness would be greater than 75 mg/L. Therefore, the Department believes that 75 mg/L is a more representative value for water hardness in New York State. Therefore, the final MSGP lowers the benchmarks so they are consistent with EPA's 2008 MSGP benchmark cut-off concentration for water hardness in the range of 75-100 mg/l as follows:

Parameter	Draft MSGP	Final MSGP
Cadmium	0.0021 mg/L	0.0018 mg/L
Copper	0.14 mg/L	0.012 mg/L
Nickel	0.47 mg/L	0.42 mg/L
Silver	0.0038 mg/L	0.0030 mg/L
Zinc	0.120 mg/L	0.110 mg/L

The benchmark cut-off concentrations included in the final MSGP are either the same as or more stringent than the benchmarks contained in GP-0-06-002 and GP-0-11-009 and provide steadily increasing and sustainable environmental protection provided by the MSGP program.

Monitoring Reporting Submission Deadlines – The final MSGP (Part IV.D – Table IV-2) has revised submission deadlines for Annual Certification Reports (ACRs) and Discharge Monitoring Reports (DMRs) for benchmark monitoring, coal pile runoff and effluent numeric limitations. These reports must be received in the Department's central office no later than February 28th of the year following the reporting period rather than March 31st as specified in previous versions of the permit. The Department made this change to improve the efficiency of administering the stormwater program.

Part II
Summary of Changes between GP-0-12-001 and GP-0-11-009
General Changes

Formatting - Significant reformatting was done to make the permit easier to read and understand.

Numeric & Non-numeric Effluent Limits – The permit was updated to include numeric and non-numeric effluent limits to reflect current environmental concerns and to align with EPA’s current version of MSGP.

SWPPP Development/BMP considerations - In various places, the permit includes, an updated lists of BMP options that, along with any functional equivalents, shall be considered for implementation. At a minimum, The SWPPP shall include a description of the type and location of existing and planned BMPs selected for each of the areas where industrial materials or activities are exposed to stormwater. If the owner or operator concludes that any of the BMPs are not appropriate for the facility, a written explanation of why they are not appropriate must be included in the SWPPP required by the permit.

Discharges to Impaired Waters - The permit includes enhanced requirements for discharges to impaired waters. If a facility is discharging to an impaired waterbody that is included on the 303(d) list or in a watershed for which a TMDL has been developed, and if the cause of impairment is a pollutant of concern included in the facility’s sector specific benchmarks and/or effluent limitations listed in Part VIII of the permit, the facility is required to demonstrate that the pollutant of concern is: not present; not exposed; or, certify that the SWPPP contains heightened requirements as specified in Part III.F.4. The additional requirements include quarterly sampling for the pollutant of concern. Owners/operators must notify the Department if there is an exceedance of a benchmark or numeric limit and provide a summary of actions taken or planned to reduce the discharge to levels below the benchmarks or numeric limits.

Benchmark Monitoring & Compliance Monitoring – The permit includes additional monitoring if benchmarks or numeric limits are exceeded. If there is an exceedance of a benchmark or a numeric limit the owner/operator is required to evaluate the facility for potential sources of stormwater contamination, implement structural and non-structural BMPs to remedy the problem, and revise the SWPPP in an effort to prevent that exceedance from happening again. In addition, the owner/

Mercury – The Monitoring Requirements for Mercury have been revised from benchmark monitoring to numeric limits, USEPA Method 1631 has been specified for analysis and additional Mercury Minimization Procedures have been added to Sectors G, K and N to be consistent with TOGS – 1.3.10 which states that the MSGP procedures will require updating to improve water quality protection.

Benchmark Monitoring Cutoff Concentrations - Lower benchmarks were incorporated in the Sector Specific requirements to reflect benchmarks in EPA's 2008 MSGP.

Sector Specific Requirements – The Sector Specific requirements contained in Part VIII have been re-formatted to provide a more consistent format and make the requirements easier to follow.

Reference to “permittee” was changed to “owner/operator” throughout the permit. This change is intended to reflect the fact that the owner obtains coverage under an issued permit rather than having a permit issued to them individually. Definition of *owner or operator* from 6NYCRR Part 750-1.2 has been added to the definitions.

Forms. Many forms that were part of the permit are now being referenced. This change provides the Department greater flexibility in making changes to those forms without permit modification and the workload associated with the public notice process

Please refer to Part III for a list of the specific changes in each section.

Part III

SUMMARY OF SPECIFIC CHANGES TO MSGP

Preface – Background was modified to discuss the reissuance of the MSGP as GP-0-12-001. Clarified that dischargers authorized under GP-0-11-009 and all new dischargers may seek coverage under GP-0-12-001 by submitting a new Notice of Intent as set forth in Part I of GP-0-12-001.

Table of Contents – Modified to reflect new formatting. Added Definitions to Appendix A

Part I.A- Changed “*waters of the United States*” to “*surface waters of the State*” to be consistent with the definitions in the Environmental Conservation Law and 6NYCRR 750. In response to comments, a footnote was added after the first mention of “*surface waters of the State*” to clarify that for the purpose of this permit, “*surface waters of the State*” includes both “*surface waters of the State*” and “*waters of the United States*” as defined in Appendix A. Both definitions of these terms were added to Appendix A.

Part I.A - Add footnote to discharges, and “or outlet” after point source with foot notes to attempt to remove the narrow interpretation of point source used by facilities to challenge the determination that they need coverage.

Part I.B – Was re-titled from Maintaining Water Quality to Permit Conditions and Limitations. This section of the permit was reformatted to define that both numeric and non-numeric limits are included in this permit. This aligns the Department’s version of the permit with EPA’s version. The discussion on Maintaining Water Quality Standards was moved to Part I.B.2

Part I.B.1 – This section was added to clarify that the owner/operator must select, design, install, and implement control measures to meet non-numeric and numeric effluent limits. This aligns the Department’s version of the permit with EPA’s version.

Part I.B.4 - Text was added to allow the department to make modifications to the permit if necessary to prevent a violation of water quality standards.

Part I.C.1.c. - Added text regarding reporting of results of monitoring for facilities opting for coverage under MS4 permit. (See MS4 permit Part VII.A.6.a.viii. and Part VIII.A.6.a.iii)

Part I.D. 5 and 6 - Clarified and revised text regarding Endangered Species and Historic and Archeological site eligibility to clarify that eligibility is attained if permission for affects to species/sites has been obtained.

Part I.D.8 - Added ineligibility for discharges that do not meet or maintain Part II.C criteria related to discharges to 303(d) waterbodies and waterbodies and/or watersheds for which a TMDL strategy has been developed

Part I.E.3 - Removed reference to forms contained in the Appendix and replaced with “forms made available by the Department”. Changed reference to NOIT throughout the document. Created separate forms for NOI, NOT and NOM to streamline the administration of the program.

Part I.E.3.b - Added to allow modifications to coverage by submission of a Notice of Modification rather than having to resubmit a new NOIT. Currently, a complete NOIT has to be submitted to make changes to coverage.

Part I.F.3 - Added text on notification of modifications to facilities.

Part I.F.4 - Updated to provide interim coverage for facilities covered under the interim MSGP (GP-0-11-009) to allow time for facilities to update their SWPPP to meet the new requirements. This revised permit will take effect upon expiration of the interim permit that reissued GP-0-06-002 for 6 months. The interim permit (GP-0-11-009) will expire on September 30, 2012.

Part I.G - Changed reference to location of “no exposure” from Appendix G to “ using forms as provided by the Department”. The form will be posted on the website with the permit.

Part I.G - Added text to clarify eligibility for “no exposure” waiver for parking areas for vehicles awaiting maintenance.

Part II.A - Delete the requirement for multi-permitted projects to submit a SWPPP.

Part II.C - Clarified requirements for eligibility of discharges to 303(d) waterbodies and waterbodies and/or watersheds for which a TMDL has been approved. Facilities must address impaired waterbodies on current 303(d) list and TMDLs approved at the time the facility applies for coverage. In addition, language was added requiring the facility to address in their SWPPP how they intend to minimize pollutant(s) of concern from being discharged to impaired waterbodies.

Part III.C – D - Restructured and formatted SWPPP contents section for clarity and to conform with non numeric effluent limitations in EPA’s 2008 permit. These elements were contained in the draft MSGP.

Part III.C.A – Clarified that the SWPPP is intended to document the selection, design, installation and maintenance of *control measures* selected to meet *effluent limitations*. The SWPPP does not contain *effluent limitations*; the limitations are contained in Part I.B.1 and for some sectors Part VIII of this permit.

Part III.C.6 – Added the additional requirements for the site map to be consistent with EPA’s 2008 MSGP.

Part III.C.7 – Updated language to explain that the SWPPP must document the location and type of BMPs installed and implemented at the facility to achieve non-numeric and numeric effluent limits. This aligns the Department’s version of the permit with EPA’s version. Clarified that the preventative maintenance program should address.

Part III.C.7.k - Now includes requirements for salt storage that were previously in special conditions in GP-11-009. This conforms to EPA’s permit and clearly includes this requirement with other contents of SWPPP.

Part III.C.8 – Specified documentation needed to demonstrate eligibility related to endangered species.

Part III.C.9 – Specified documentation needed to demonstrate of eligibility related to historic places and sites of archeological significance.

Part III.E - Corrective Actions moved to this section (Keeping Plans Current) in response to comments and questions stating that this part was hard to follow and misplaced in previous location within GP-0-11-009.

Parts III.F.4 – Additional SWPPP requirements were added for facilities that discharge to an impaired waterbody.

Part IV. A – Moved the section on Comprehensive Site Compliance Inspections from SWPPP contents to the monitoring section.

Part IV.B.1.c.(6) - Benchmark Monitoring – The permit proposes additional monitoring if benchmarks are exceeded. The intent of this additional sampling is to have the owner/operator document that the corrective actions taken in response to the exceedance were effective in reducing the pollutant discharge levels.

Lower benchmarks were incorporated to reflect benchmarks in EPA’s 2008 MSGP. These changes are made throughout the Sectors in Part VIII as follows:

- Arsenic from 0.168 mg/L (168 ug/L) to 0.15 mg/L (150 ug/L) to conform with benchmark in EPA’s 2008 MSGP
- Cadmium from 0.016 mg/L (16 ug/L)for Sectors K and N; and 0.0039 mg/L (3.9 ug/L) for Sector G; to 0.0018 mg/L (1.8 ug/L) to conform with benchmark in EPA’s 2008 MSGP
- Copper from 0.064 mg/L (64 ug/L) to 0.012 mg/L (12 ug/L) to conform with benchmark in EPA’s 2008 MSGP
- Mercury from 0.0024 mg/L (2.4 ug/L)(benchmark) to 50 ng/l (numeric limit) to conform TOGS 1.3.10
- Nickel from 1.4 mg/L to 0.42 mg/L to conform with benchmark in EPA’s 2008 MSGP
- Selenium from 0.238 mg/L (238 ug/L) to 0.005 mg/L (5 ug/L) to conform with benchmark in EPA’s 2008 MSGP
- Silver from 0.032 mg/L (32 ug/L) to 0.003 mg/L (3.0 ug/L) to conform with benchmark in EPA’s 2008 MSGP
- Zinc from 0.120 mg/l (120 ug/l) to 0.110 mg/l (110 ug/l)
- Turbidity from 5 NTUs above background (Sector G) to 50 NTUs

There were no changes to ELGs in EPA’s 2008 MSGP. Mercury benchmark was changed to a numeric limit to conform to TOGS 1.3.10.

Part IV.B.1.e.(5) - Corrective and Follow Up Actions - Additional monitoring if numeric limits are exceeded is now required. The intent of this additional sampling is to have the owner/operator document that the corrective actions taken in response to the exceedance were effective in reducing the pollutant discharge levels.

Part IV.B.1.g – Compliance monitoring for discharges to impaired waterbodies – Additional monitoring requirements were added for dischargers to impaired waterbodies. If a facility is discharging to an impaired waterbody that is included on the 303(d) list or to a watershed for which a TMDL has been developed, and if the cause of impairment is a pollutant of concern included in the facility’s sector specific benchmarks and/or effluent limitations listed in Part VIII of the permit, the facility is required to conduct quarterly sampling for the pollutant(s) of concern. The sampling data will need to be submitted quarterly on a DMR to the Department. Requires reporting of exceedance(s) and corrective action(s) taken using Corrective Action form no later than 14 days after the end of a monitoring period in which the exceedance occurred.

Part IV. B.4 - Consolidation, revision and reformatting to eliminate duplication and clarify waiver criteria and reporting requirements. There are no changes to the intent of the proper use of these waivers. Language clarifies the intent of each waiver. The number of changes are too numerous to call out.

- Not Present or No Exposure (outfall by outfall/parameter by parameter basis)
- Representative Outfall
- Adverse Climactic Conditions
- Inactive/Unstaffed Site Waiver

Part IV.D - Revised submission deadlines in Table IV-2 for Annual Certification Reports (ACRs) and Discharge Monitoring Reports (DMRs) for benchmark monitoring, coal pile runoff and effluent numeric limitations. These reports must be received in the Department’s central office no later than February 28th of the year following the reporting period rather than March 31st as specified in previous versions of the permit. The Department made this change to improve the efficiency of administering the stormwater program

Part VII Provided termination criteria.

Part VIII – Sector Specific Requirements – The Sector Specific requirements contained in Part VIII have been re-formatted to provide a more consistent format and make the requirements easier to follow. Clarification that the monitoring and SWPPP requirements are additive for industrial activities that are co-located has been provided along with examples of co-located activities.

Sector A – Added erosion and sediment control requirements due to very high TSS benchmark results. Added clarification on activities covered under this sector. Removed rock crushing from the Applicability section. Facilities that include rock crushing would be considered co-located activities and the SWPPP should include the applicable BMPs and monitoring specified for Sector J. Removed gravel washing discharges from the applicability section. Unless specifically listed in Part I.C.3 wash waters are not authorized by the MSGP.

Sector C – Moved Oil refineries to Sector C per EPA 2008 MSGP Permit.

Sector D - Non-Structural BMPs, 5th bullet, has been modified to clarify that all liquids shall be properly disposed of in accordance with all local, state and federal requirements rather than “in accordance with RCRA requirements” as it appeared in the draft MSGP.

Sector F – Added BMPs for outside metal storage areas.

Sector G – Revised monitoring for Mercury from a benchmark to Numeric Limit of 50 ng/l and added BMPs reflective of the Mercury Minimization Programs contained in TOGS 1.3.10. Added definition for “reclamation phase.”

Sector I – Moved oil refineries to Sector C. Clarified that oil and gas drilling operations utilizing high volume hydraulic fracturing (HVHF) techniques are not eligible for coverage under this permit.

Sector J - Revised definitions to be consistent with NYS Mined Land Reclamation Law (MLRL). Definitions removed for "exploration and construction phase", “Active Phase”, "Mining Operation”, “Reclamation Phase” and replaced with definitions for "mine", "mining", "haulage", "mining activity or activities", "reclamation", and "final stabilization" as taken from NYS MLRL. Clarified that erosion & sediment control plans shall conform to the New York Standards and Specifications for Erosion and Sediment Control, 2005, or equivalent. Added additional site map requirements to be consistent with EPA's 2008 MSGP.

Sector K - Revised monitoring for Mercury from a benchmark to a numeric limit of 50 ng/l and added BMPs reflective of the Mercury Minimization Programs contained in TOGS 1.3.10. Corrected the Total Cyanide benchmark cut-off concentration to reflect the values in EPA's MSGP (corrected from 64 ug/l in draft to 22 ug/l in final)

Sector L – Clarified the areas where an erosion and sediment control plan and associated inspections and corrective actions are applicable. Added requirements for post construction stormwater management practices previously in Part IX. Revised the language on employee training to require the owner or operator to education incoming drivers rather than requiring that they develop and distribute education materials. Clarified the language on corrective actions that may take more than a week to complete.

Sector M – Specified training and added to BMPs. Added Erosion and Sediment Control.

Sector N – Restructured -Creation of 6 subsectors to (1) Clarify requirements for facilities accepting source separated recycling, (2) add SWPPP requirements for metal recyclers, changes to benchmarks to address difference between recyclers of metals and others, and (3) add benchmarks and SWPPP requirements for fluid recyclers. Revised monitoring for Mercury from benchmark to numeric limit of 50 ng/l. Clarified that the numeric effluent limits in Table VIII-N-1 apply to subsector N-4 only. Clarified the applicability of the benchmark and numeric limits to the different subsectors.

Sector O – Modified PCB benchmark from 0.065 ug/l to 0.20 ug/l with additional BMPs required if >0.065 ug/l per Aroclor is detected.

Sector P- Changed the title from Land Transportation and Warehousing to Land Transportation and/or Warehousing. Clarification that transfer stations that have vehicle and equipment maintenance shops are covered under Sector P in addition to the applicable Sector N requirements.

Sector Q – Clarified covered facilities. Clarified requirements for pressure washing areas.

Sector AA- Additional BMPs to minimize exposure, erosion and sediment control to address high exceedances.

Sector AE- Clarified that coverage under permit is not required for municipally owned DPW unless the facility is notified by Department that coverage is needed.

Part IX – In response to public comments Part IX has been removed from the permit. Construction activities at mines and landfills will still be covered with MSGP, instead of obtaining a separate SPDES Construction Permit, however the requirements for erosion and sediment controls and post construction practices are now presented in Sectors J and Sector L.

Appendices - The forms were removed from the permit and text was modified to reference forms “as provided by the Department”. This change was made on advice from legal counsel and is intended to allow flexibility to change the forms if deemed necessary for program implementation without having to modify the permit.

Appendix A – Definitions and Acronyms Definitions were added to this appendix and listed words with definitions were italicized within the permit. Additional definitions were added for Action Area, Facility or Activity and Point Source.

Appendix B – Sectors of Industrial Activities Covered by this Permit – Table I-1 was moved from the body of the permit into Appendix B.

Appendix C – Sectors Subject to Benchmark Monitoring Requirements – Table IV-1 was moved from the body of the permit into Appendix C.

Appendix D - Industrial Activities Subject to Effluent Limitations (Compliance Monitoring Requirements) – Table IV-3 was moved from the body of the permit into this appendix.

Appendix F - Notice of Intent, Notice of Modification, and Notice of Termination - These forms have been removed to allow making changes relating to information without the need to modify the permit. These forms will be posted with the permit on the website.

Appendix G – No Exposure Certification Form – Removed from permit. Will post with permit on website.

Appendix H - Annual Certification Report –Removed from permit to allow modification if needed. Will post with permit on website.

Appendix I - Example Quarterly Visual Monitoring Form – Removed from the permit. Posted on website with instructions.

Appendix J– Discharge Monitoring Report - Removed from Permit.

Appendix K - Report of Non-Compliance Event – Remove from permit. Will post with permit on website.

Appendix L - Additional Information for New Discharges – Move to Appendix E.

Appendix M - List of DEC Regional Offices – Move to Appendix F.

Appendix G – Pollutant(s) of Concern for Impaired Waterbodies Reference Table – Appendix G was added as a reference for dischargers to impaired waters.