

# Keeping Posted on the Multi-Sector General Permit Program

by Christina Falk

*“Urban stormwater runoff is identified as a major source of pollution in 37 percent of all waterbodies assessed as impaired in New York State. In another 40 percent of impaired waterbodies, urban stormwater runoff is a contributing source. In addition, for 35 percent of the waters with less severe minor impacts or threats, urban stormwater runoff is noted as a major contributing source of impact.”*

– Top Ten Water Quality Issues in New York State, 2010 (NYSDEC)

Many of us are familiar with stormwater regulations that municipalities are implementing to protect water quality in their communities. Stormwater discharges from industrial facilities are also a concern and, in 2006, the New York State Department of Environmental Conservation (NYSDEC) issued a permit to address this potential source of pollution. Facilities such as marinas, vehicle maintenance facilities, auto salvage operations and others are eligible for coverage under this permit for stormwater discharge. In total, the permit covers 29 specific categories of industry, known as sectors, plus one generic category.

The current version of the Multi-Sector General Permit program (MSGP) became effective on March 28, 2007 and will expire on March 29, 2012. The general permit is being re-issued in 2012 to conform with the federal Clean Water Act requirement of renewing the permit at least every five years. At the end of 2006, there were approximately 1,100 facilities covered under the MSGP. Today, more than 1,500 facilities are currently covered under the permit and over 500 additional facilities have effective “No Exposure” waivers, whereby a facility certifies that although industrial activity is occurring on the property, all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snow melt and/or runoff.

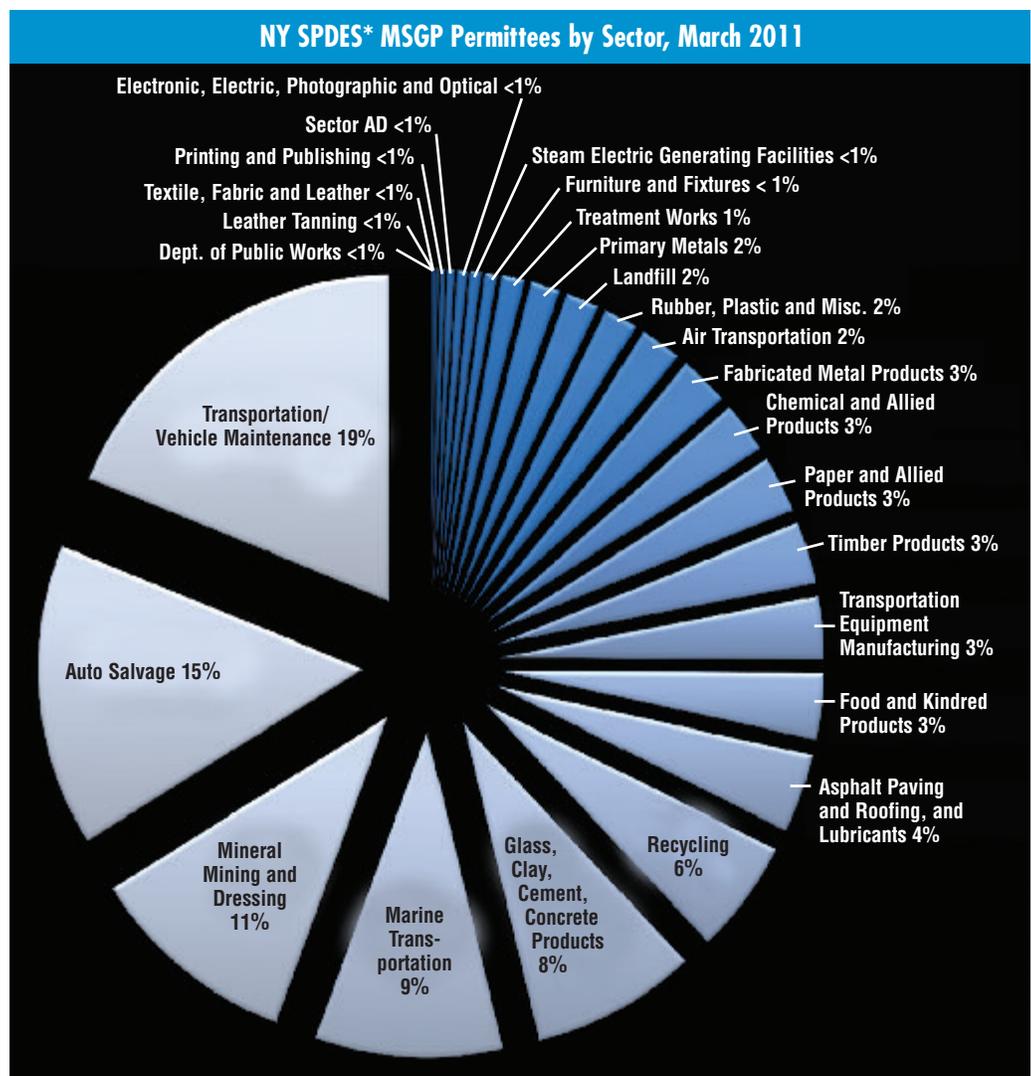
**SWPPPs:** To gain coverage under the MSGP, one of the key requirements is that each facility must develop and implement a Stormwater Pollution Prevention Plan (SWPPP). All the SWPPPs have a minimum set of required activities. In addition, each SWPPP must address activity and site-specific sources of contamination. The SWPPP is the nucleus of the storm-water management program required by the MSGP. The development of the plan raises awareness of potential sources of contamination to storm-water. Each required section of the plan is intended to assist facility staff with identification, tracking and mitigation of impacts to water resources.

Development of a generic SWPPP has been required since the inception of New York State’s MSGP program in 1993; however, the sector-specific SWPPP requirements in the current version of the MSGP are more detailed and proscriptive, allowing better protection of local waterbodies.

## Permit Implementation

After receiving its permit coverage, a company must implement it. Every quarter, permittees must conduct visual monitoring and send the results to NYSDEC. They must also conduct dry weather flow inspections to locate any unauthorized discharges in dry weather condition.

Annual compliance evaluations also must be completed and submitted to NYSDEC by March 31 each year. Most facilities are also



\*State Pollution Discharge Elimination System

required annually to have one sample analyzed for specific pollutants of concern that are associated with the activities conducted at the site.

The results of the monitoring are designed to be used as built-in indicators of the effectiveness of a facility's SWPPP. By comparing the results of the monitoring with benchmark cut-off concentrations listed in the MSGP, facilities are able to determine the effectiveness of their SWPPP. If cut-off concentrations are exceeded, the permittee is required to identify the source of contaminants, implement corrective actions, and amend the SWPPP to include the corrective actions. The NYSDEC has found that because most operators know their industries and facilities very well, they develop solid solutions that are insightful, creative and cost effective.

## Permit Assistance and Updates

The Multi-Sector General Permit has been challenging for both permittees and NYSDEC. The NYSDEC staff provides the regulated community with technical assistance and helps them understand the environmental concerns associated with stormwater. In working with facility managers, NYSDEC staff has observed that permittees work hard to comply with the new permit requirements.

To assist the regulated community, NYSDEC staff has developed educational materials which are available on the website at: <http://www.dec.ny.gov/chemical/62803.html>. Included are:

- Step-wise directions for obtaining permit coverage and developing a SWPPP
- Frequently Asked Questions
- Industry-specific questions
- Announcements of training courses offered to trade associations

The NYSDEC is currently working with stakeholders to revise the

MSGP so the next version is ready in 2012. Lessons learned from communication with permittees and evaluation of data collected since 2008 are helping with the permit revisions. The draft permit emphasizes limiting the regulatory burden on facilities in industrial sectors that have been found to present a minor potential for contamination to stormwater, while taking a proactive approach to address problem areas in others. In addition, more educational materials targeted to the most common needs of permittees are being developed.

Public notice of the draft MSGP is anticipated this Fall 2011. The release of the draft will be announced in the Environmental Notice Bulletin (ENB). The ENB comes out each week on Wednesday and is available on the web at: <http://www.dec.ny.gov/enb/enb.html>. Interested parties will be invited to comment on the draft in writing. The NYSDEC will review all the comments and prepare both a responsiveness summary and the final draft. The release of the final draft will also be announced in the ENB.

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