



Department of  
Environmental  
Conservation

## **FACT SHEET**

**For**

NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DRAFT SPDES MULTI-SECTOR GENERAL PERMIT  
FOR STORMWATER DISCHARGES  
ASSOCIATED WITH INDUSTRIAL ACTIVITY

Permit No. GP-0-17-004  
Issued Pursuant to Article 17, Titles 7, 8 and Article 70  
Of the Environmental Conservation Law

July 2017

## Introduction

The New York State Department of Environmental Conservation (NYSDEC) has prepared a revised draft renewal and modification of the SPDES Multi-Sector General Permit for Stormwater Discharges from Industrial Activity (MSGP) (GP-0-17-004). The first draft renewal and modification of the MSGP was publicly noticed in the Environmental Notice Bulletin on March 29, 2017 and in newspapers of general circulation on March 31, 2017. GP-0-17-004 is anticipated to be effective on October 1, 2017 with a 5-year permit term and will replace the current MSGP (GP-0-12-001), which will expire on September 30, 2017. GP-0-17-004 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”), point source stormwater discharges from certain industrial activities to navigable waters 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 Articles 17 and 70 of the Environmental Conservation Law (“ECL”). Facilities must obtain permit coverage through either an individual SPDES permit, obtain coverage under GP-0-17-004, or provide certification using the No Exposure Exclusion that industrial activities are not exposed to stormwater.

GP-0-17-004 includes both technology and water quality based requirements. A technology based requirement is a minimum level of treatment for industrial point sources based on currently available treatment technologies and/or Best Management Practices (BMPs). Water quality based requirements apply if after application of technology based requirements there remains a reasonable potential for contravention of water quality standards at the receiving water. Technology requirements are based on CWA sections 301(b) and 402, 40 CFR 125.3 and 402-471, ECL sections 17-0809 and 17-0811, and 6 NYCRR Section 750-1.11. Water quality requirements are based on CWA sections 101 and 301(b)(1)(C), 40 CFR 122.44(d)(1), and 6 NYCRR Parts 700-704 and Section 750-1.11.

CWA section 308, 40 CFR 122.44(i), and 6 NYCRR Section 750-1.13 authorize monitoring requirements to determine compliance with the permit and the effects of the discharge. The owner or operator is responsible for conducting the monitoring and for reporting results to the Department.

GP-0-17-004 contains standard regulatory language that is required to be in all SPDES permits. These permit provisions, based largely upon 40 CFR 122 subpart C and 6 NYCRR Part 750, include requirements pertaining to monitoring, recording, reporting, and compliance responsibilities.

The revised draft MSGP is being publicly noticed for a 30 day comment period. The comment period commences on July 5, 2017, when the draft MSGP is included in the Environmental Notice Bulletin, or the date of the newspaper notification for the draft MSGP, whichever is later.

## **Changes between Revised Draft GP-0-17-004 and First Draft GP-0-17-004**

### **Comments received on first Draft**

Comments received on the first draft, which was publically noticed on March 29, 2017, have not been directly addressed in this revised draft. All comments received on the first draft will be part of the permit record, and reviewed and addressed in a responsiveness summary document that will be released when GP-0-17-004 is finalized. If those who commented on the first draft have additional comments on the revised draft they must submit the additional comments, along with their original comments, during the 30-day comment period for the revised draft.

### **Organization**

Overall organization and formatting were revised to make the permit read more coherently. Duplicative language was removed to reduce confusion.

### **Electronic reporting**

The revised draft contains a requirement that Discharge Monitoring Reports (DMRs) be submitted electronically through EPA's electronic reporting system, NetDMR. This change is required by EPA's E-reporting rule (Federal Register, Vol. 80, No. 204 (October 22, 2015)).

The revised draft proposes the use of electronic filing of the Notice of Intent (NOI). Paper submission of reports (other than DMRs) and the NOI will continue to be an option until that portion of EPA's E-reporting rule goes into effect on December 21, 2020.

### **Incorporate Annual Dry Weather Flow monitoring into Comprehensive Site Compliance Inspection**

The annual dry weather flow monitoring is performed specifically to discover non-stormwater discharges (either authorized or unauthorized). Under GP-0-12-001, this monitoring is performed by the owner or operator after three consecutive days of no precipitation. The comprehensive site compliance inspection is a broad site inspection that can be performed at any time and does not need to wait for 3 non-precipitation days.

The revised draft proposes that the owner or operator wait for three consecutive days without precipitation to perform the Comprehensive Site Compliance Inspection, to allow dry weather flow monitoring to be performed so that non-stormwater discharges can be detected and addressed as necessary. The owner or operator will still need to perform corrective actions upon discovery of a non-stormwater discharge or any other instances of non-compliance.

### **Timing of Monitoring**

If a facility's permit coverage was effective less than two months from the end of a monitoring period, monitoring begins with the next monitoring period. Under the revised

draft, this has been increased from “less than one month” from the end of a monitoring period.

#### **Notice of Intent for New Owner.**

In the revised draft, the 30-day waiting period to gain coverage under the permit has been removed when there is a change of ownership of the facility. It is common practice in industry to continue operations with no break in the industrial activity when a facility changes ownership. As this is the case, a new owner does not need to wait 30 days to gain coverage under this permit.

### **Changes between First Draft GP-0-17-004 and GP-0-12-001, which are maintained in the Revised Draft GP-0-17-004**

#### **Non-numeric Effluent Limits**

Non-numeric effluent limits were updated in the first draft to more closely align with EPA’s 2015 MSGP. Several of the non-numeric effluent limits in Part II.B of the draft MSGP include a greater level of specificity in order to make the requirements more clear and to enable the owner or operator to better comply with the requirements. The updated non-numeric effluent limits include requirements for minimizing exposure, good housekeeping, maintenance, spill prevention and response procedures, and employee training. The associated SWPPP documentation requirements in Part III have also been updated to reflect the changes and demonstrate compliance with the non-numeric effluent limits.

#### **Changes to Sector S (Air Transportation)**

The first draft proposes additional requirements based on EPA’s promulgation of the Airport Deicing Effluent Guidelines in 2012 (40 CFR Part 449). These proposed changes are also in line with EPA’s 2015 MSGP for this sector. These requirements include numeric effluent limits and documentation of BMPs in the SWPPP.

#### **Semi-Annual Monitoring and Discharge Monitoring Reports (DMRs)**

An increase in the frequency of Benchmark and Numeric Effluent Limit monitoring and reporting was proposed from once per year in GP-0-12-001 to twice per year in the first draft. These changes in monitoring and reporting requirements will facilitate owner or operator compliance and the Department’s administration of the permit.

With these proposed changes, the Corrective Action forms and the Non-Compliance event forms will no longer be necessary. The semi-annual DMR data will allow the Department to track exceedances. If there is an exceedance reported on a semi-annual DMR, the subsequent semi-annual DMR will show if the pollutant of concern has been abated to levels that are below the specified permit numeric effluent limits or benchmarks. In addition, the Annual Certification Report will require a description of the non-compliance event and the corrective measures and long term preventative actions taken.

### **New BMP Considerations in Specific Sectors**

Additional BMPs to stock and use mercury spill kits were proposed in the first draft for Sector N – Scrap Recycling and Waste Recycling Facilities. This addition is necessary in light of the Department’s updated policy on mercury (TOGS 1.3.10, revised October 2015).

### **Removal of Sectors AD and AE from the Permit**

Sectors AD and AE allow for permit coverage of stormwater discharges from industrial activities designated by the Department as needing a stormwater permit, where coverage under a general permit would be more suitable than requiring an individual SPDES permit. The Department must assign a facility to these sectors and provide written notification permitting a facility to use the MSGP for these sectors. Such designations and assignments could occur at any time during the cycle of the MSGP, and only when designated/assigned would the facilities be aware of the requirements that apply to them.

Additionally, the monitoring parameters listed in these two sectors may not be complete or appropriate for the type of facility being regulated, leaving the possibility that a specific pollutant of concern does not get monitored.

At present, seven (7) of the more than 1700 facilities covered by the MSGP are in sectors AD and AE. The Department will review each of these facilities on a case-by-case basis to determine the best regulatory direction for each of these facilities, including issuance of an individual permit to the facility.

### **Updates to Ineligible Activities**

The first draft MSGP proposed to remove the State Historic Preservation Act (SHPA) ineligibility criteria from Part I.B. New construction associated with MSGP facilities would require an individual SPDES permit or coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002). SHPA would be addressed through those permits. Even though ongoing construction associated with industrial activities like Mineral Mining & Dressing (Sector J) and Landfills (Sector L) is authorized under the MSGP (and does not need separate authorization under GP-0-15-002), such activities are covered by permits issued by the Department under other state laws. Therefore, these projects receive a full SHPA review in the context of that permitting.

Requirements to protect endangered or threatened species under Ineligible Activities (Part I.B) were simplified in the first draft. Related language was removed from the SWPPP section (Part IV.B). If endangered or threatened species are involved then the owner or operator must obtain a permit issued pursuant to 6 NYCRR Part 182 or a letter of non-jurisdiction from the Department.

**Monitoring Waivers**

The first draft MSGP proposed to eliminate the Alternative Certification of “Not Present” or “No exposure” waiver for Benchmark monitoring on an outfall-by-outfall or pollutant-by-pollutant basis. These waivers have been rarely used.

**Contact Information**

Questions or comments regarding the content of the revised draft GP-0-17-004 must be directed to the following individual:

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