

Texas Pollutant Discharge Elimination System

Stormwater Multi-Sector General Permit (MSGP) TXR050000 Overview

Lindsay M. Garza and Ryan Bucek

Texas Commission on Environmental Quality
Stormwater & Pretreatment Team
Water Quality Division
(512) 239-4671



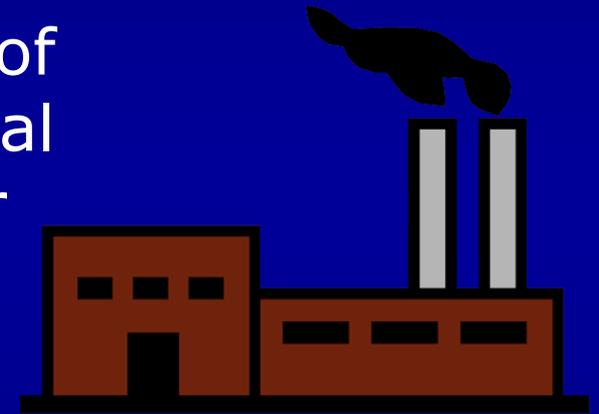
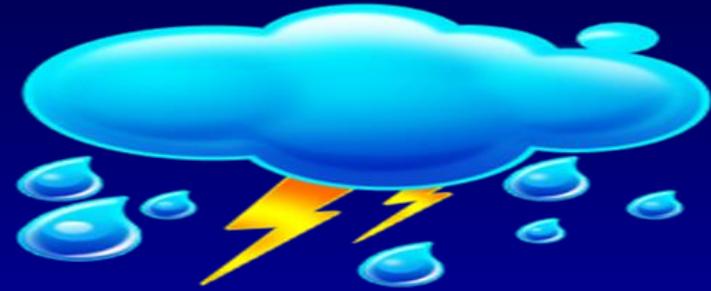
Industrial Stormwater MSGP

- Permit basics
- Obtaining coverage
- Permit requirements
- TX MSGP renewal



MSGP TXR050000

- Effective August 14, 2011
- Expires August 13, 2016
- Authorizes point source discharges of stormwater associated with industrial activity and certain non-stormwater discharges to surface water in the state
- Stormwater discharge directly related to manufacturing, processing or raw materials storage areas at an industrial facility.



MSGP Applicability

- Operators of facilities with regulated discharges
 - Corporations, partnerships, sole proprietors, government, individuals
- Co-located activities (more than one SIC code)
- Co-located facilities (each has a distinct authorization number)
- Municipally-operated facilities
- Military bases and other federal facilities
- Additional facilities designated by TCEQ



MSGP Limitations on Coverage

- Individual permits may be required based on considerations such as:
 - Compliance History
 - Water Quality standards violations



Discharges That Require MSGP Authorization

- “Stormwater discharges associated with industrial activity”, 40 CFR §122.26(b)(14):
 - Facility (i.e., “primary”) standard industrial classification (SIC) codes:
<http://www.osha.gov/pls/imis/sicsearch.html>
 - Additional narrative categories: landfills (LF), treatment works (TW), steam electric power plants (SE), and hazardous waste treatment, storage and disposal facilities (HZ)
 - Discharges of stormwater regulated under federal categorical guidelines, 40 CFR 400-474
- Total of 30 Sectors



Oil and Gas Field Services

SIC Code 1389

Regulation of Industrial Activities:

- TCEQ regulates oil and gas activities that occur at a company headquarters, permanent offices, or base of operations
- Texas Railroad Commission (RRC) regulates oil and gas activities that occur in the field

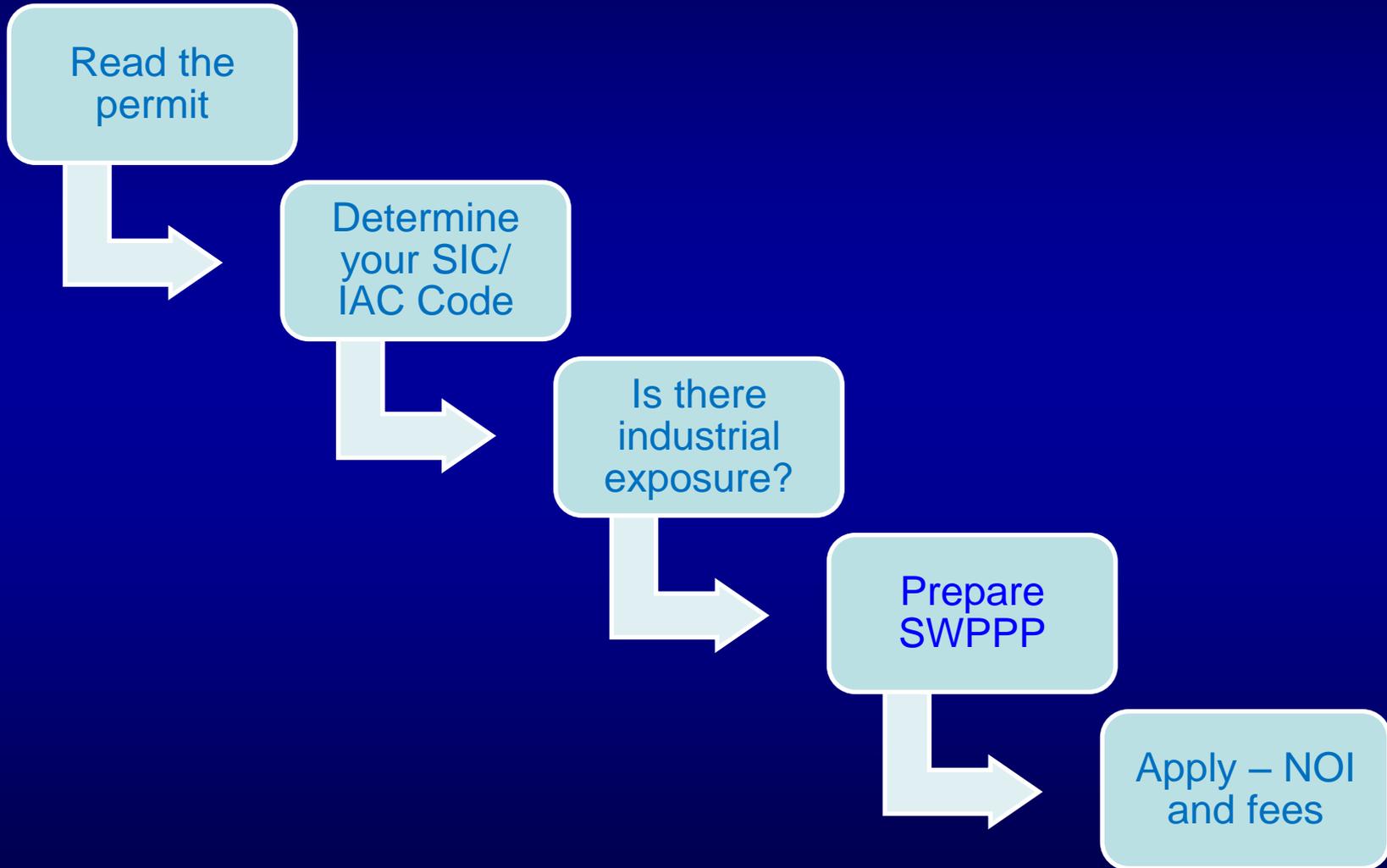


MSGP TXR050000 Authorization

- Each applicant is assigned a unique individual authorization number
 - Example: **TXR05**N198
- Non-transferable
- Expires at midnight on August 13, 2016
 - **Authorizations:**
 - 9,014 NOIs
 - 4,393 NECs



How to get permit coverage? MSGP Authorization -NOI



Options and Fees for MSGP authorization

Options for Notice of Intent (NOI) – application and fee

1. Paper - \$200 fee / Provisional coverage 7 days after postmarked date
2. Electronic - \$100 fee / Immediate coverage
 - Copy of NOI to Municipal Separate Storm Sewer System (MS4) Operator

Pay Annual Water Quality Fee: \$200.00
(invoiced)

- Not the same as application fee!



NOI Certification

- I certify that I have obtained a copy and understand the terms and conditions of the general permit TXR050000
- I understand that permits active on September 1st of each year will be assessed an Annual Water Quality Fee
- I certify that a Stormwater Pollution Prevention Plan has been prepared and implemented as required in the general permit.



Obtaining MSGP Authorization Through ePermits



- Steps in STEERS
 1. Create an Account
 2. Fill out applicable NOI
 3. Sign Form (need a Texas Driver's License)
 4. Pay \$100 Fee
 5. Submit NOI
 6. Print authorization certificate
- Immediate coverage upon receiving e-mail acknowledgement
- <https://www3.tceq.texas.gov/steers/index.cfm>



Obtaining MSGP Authorization Paper Version of the NOI

- ❖ Fill out, sign NOI and mail to address listed
- ❖ Pay \$200 fee by mail (use address provided)
or by ePay

<https://www3.tceq.texas.gov/epay/>

- ❖ Provisional authorization 7 days
after postmark date
- ❖ Acknowledgement letter and authorization
mailed
- ❖ Allow 30 days for processing



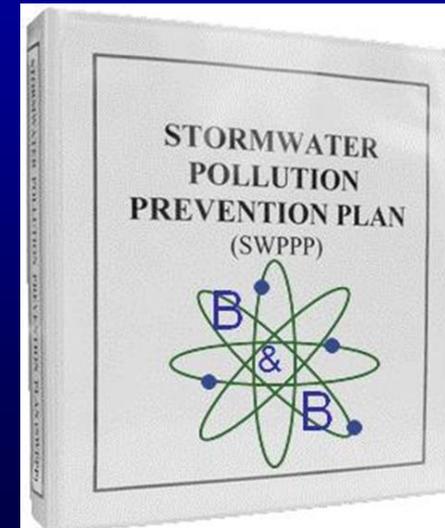
MSGP Requirements

- Develop and implement Stormwater Pollution Prevention Plan (SWP3)
 - revise as needed
- Monitor and record discharges to comply with numeric effluent limits (once annually)
- Perform quarterly visual monitoring
- Perform quarterly inspections of controls
- Perform Benchmark sampling
 - twice annually
- Annual Report



SWP3 Requirements

- ▶ Comprehensive site compliance evaluation
 - ▶ Site map with outfalls / sampling points
 - ▶ Narrative description of activities
- ▶ Requires updates – “living document”
- ▶ Pollution Prevention Team
- ▶ Describe potential pollutants and sources
- ▶ Describe pollution prevention measures
 - ▶ Best management practices (BMPs)
- ▶ Stays on site or made readily available
- ▶ Includes:
 - ▶ Summary of sampling data
 - ▶ Inspection reports
 - ▶ Employee training



Qualifying Storm Events

- Measurable storm that results in a discharge from the site
- Must have rain gauge on-site
- If unable to collect a sample, document reason



Hazardous Metals Sampling and Monitoring Requirements

- Comply with numeric limits for hazardous metals
 - Sample once per year
 - Submit results by March 31 to TCEQ only if limits are exceeded
 - Exceedances $\geq 40\%$ must be reported directly to TCEQ's Enforcement Division and regional office within 5 working days (in writing)
 - Required for all sectors
 - Waiver option available



Discharge Monitoring Requirements

➤ Sector Specific Effluent Limits

- Required of only certain discharges within specific sectors
- Sample once each year by December 31st
- Results must also be kept in SWP3 and made readily available
- Any exceedance must be sent to TCEQ
- If any exceedance is $\geq 40\%$, the DMR must be submitted to TCEQ and regional office



Benchmark Monitoring Requirements

➤ Sector Specific Benchmark Sampling

- Conduct once per six months for 8 semiannual monitoring periods
- Submit results to TCEQ by March 31st
- Use Benchmark Sampling form #20091 (not a DMR)
- If exceed, must evaluate SWP3, BMPs, and revise as needed
- Based on SIC codes within sectors
- Waiver for Years 3 and 4 available if results for Years 1 and 2 are below benchmark levels.



Inspections

Type	Frequency	Recording
Inspection/Certification of Non-stormwater Discharges	Within 180 days of filing an NOI	<ul style="list-style-type: none">- Update SWP3 as needed- Certification in SWP3
Routine Facility Inspection	1/quarter by qualified personnel & SWPP team member	<ul style="list-style-type: none">- Signed documentation with checklist
Quarterly Visual Monitoring 	quarterly	<ul style="list-style-type: none">- Reviewed by SWPP team- Records in SWP3- Update SWP3 as needed
Annual Comprehensive Site Compliance Inspection	annually	<ul style="list-style-type: none">- Report that is signed/certified within 30 days- Update SWP3 as needed

No Exposure Exclusion

- Available for all sites that have no exposure of industrial materials or activities to stormwater
 - Including waste handling areas, product storage, loading/unloading areas
- “No exposure” generally means inside of a **storm resistant shelter**
- No SWP3, sampling, monitoring, or inspections required



No Exposure Exclusion

- Exceptions to storm resistant shelter:
 - Final products meant for outdoor use
 - *Must be completely assembled (for example, a picnic table or swing set)*
 - Sealed drums/tanks with no operational valves
 - Lidded dumpsters
 - Roof stacks/vents
 - TCEQ Regulatory Guidance RG-467
 - <http://www.tceq.texas.gov/publications/rg/rg-467.html>



Obtaining a No Exposure Exclusion

- Submit Conditional No-Exposure Certification (NEC) form instead of NOI
- Pay Application fee
 - \$200 paper
 - \$100 through ePermits
- No annual fee
- Maintain “no exposure” conditions at all times



Changes in Information or Cancelling Coverage

- Changes to information submitted on NOI or NEC form:
 - Submit a Notice of Change (NOC) form
- Cancelling coverage
 - Submit NOT form
 - All NOIs active on *September 1 of each year* will be billed an annual fee for the current FY



Wastewater Treatment Plants

Operating a Domestic WWTP with > 1 MGD or with a Pretreatment Program:

- Required to obtain authorization to discharge stormwater
 - MSGP (Sector T) **or**;
 - Individual Municipal Wastewater Discharge Permit



2016 MULTI-SECTOR GENERAL PERMIT RENEWAL

TIMELINE:

- Renewal process began October 2014
- Stakeholder meeting held January 8, 2015
- Stakeholder comment period ended January 23, 2015
- EPA 90 day review began May 8, 2015
 - Review completed on August 12, 2015
 - Approval without objections



TIMELINE (continued)

- Draft permit released for public review October 16, 2015
 - 30 day public comment period (October 16 – November 16, 2015)
 - *Texas Register*
 - Newspapers: Dallas, San Antonio, Amarillo, McAllen, El Paso, Houston
- Public meeting was held at TCEQ on November 16, 2015



TXR050000 Renewal – Next Steps:

- Complete Response to Comments (RTC) document by April 2016
- Final edits to permit and fact sheet by April 2016
- Brief management: April - June 2016
- Backup Agenda Date: June 13, 2016
 - Documents available for viewing on TCEQ website
 - <https://www.tceq.texas.gov/agency/agendas/agenda.html>
- Commissioners Agenda for Adoption: July 6, 2016
- Permit effective date: **August 14, 2016**



TXR050000 RENEWAL – NEXT STEPS AFTER ISSUANCE

- After permit effective date:
 - 90 day period to submit applications for renewal
- All MSGP authorizations not renewed by November 13, 2016 will be terminated
- *If* MSGP coverage is no longer needed by August 31, 2016
 - Must terminate prior to this date to avoid WQ Annual fee



Proposed Changes To Existing Permit

- SIC code and Sector format changes
- Language Clarifications
 - How to document zero rainfall totals or no rain in BMR forms
 - Sector P, SIC 5171, pertaining to the storage of crude oil, clarified when under TCEQ or EPA jurisdiction
 - Sector I (Oil and Gas Extraction Facilities)- when facilities qualify for permit coverage under the EPA NPDES permit, or when they qualify under the MSGP.



Proposed Changes To Existing Permit

- Clarifying BMR waiver reporting requirements
- Proposed BMR limits
- Adding Definitions
 - “Infeasible”, “Pollutant(s) of Concern”, and “Benchmark”.
 - Deicing definitions for Sector S



Proposed Changes To Existing Permit

- Inclusion of federal Airport De-icing rule language
- Impaired Receiving Waters and Total Maximum Daily Load (TMDL) Requirements
 - Including Texas Integrated Report Index of Water Quality Standards



MSGP Renewal Benchmark Analysis

STEPS

1. Review past processes for analyzing benchmarks
 - Each permit term data are analyzed for setting future benchmarks
 - 2006 & 2011 MSGP Renewal - Adjusted 10 benchmark values
2. Descriptive statistics (median, min/max, range, distribution)
3. Analyze and recommend proposed changes
 - Comparison of data over time – 2011 vs 2016
 - Comparison of 2016 permit data to current benchmarks



Summary of Proposed Benchmark Values

- Ammonia-Nitrogen lowered from 2.5 to 1.7 mg/L for the following (2 of 2):
 - Sector K (Activity Code HZ)
 - Sector S (SIC Codes 4512-4581)
- Biochemical Oxygen Demand (BOD₅) lowered from 30 to 20 mg/L for the following (1 or 1):
 - Sector T (Activity Code TW)
- Total Suspended Solids (TSS) lowered from 100 to 50 mg/L for the following (4 of 12):
 - Sector A (SIC Codes 2426-2499)
 - Sector C (SIC Codes 2873-2879)
 - Sector F (SIC Codes 3321-3325)
 - Sector H (SIC Codes 1221-1241)



NPDES E-REPORTING RULE

- EPA National Electronic Reporting Rule:
 - Rule finalized and in effect December 2015
- TCEQ 2016 MSGP Renewal
 - Moving to 100% electronic submittal of NOIs
 - ~50% of MSGP permitting universe currently submitting electronically
 - All DMRs must be submitted electronically following permit issuance
- Comments or Questions?



Useful Links

- TCEQ webpage - <http://www.tceq.texas.gov/>
- TCEQ Stormwater Permits - http://www.tceq.texas.gov/permitting/stormwater/sw_permits.html
- STEERS - <https://www3.tceq.texas.gov/steers/index.cfm>
- SBLGA Assistance Tools - <http://www.tceq.texas.gov/assistance/water/sw-industrial.html>



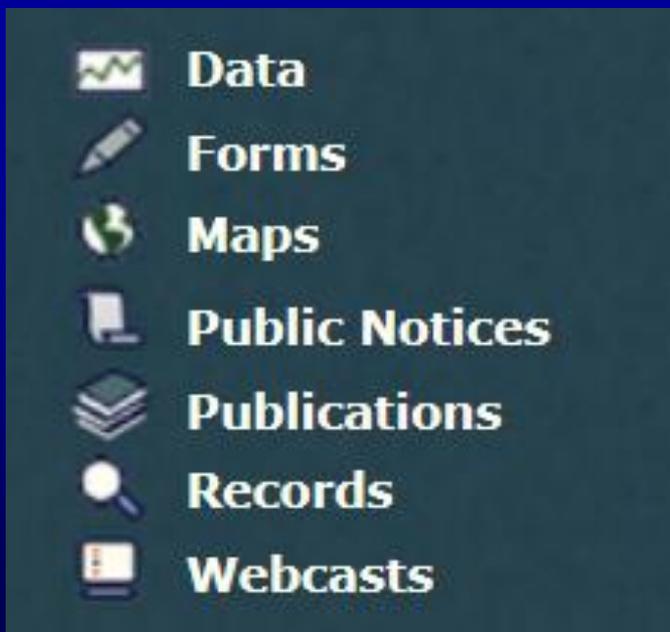
TCEQ FORMS FOR MSGP

- **Notice of Intent (NOI)**, TCEQ Form 10382
- **No-Exposure Certification (NEC)**, TCEQ Form 10383
- **Hazardous Metals Waiver**, TCEQ Form 10425
- **Notice of Termination (NOT)**, TCEQ Form 10443
- **Benchmark Monitoring Data Analysis**, TCEQ Form 20091
- **Notice of Change (NOC)**, TCEQ Form 20390



MSGP FORM LOCATION

- <http://www.tceq.texas.gov/>
- Scroll down until you find: (left side of page near the bottom)
 - Click on Forms



Contact Information

- Stormwater & Pretreatment team
(512) 239-4671
swgp@tceq.texas.gov
- Stormwater Processing Center
(512) 239-3700
swpermit@tceq.texas.gov
- Small Business and Local Government Assistance (SBLGA)
1-800-447-2827



TPDES Stormwater Program Contacts

- Stormwater & Pretreatment Team
 - Team Leader: Rebecca L. Villalba
 - Stormwater Permit Coordinators
 - Lindsay Garza
 - Hanne Lehman Nielsen
 - Dan Siebeneicher
 - Gordon Cooper
 - Ryan Bucek
 - Kent Trede
 - Elizabeth Dickinson

