2025

STORMWATER PERMITTING SIMPLIFIED

What You Need to Know

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TODAY'S PRESENTER

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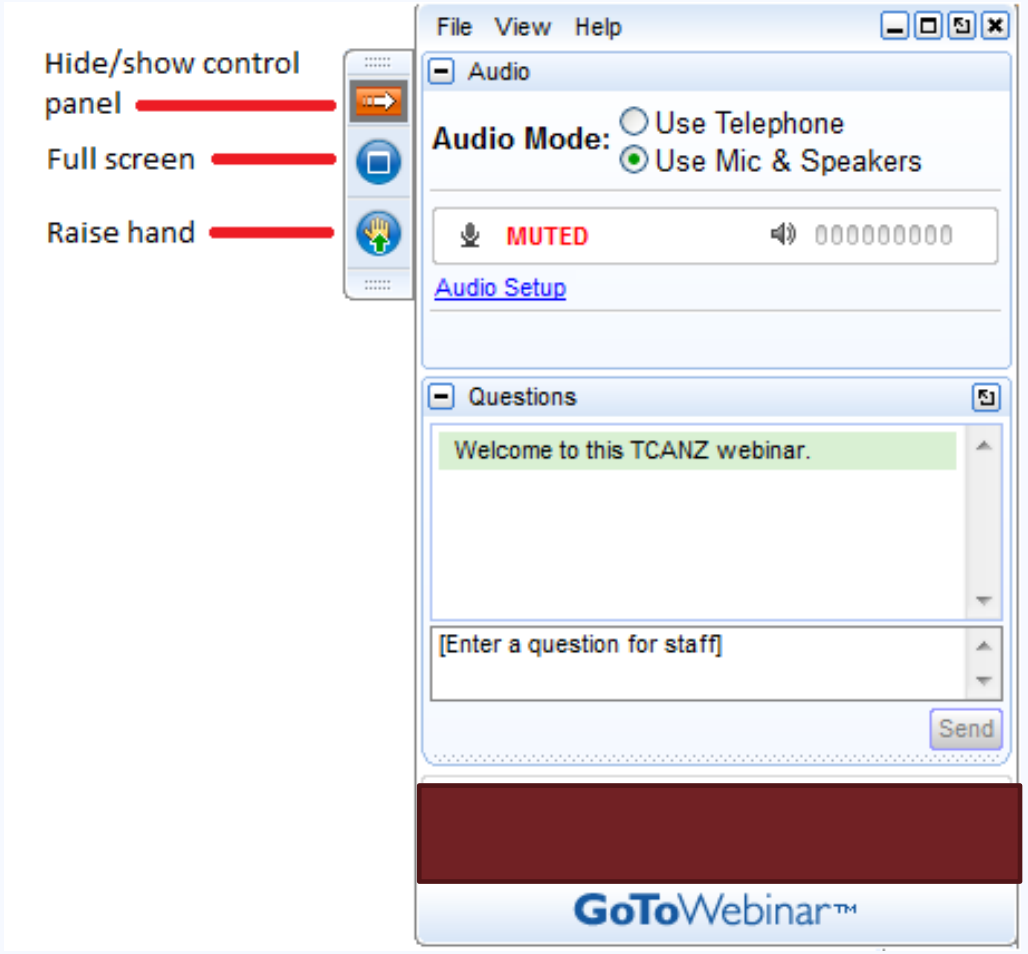
HOUSEKEEPING

- This presentation is being recorded and will be shared along with the slides after the session is complete (less than 24 hours).
- Everyone will be muted to prevent background noise.
- Use the question button to log your question.



TODAYS TOPICS

- Who is subject to stormwater permitting?
- Individual Permits vs General Permits
- EPA's 2026 MSGP General Permit
- No Exposure Permit Exclusion – Pros & Cons
- Stormwater Pollution Prevention Plans and Best Management Practices
- Sampling the Outfalls: When, How, and Pitfalls
- Post-Construction Soil and Erosion Inspections

TERMS/ ACRONYMS

- SWMP- Stormwater Management Program
- CWA- Clean Water Act
- SCM- Stormwater Control Measures
- SWPPP- Stormwater Pollution Prevention Plan
- BMP- Best Management Practices
- NPDES- National Pollutant Discharge Elimination System
- NOI- Notice of Intent
- MS4- municipal separate storm sewer system

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NPDES AND PERMIT BASICS

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WHAT IS NPDES?

National Pollutant Discharge Elimination System

The NPDES program is a federal permitting program under the authority of the Clean Water Act (CWA) that **establishes controls on point source discharges of pollutants to waters of the United States.**

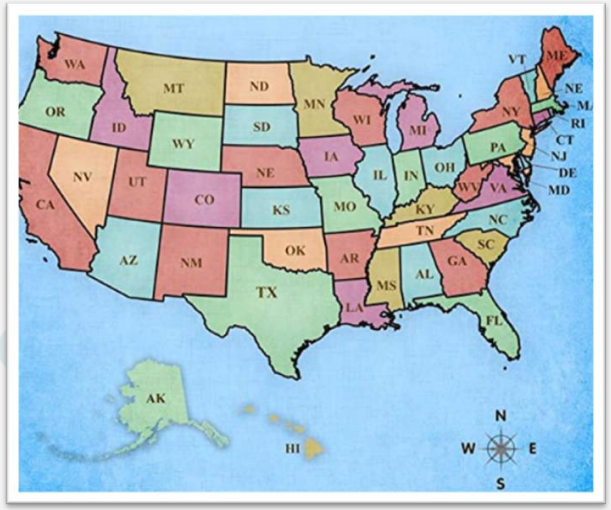
Point sources are generally defined as discernible, confined, and discrete conveyances including but not limited to any pipe, ditch, channel, or conduit from which pollutants are or may be discharged.

See CWA section 502 and 40 CFR 122.2 for complete definitions of point source.

https://www.epa.gov/npdes/npdes-permit-basics

WHO ADMINISTERS THE PROGRAM?

- Local Authorities – Municipalities will have their own requirements or be involved with permitting
- Many States have been given authority by USEPA
- USEPA Administers the program for some states
  - MA, NH, D.C., NM, CO, WA
  - ID was granted authority in 2021
  - American Samoa, Guam, Johnston Atoll, Midway and Wake Islands, Northern Mariana Islands, and Puerto Rico



WHO IS SUBJECT TO STORMWATER PERMITTING?

Stormwater permits, under the National Pollutant Discharge Elimination System (NPDES), are required for various entities, primarily those discharging stormwater from construction activities, industrial facilities, and municipal separate storm sewer systems (MS4s). These permits are designed to minimize the discharge of pollutants from stormwater runoff into water bodies.

DO I NEED A PERMIT AND WHAT TYPE?

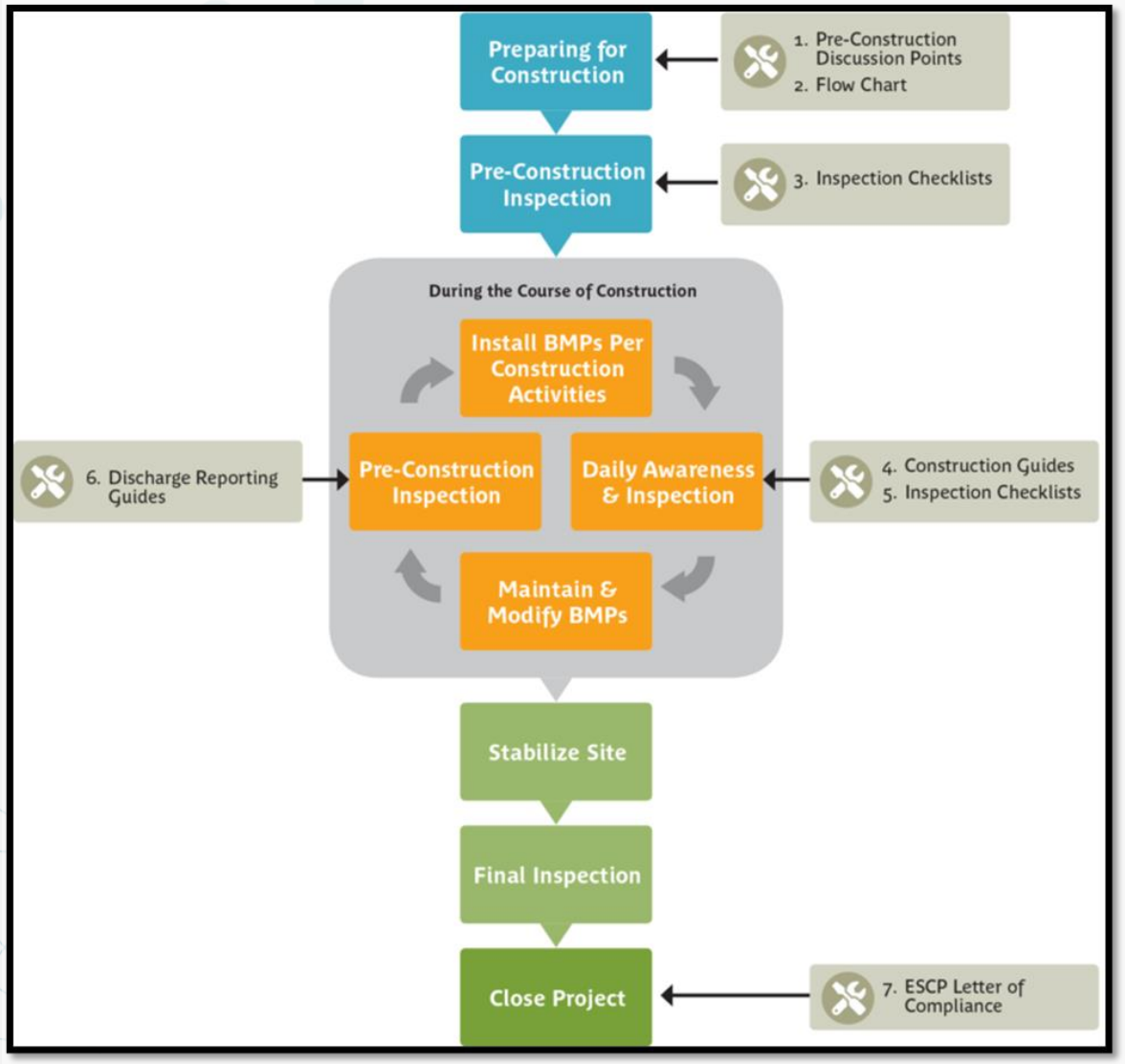
A permit is required:

- land disturbance of equal to or greater than one acre and less than five acres; or
- result in disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres.

Types of Permits:

- General Permit (Permit updated in 2025)
- Individual Permit

WHAT'S IN A PERMIT?



WHAT'S IN A PERMIT?

- Erosion and Sediment Controls
- Soil Stabilization Requirements
- Stormwater Pollution Prevention Plan
- Dewatering Requirements
- Identify Permit Changes
- Turbidity Benchmark Monitoring
- Training
- Inspections – Qualified Person – EPA Training Course
  - Routine Weekly, Post-Storm Event Inspections, Corrective Action Inspections
- Reporting – Immediate, 24-hour, Written Follow-up

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INDIVIDUAL PERMITS *vs.* GENERAL PERMITS

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INDUSTRIAL STORMWATER OVERVIEW

Federal regulations require stormwater discharges associated with specific categories of industrial activity to be covered under NPDES permits (unless otherwise excluded).

One of the categories—construction sites that disturb **five acres or more—is generally permitted** separately because of the significant differences between those activities and the others.

The 11 categories of regulated industrial activities are as follows:

INDUSTRIAL STORMWATER OVERVIEW

Category One (i): Facilities subject to federal stormwater effluent discharge standards at 40 CFR Parts 405-471

Category Two (ii): Heavy manufacturing (e.g., paper mills, chemical plants, petroleum refineries, steel mills and foundries)

Category Three (iii): Coal and mineral mining and oil and gas exploration and processing

Category Four (iv): Hazardous waste treatment, storage, and disposal facilities

Category Five (v): Landfills, land application sites, and open dumps with industrial wastes

Category Six (vi): Metal scrapyards, salvage yards, automobile junkyards, and battery reclaimers

Category Seven (vii): Steam electric power generating plants

Category Eight (viii): Transportation facilities that have vehicle maintenance, equipment cleaning, or airport deicing operations

Category Nine (ix): Treatment works treating domestic sewage with a design flow of 1 million gallons a day or more

Category Ten (x): Construction sites that disturb 5 acres or more (permitted separately)

Category Eleven (xi): Light manufacturing (e.g., food processing, printing and publishing, electronic and other electrical equipment manufacturing, public warehousing and storage)

INDIVIDUAL PERMIT

- These permits are site-specific and are developed based on the unique characteristics of a particular facility.

- The permitting authority assesses factors like the facility's operations, the type and quantity of discharge, and the receiving water body to determine the permit's conditions.

- Individual permits are appropriate for facilities with complex or unique discharges that don't fit neatly into a general permit category.

GENERAL PERMIT

- Designed for facilities with similar types of discharges and operations, allowing for a more streamlined permitting process.

- A general permit covers a category of discharges, and facilities that meet the eligibility criteria can obtain coverage under it.

- General permits are often used for discharges that are considered to have a minimal impact on the environment

SAMPLING STORMWATER OUTFALLS

Review Permit Requirements

Identify outfalls and sampling method

Employee Training/ background knowledge

Timing with a rain event/ observe forecasted weather

Proper bottleware/preservatives for specified analytes

Personal Protective Equipment

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POST-CONSTRUCTION SOIL AND EROSION

- Your PAG02 Permit may require Soil and Erosion Inspections for Post-Construction Activity.
- May include Weekly and Post-Rain event inspections
- Subject to PADEP Inspections/ Approval
- Make sure to follow permit guidelines, perform regular inspections and proper BMPs

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2026 EPA GENERAL PERMIT

MSGP: Multi-Sector General Permit

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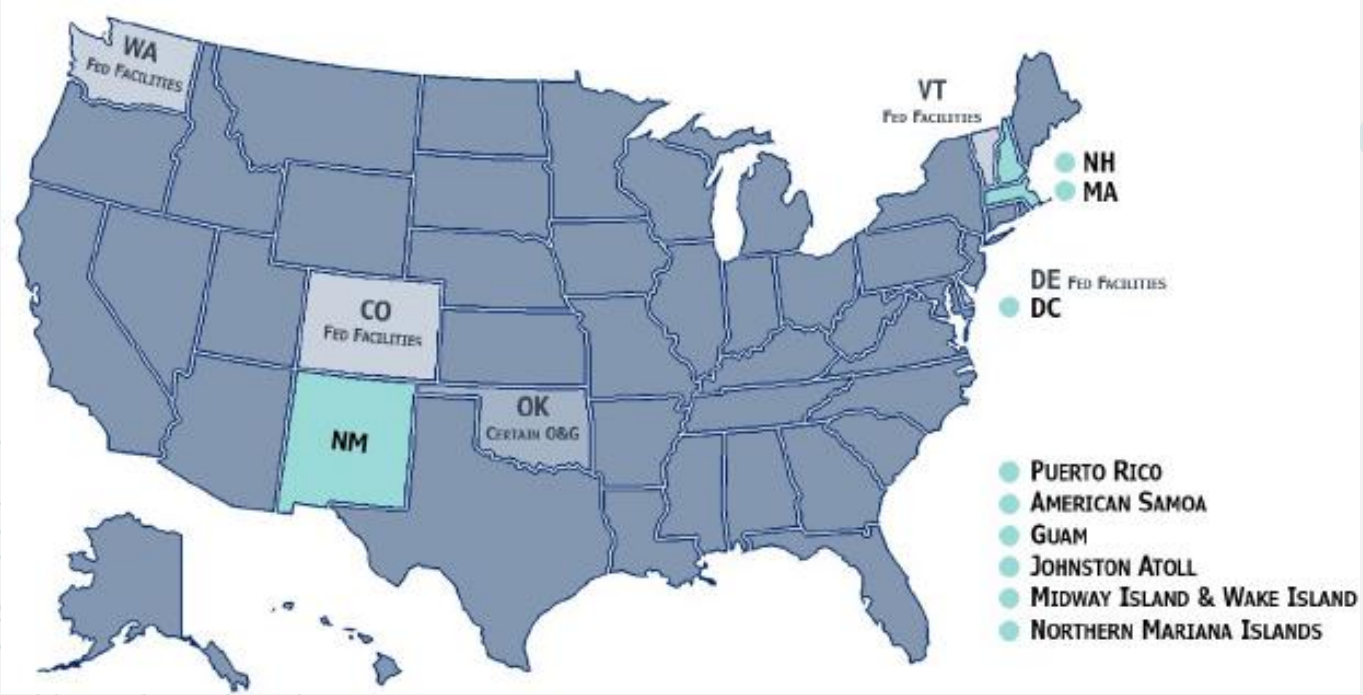
MSGP APPLICABLE AREAS

Approximately 2,000 industrial facilities are currently covered under the MSGP in areas where EPA is the NPDES permitting authority



Pennsylvania= PADEP

Source: https://www.epa.gov/system/files/documents/2025-01/2026-msgp-public-webinar.pdf

COVERED INDUSTRIES

What does the MSGP cover?

The MSGP authorizes stormwater discharges from the following eligible sectors:

A: Timber Products
B: Paper Products
C: Chemical Products
D: Asphalt/ Roofing E: Glass, Clay, Cement
F: Primary Metals
G: Metal Mining
H: Coal Mines
I: Oil and Gas
J: Mineral Mining
K: Hazardous Waste
L: Landfills
M: Auto Salvage Yards
N: Scrap Recycling
O: Steam Electric Generation
P: Land Transportation
Q: Water Transportation
R: Ship/Boat Building, Repair
S: Air Transportation
T: Treatment Works
U: Food Products
V: Textile Mills/Fabric Products
W: Furniture/Fixtures
X: Printing, Publishing
Y: Rubber, Misc. Plastics Products
Z: Leather Tanning/Finishing
AA: Fabricated Metal Products
AB: Transportation Equip.
AC: Electronic, Photo Goods
AD: Non-classified Facilities

Source: https://www.epa.gov/system/files/documents/2025-01/2026-msgp-public-webinar.pdf

WHAT DOESN'T MSGP COVER?

- Construction stormwater discharges (except for mines).
- Stormwater discharges from the non-industrial portions of facilities (most parking lots, office spaces, etc.)
- Wastewater discharges.
- Non-point source discharges.

Source: https://www.epa.gov/system/files/documents/2025-01/2026-msgp-public-webinar.pdf

PROPOSED CHANGES FOR 2026 MSGP

Additional Implementation Measures

Benchmark Monitoring

- -New Schedule
- -New Sectors

Impaired Waters

- -Broader Applicability
- -Corrective Action

Resilient Stormwater Control Design

PFAS Indicator Monitoring

Water Quality Based Effluent Limit (WQBEL)

Clarified Expectation to Report Numeric Results

https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-proposed-2026-msgp

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NO EXPOSURE EXCLUSION

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NO EXPOSURE PERMIT EXCLUSION

A *No Exposure Certification* must be provided to the permitting authority for each facility qualifying for the permitting exclusion.

In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. To retain the exclusion, you must recertify the condition with the permitting authority at least every five years.

If any industrial materials or activities are or will be exposed to precipitation, your facility is not eligible for the no exposure exclusion, and you must obtain NPDES stormwater permit coverage.

NO EXPOSURE PERMIT EXCLUSION

Pitfalls/ Why Not?

Maintaining a “no exposure exclusion” is not an easy task especially with the need for more indoor space.

Although it is appealing to be excluded from permitting, this should be weighed carefully as unannounced facility inspections could result in violations and fines if good housekeeping practices are not continuously maintained. This is especially concerning with water quality issues becoming a new focus for the public and environmental protection agencies.

Good Housekeeping Measures and BMP’s become a **TOP PRIORITY** for facilities with a No Exposure Exclusion at the risk of surprise facility inspections. Even something as simple as leaving a dumpster uncovered could result in a violation.

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SWPPP & BMP

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WHAT IS A SWPPP?

A **Stormwater Prevention Plan (SWPPP)** is a document that outlines how the facility will manage and prevent stormwater runoff from polluting the environment.

Pollutants from facility stormwater runoff can enter nearby waterways posing a threat to aquatic life and human health.

WHY DO WE NEED A SWPPP?

A SWPPP is necessary for:

Legal/Permit Compliance: permit will outline the regulations and standards the facility must meet, including the development and implementation of an SWPPP. Failure to comply with these conditions can result in costly fines, penalties, or even legal action.

Environmental Protection: taking proactive measures to prevent or reduce stormwater pollution from your facility.

Social Responsibility: show your dedication to ethical and sustainable business practices, you enhance your reputation and credibility among customers, partners, regulators, and the public.

Economic Benefits: by optimizing water, energy, and materials usage, you can significantly reduce operational costs

ELEMENTS OF A SWPPP

Elements of a SWPPP include:

-Site Description

-Site Map/ Stormwater Flow Diagram

-Identification of Potential Pollution Sources

-Implementation of Best Management Practices (BMP)

-Procedures for Inspections, Monitoring, and Record Keeping

BEST MANAGEMENT PRACTICES (BMP)

Stormwater management best practices (BMPs) encompass a range of techniques to control the quantity and quality of stormwater runoff.

These practices aim to minimize pollution, reduce flooding, and protect natural resources. Key BMPs include structural solutions like bioretention areas and green roofs, as well as non-structural approaches like watershed planning and community education.

Ex. Rain Garden

Ex. Stormwater Retention Basin

DEFINITION: BEST MANAGEMENT PRACTICES

Stormwater BMPs are **devices, practices, or methods that are used to manage stormwater runoff by controlling peak runoff rate, improving water quality, and managing runoff volume.**

Important considerations when selecting BMPs include but are not limited to:

1) site conditions (slope and soil types)
2) existing and surrounding land uses
3) priority stormwater management goals (e.g. water quality regulations)
4) additional site development or redevelopment goals (e.g. recreational opportunities)

STRUCTURAL BMP

Bioretention: Areas that utilize vegetation and soil to filter pollutants from stormwater.

Green roofs: Vegetated roofs reduce runoff volume and improve water quality.

Permeable pavements: Allow stormwater to infiltrate into the ground, reducing runoff.

Retention ponds: These basins temporarily store stormwater, allowing pollutants to settle out.

Constructed wetlands: These artificial wetlands filter pollutants and provide habitat.

NON-STRUCTURAL BMP

Watershed Planning: Considers the entire watershed to manage stormwater effectively.

Community Education: Raising public awareness about stormwater pollution prevention.

Good Housekeeping Practices: Properly storing materials, preventing spills, and cleaning up spills promptly.

Material Management: Store materials under cover and using secondary containment to prevent spills.

Spill Prevention and Response: Having plans and procedures (SWPPP) in place to prevent and respond to spills.

Erosion and sediment control: Using techniques like silt fences and erosion blankets to prevent soil erosion.

Riparian corridors/buffers: Protecting natural areas along waterways to filter pollutants and stabilize streambanks.

Minimizing disturbance: Reducing the amount of land disturbed during construction to limit runoff.

ADDITIONAL CONSIDERATIONS

Catch-Basin Maintenance: Regularly cleaning catch basins to prevent blockages and remove debris.

Permeable Pavement Maintenance: Regular sweeping and maintenance to ensure proper infiltration.

Construction Stormwater BMPs: Perimeter controls, proper storage of materials, and vehicle washouts to minimize pollution during construction.

Inspections and Monitoring: Regularly inspecting stormwater management facilities to ensure they are functioning properly and monitoring their effectiveness.

HOW CAN CMI HELP?

We offer a unique, specialized service to help maintain compliance with Stormwater Permitting and Post-Construction Stormwater Management (PCSM) regulations.

These services include:

- Permit applications and renewal
- Inspection schedule tracking
- Onsite inspections by qualified professionals including photographic documentation and interviews with store management.
- Developing an SWPPP
- Concise reporting highlighting inspection findings and BMPs as well as recommendations to client for maintenance improved stormwater system conditions.
- Stormwater Sampling
- Soil and Erosion inspections from Qualified Visual Site Inspectors

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THANK YOU!

Have Questions or Need Support?

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Contact: pmaniscalco@complianceplace.com