

**Industrial Storm Water  
Multi-Sector General Permit (MSGP)  
Frequently Asked Questions  
May 8, 2007**

**General Information**

**1. What is storm water?**

Storm water is rainfall runoff, snow melt runoff, and surface runoff and drainage.

**2. Why are storm water permits required?**

Rain and/or snow melt runoff may be contaminated once it comes in contact with manufacturing or processing activities or raw materials stored at an industrial facility. Certain industries, as described in Chapter 40 of the Code of Federal Regulations (CFR), §122.26, must have permits that specify how they will limit storm water pollution in order to improve the quality of streams, lakes, and rivers where the storm water eventually flows.

**Applicability**

**3. Who needs to apply for a storm water permit?**

The need for a permit and the eligibility for coverage are determined by the facility's primary Standard Industrial Classification (SIC) code or by an Industrial Activity Code. Operators of facilities with a primary SIC code, or any Industrial Activity Code included in Part II Section A of the Multi-Sector General Permit (MSGP), must obtain authorization for discharges of storm water associated with industrial activity.

**4. What is an SIC code?**

A Standard Industrial Classification code or SIC code is a four-digit code describing the activities taking place at a facility. Facilities conducting multiple operations may have multiple SIC codes, one describing each activity.

To obtain your SIC code, look at the documentation you received when you registered with the Texas Comptroller of Public Accounts. On that documentation will either be an SIC code or an NAICS (North American Industrial Classification System) code. For help converting a NAICS code to an SIC code, go to the following web site: [www.osha.gov/oshstats/naics-manual.html](http://www.osha.gov/oshstats/naics-manual.html).

**5. What is a primary SIC code?**

A primary SIC code describes the activity that generates the highest net revenue at a facility.

**6. Do I have to obtain permit coverage if storm water is not discharged from my site?**

Potentially. The possibility of discharge is not based on the amount or lack of rain, but on the physical characteristics of the site and whether or not a potential for discharge exists. If it is physically impossible for storm water to discharge from the site, regardless of the amount of rainfall, then a permit is not required **OR** if a facility disposes of all its storm water in one of the following ways, a permit is not required:

- recycling of storm water with no resulting discharge into or adjacent to surface water in the state;
- pumping and hauling of storm water to an authorized disposal facility;
- discharging of storm water to a publicly owned treatment works (POTW);
- injecting storm water underground in accordance with 30 TAC §331;

- discharging to above ground storage tanks with no resulting discharge into or adjacent to surface water in the state; or
- containing of all storm water within property boundaries, with no discharge into surface water in the state, including no discharge during, or as the result of any storm event.

The operator of the site may be required to demonstrate, using engineering calculations or other appropriate methods that no discharge would occur from the industrial site as a result of any storm event. Be aware, if a site operator does not obtain permit coverage and a significant storm event occurs that results in a discharge from the site, then the operator would be in violation of the Texas Water Code.

### **7. Are there different options for authorization?**

Yes. There are three options for obtaining authorization, the Multi-Sector General Permit (MSGP), No Exposure Certification (NEC), or an Individual Wastewater Discharge Permit.

You may obtain authorization for coverage under the **Multi-Sector General Permit (MSGP)** sometimes referred to as the Industrial Storm Water General Permit. General permits cover groups of businesses that conduct similar operations and/or discharge similar wastes. The application process for a general permit is much less complicated, less expensive, and less time-consuming than applying for an individual permit.

Under the MSGP, you can obtain a **No Exposure Certification (NEC)** if all industrial materials or activities are located indoors or protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. Final products intended for outdoor use are not required to be stored indoors or in a storm-resistant shelter.

Lastly, you may obtain authorization using an **Individual Wastewater Discharge Permit**. An individual permit is written specifically for a facility and requires the completion of a detailed technical report. The first step in the application process will require you to contact the Texas Commission on Environmental Quality (TCEQ) Wastewater Permitting Section at 512-239-4671, and ask for the **Industrial Wastewater Permit** application. There are two parts to the application: the administrative report, and the technical report. You need both parts to complete the initial application process.

### **8. How do I claim “no exposure”?**

Facilities must certify that a condition of no exposure exists by submitting a No Exposure Certification (NEC) form (TCEQ-10383). Facilities that claim a condition of no exposure at their site may be subject to enforcement action if the TCEQ or the Environmental Protection Agency (EPA) determines that industrial activities or materials are exposed to storm water runoff. It is important to remember that if you are claiming no exposure, your facility must operate in that manner **at all times**, not just when it is raining. A document of Frequently Asked Questions about no exposure issues can be obtained from the TCEQ web site at <<http://www.tceq.state.tx.us/assistance/sblga/sw.html>>.

### **9. If I store finished products outside where they are exposed to rainfall, can I still qualify for the No Exposure Certification?**

Many final products are intended for outdoor use and they pose little risk of storm water contamination, such as new cars. Therefore, final products intended for outdoor use, **except** those that

contain metals and/or pollutants that can be mobilized in storm water discharge, can be exposed and still allow the facility to certify no exposure. The term “final product” means those products that are not used in producing another product. Any product that can be used to make another product or can be used as part of another product are considered intermediate products and are not eligible for No Exposure Certification.

**10. If I am unable to claim no exposure, how do I obtain permit coverage under the MSGP?**

You must develop a Storm Water Pollution Prevention Plan (SWP3) as described in Part III, Section A of the MSGP, implement that plan on-site at your facility, and submit a Notice of Intent (NOI), and your application fee to the address listed on the NOI.

**11. Do I have to hire a consultant or engineer to prepare my No Exposure Certification, Notice of Intent, or Storm Water Pollution Prevention Plan?**

No. The permit does not require that a consultant or engineer complete the NEC, NOI, or the SWP3.

**12. Will I receive a letter or permit number from the TCEQ once I submit my No Exposure Certification or my Notice of Intent?**

Yes. You will receive an authorization number. A copy of the completed NEC or NOI submitted along with a registered mail return receipt can serve as documentation of permit coverage until your registration number is received. If you submit an electronic application through the State of Texas Environmental Electronic Reporting System (STEERS), you will immediately receive an acknowledgment and that may serve as documentation until a letter of acknowledgment is received. Additional information about the STEERS program can be obtained by calling 512-239-6925 or online at [www.tceq.state.tx.us/permitting/steers/sw\\_industrial.html](http://www.tceq.state.tx.us/permitting/steers/sw_industrial.html).

**13. How soon after I submit my No Exposure Certification or my Notice of Intent does my coverage start?**

Conditional permit coverage begins 48 hours after the NEC or the NOI is postmarked. If you are submitting an application electronically through STEERS, authorization begins 24-hours from the time the application is submitted.

**14. What if I cannot meet all of the requirements of the MSGP?**

If you cannot meet **all** of the requirements in the MSGP, then you should apply for an individual wastewater discharge permit. Contact the TCEQ’s Water Quality Permitting Division at 512-239-4671 for more information.

**15. How much does storm water permit coverage cost?**

If you are submitting an NOI or NEC for coverage under the MSGP, you must include an application fee of \$100. In addition, MSGP permit holders that have filed an NOI will be assessed a \$200 annual water quality fee. The application fee for an individual permit is \$350 and individual permit holders will receive an annual \$500 water quality fee.

**16. How long does my permit coverage last?**

This general permit is issued for a term not to exceed five (5) years. The MSGP was issued August 14, 2006, and will expire on August 14, 2011. Around that time a new permit will be issued and you must reapply for coverage under the MSGP or resubmit your No Exposure Certification.

**17. What major technical changes are included in the new MSGP issued August 14, 2006?**

The major changes to the general permit include:

- Removal of the requirement for a facility owner to sign the application for permit coverage.

- Revisions to the annual Discharge Monitoring Report (DMR) requirements to report results of compliance with numeric effluent limits.
- Benchmark monitoring must now be conducted once every six months throughout the permit term for facilities subject to benchmark sampling.
- Addition of the requirement to maintain a rain gauge and a log for determination of representative storm events.
- Revision of Sector P, Land Transportation and Warehousing, to provide authorization without an NOI for some warehouses that have no exposure.
- Revision of Sector J, related to Mineral Mining and Processing Facilities, to require alternative permit coverage for certain quarries that are addressed in the Texas Water Code at §26.553.
- An increase in the annual water quality fee from \$100 to \$200 per year.

**18. If I owned an industrial facility, but have since gone out of business, but industrial materials are still on my property, do I need to obtain storm water permit coverage?**

Yes. Storm water coverage is required in areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. The permitted facility operator must provide written notice to the TCEQ executive director of inactive status. Following this notification, permit requirements to sample, inspect, examine, or otherwise monitor storm water discharges are waived during the period that a facility maintains inactive status. The sector specific requirements of Part V of the MSGP may include specific requirements for inactive status facilities. Inactive facilities must notify the Executive Director in writing at least 30 days prior to commencing industrial activities and transferring to active status.

**19. If I lease a building from someone, are they required to obtain permit coverage as well?**

No. The owner of a property is no longer required to sign the NOI or NEC for permit coverage. The operator of the industrial facility is the person responsible for obtaining permit coverage.

**20. If I had coverage under the previous MSGP, does my coverage automatically continue under the new permit?**

No. A new NOI or NEC must be submitted to the TCEQ. Coverage does not automatically continue under the new permit.

**Storm Water Pollution Prevention Plans**

**21. What is a SWP3?**

The SWP3 is a plan developed by the facility that thoroughly evaluates potential pollutant sources and describes specific Best Management Practices (BMPs) a facility will implement to minimize and control pollutants that may be discharged in storm water runoff. The SWP3 is a living document that will evolve as conditions change at the facility, or as a result of periodic inspection findings and/or sampling results. The SWP3 is necessary to document how the facility is complying with the permit requirements.

**22. What are storm water Best Management Practices (BMPs)?**

A BMP is a technique, process, activity, or structure used to reduce the pollutant content of a storm water discharge. BMPs include simple nonstructural methods such as good housekeeping and preventative maintenance. Additionally, BMPs can include structural modifications such as the installation of sediment basins, oil/water separators, grit traps, and/or erosion control devices.

## **Sampling and Monitoring**

### **23. What are my sampling and monitoring requirements?**

Sampling and monitoring requirements vary from industry to industry. General Sampling and Monitoring requirements are included in Part III, Section C of the MSGP and should be reviewed prior to conducting sampling and monitoring. Below is an overview of the type of sampling and monitoring requirements listed in the MSGP:

- *Periodic Inspections* (Part III, Section A.5.g.) – typically conducted once per quarter, by qualified personnel at the site. Periodic inspections are used to determine the effectiveness of BMPs employed at the site and must be documented in your SWP3.
- *Quarterly Visual Monitoring* (Part III, Section A.5.h.) – conducted once per quarter, by qualified personnel at the site. The permit requires that you sample your runoff and examine it for floating, settled and suspended solids, color, clarity, sheen, odor, foam, and other obvious indicators of storm water pollution. Results must be recorded in your SWP3. There is a regulatory guidance document to assist you with quarterly visual monitoring that can be downloaded from the TCEQ web site at <[www.tceq.state.tx.us](http://www.tceq.state.tx.us)>. Click on “forms and publications” and search for publication number RG-403.
- *Benchmark Monitoring* (Part IV) – conducted twice a year. Benchmark values are specific to your permit sector. Samples are collected and sent for lab analysis and results are included in your SWP3. In addition to adding benchmark results to the SWP3, permittees will submit a summary of results to the TCEQ once per year, before March 31 of each year, on the Benchmark Summary form, which can be downloaded from the TCEQ web site at <[www.tceq.state.tx.us](http://www.tceq.state.tx.us)>. Click on “forms and publications” and search for form TCEQ - 20091.
- *Numeric Effluent Limits* (Part III, Section D.1. and Part V, Sections A, C, D, E, J, and O) – conducted once per year. Samples are collected and sent for lab analysis and results must be recorded on a Discharge Monitoring Report (DMR) (EPA No. 3320-1) and included in your SWP3. In addition to including your results in your SWP3, if you exceed the limits of a sampling parameter, you must submit a copy of the DMR to the TCEQ by March 31 of each year. Operators of facilities subject to numeric effluent limits in Part V, Sections A, C, D, E, J, O, must submit copies of the DMRs to the TCEQ by March 31 of each year even if they don't exceed the limits of a sampling parameter.

### **24. What are the monitoring periods for the various types of sampling and monitoring required by the MSGP?**

#### *Quarterly Visual Monitoring and Periodic Inspections*

- First quarter – January through March
- Second quarter – April through June
- Third quarter – July through September
- Fourth quarter – October through December

#### *Benchmark Monitoring*

- First period – January through June
- Second period – July through December

#### *Numeric Effluent Limits*

- Samples required on an annual basis should be collected prior to December 31 of each year.

Begin monitoring during the first full monitoring period following the submittal of the NOI.

**25. What is a representative rain event?**

A rain or snowfall event during which there is at least 0.1 inch of measured precipitation that occurs at least 72 hours from the last 0.1 inch or more of measurable precipitation. The event must produce enough storm water runoff to cause a sufficient enough discharge from the outfall to obtain a sample. The 72-hour interval is not required if the preceding storm event didn't produce a discharge sufficient enough for measuring, or if it is documented in the SWP3 that a less-than-72-hour-interval is representative for local storm events in that sampling period.

**26. Is a facility required to sample each outfall at the facility?**

No. For most of the required monitoring in the permit, a facility may sample outfalls during different events provided the storm event meets the criteria of a "representative" storm event. If discharges of storm water through two or more outfalls are substantially the same, you may sample from one outfall and report the results as representative for the other similar outfalls. Information describing each storm event, outfall descriptions, and justification for the similarities in the discharge should be documented and included in the sampling results section of the SWP3. It should also be submitted with the sample results if the samples are collected for Benchmark Monitoring. See Part III, Section C.2 in the MSGP for the requirements you must meet to use representative outfall sampling. Outfalls that include non-storm water flows cannot be substantially similar.

**27. How does a facility determine if a representative rain event has occurred?**

The MSGP requires the operator to maintain a rain gauge on-site or utilize a rain gauge located in the immediate vicinity of the site. The rain gauge must be monitored a minimum of once per week, and once per day during storm events. Once samples have been collected for that sampling period the permittee may discontinue monitoring the rain gauge until the next monitoring period begins. Permittees should include their rain gauge log in the SWP3.

**28. How do I obtain a sample of storm water that only leaves my site in sheet flow?**

First, you must determine if it is true sheet flow. True sheet flow is considered a nonpoint source discharge and does not require sampling. However, true sheet flow at an industrial facility usually does not exist due to the channelization of flow from buildings, curbs, parking lots, roads, etc. Because the site has been graded to collect and convey storm water off-site to prevent flooding, this prevents the occurrence of true sheet flow from the site. According to the EPA description, the discharge must be considered a point source if there is any discernable conveyance, i.e. a shallow swale or rill, a depression, or a curb cut could fit such a description

**29. How long must I keep records related to my storm water permit coverage?**

All records pertaining to your SWP3, including your sampling and monitoring records must be kept for a minimum of three years.