

Does Your Facility's Stormwater Pollution Prevention Plan Meet the New MSGP Sector N Requirements?



Christina Falk

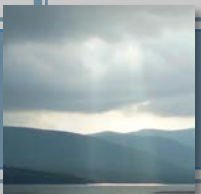
Federation of NY Solid Waste Associations
Solid Waste and Recycling Conference
May 20, 2014



Water Action Compliance Assistance and Planning

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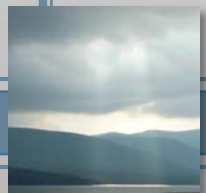
NYS MSGP Evolution

Impaired Waters

Non-numeric Effluent Limitations

Public Education

Record Keeping



NYS MSGP Evolution

1987 Revision of CWA added regulation of stormwater discharges from industrial activities.

- 💧 Major source in 37% of impaired waters
- 💧 Contributing source in 40% of impaired waters
- 💧 Major contributing source in 35% of less severe impacts



source stats and graphic: NYSDEC website 4/8/2014

NYS MSGP Evolution

- 💧 US EPA retains enforcement authority
- 💧 NYS has authority conveyed by EPA (SPDES)
- 💧 NYS previous versions 1993, 1998, 2006, 2011, current version in 2012 (GP-0-12-001) expires 2017 – progressively more stringent



NYS MSGP Evolution

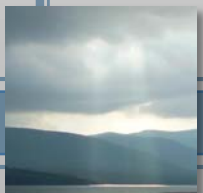
Proposed EPA MSGP:

- 💧 BMPs included in NOI
- 💧 NOI publicly available



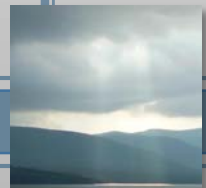
Impaired Waters

Facilities with stormwater discharges to impaired waters included on the 303(d) list or with TMDLs already approved at the time the facility receives coverage and with benchmarks or ELGs that caused the impairment are subject to enhanced SWPPP and monitoring requirements.



Impaired Waterbodies Applicable to MSGP

<http://www.dec.ny.gov/pubs/42978.html>



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Impaired Waterbodies Applicable to Multi-Sector General Permit

Lake George
 Located in Warren County

Information for MSGP

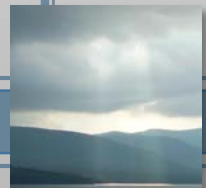
Type of Waterbody	Lake
Pollutant (POC)	Silt/Sediment
Applicable Sectors	A, D, E, F, G, I, J, K, L, M, N, U, V, Q, R, AD, AE
PWL ID Number	1008-0016

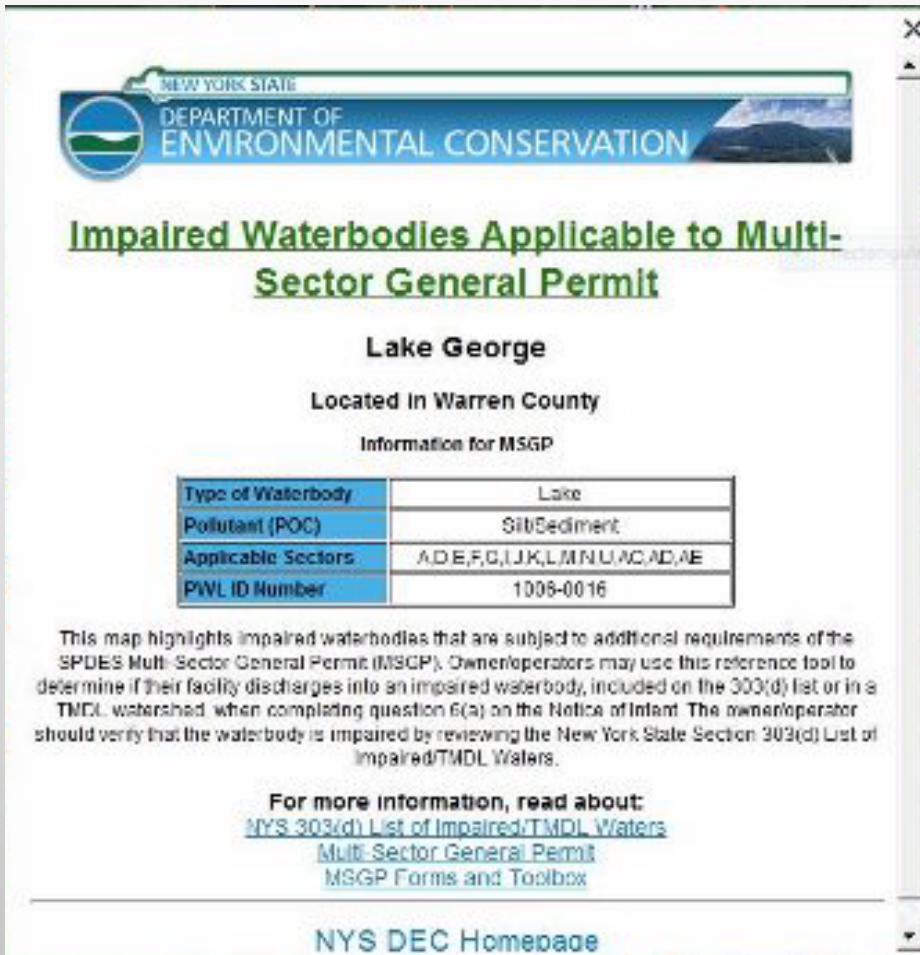
This map highlights impaired waterbodies that are subject to additional requirements of the SPDES Multi-Sector General Permit (MSGP). Owner/operators may use this reference tool to determine if their facility discharges into an impaired waterbody, included on the 303(d) list or in a TMDL watershed, when completing question 6(a) on the Notice of Intent. The owner/operator should verify that the waterbody is impaired by reviewing the New York State Section 303(d) List of Impaired/TMDL Waters.

For more information, read about:
[NYS 303\(d\) List of Impaired/TMDL Waters](#)
[Multi-Sector General Permit](#)
[MSGP Forms and Toolbox](#)

NYS DEC Homepage

Imagery Date: 9/18/2013 | lat: 43.547723° | lon: -73.536613° | elev: 1608 ft | Layer: 10.13 m





NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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Type of Waterbody	Lake
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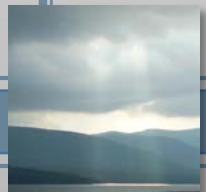
See
Appendix G
for Sectors affected
by pollutants
causing impairment



Impaired Waters

Dischargers to impaired waters must:

- 💧 Establish eligibility
- 💧 Additional SWPPP requirements
- 💧 Enhanced monitoring requirements



Impaired Waters - Part II.C.1

To establish eligibility, document:

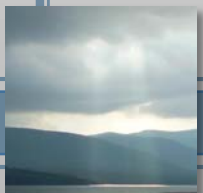
- 💧 Pollutant of concern is not exposed to precipitation, or
- 💧 Pollutant of concern is not present on site, or
- 💧 Select and implement appropriate BMPs minimizing POC exposure



Impaired Waters - Part IV.B.1.g

Enhanced monitoring, analysis and reporting requirements:

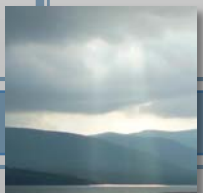
- ☹ Facility must collect a stormwater sample for analysis for pollutant of concern causing impairment on a quarterly basis
- ☹ Representative outfall waiver is not available
- ☹ Considered compliance monitoring rather than benchmark



Impaired Waters - Part III.F.4

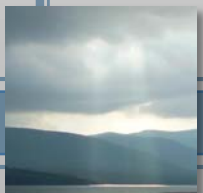
Additional SWPPP requirements:

- 💧 Identify impaired waterbody and POC that has been handled, treated, stored or disposed
- 💧 Potential for presence of POC in stormwater
- 💧 BMPs selected to control POC exposure to stormwater



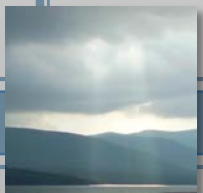
General SWPPP Requirements

- 💧 Update pre-existing SWPPP/Keep SWPPP Current
- 💧 Reflect new requirements
- 💧 Include BMPs meeting Non-Numeric Effluent Limits
- 💧 Benchmark/compliance monitoring changes
- 💧 Corrective actions
- 💧 Records/Reporting



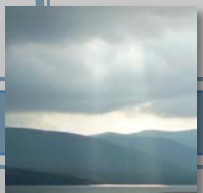
General SWPPP Requirements

Review Part I. B of the permit to understand
Control Measure (BMP) design considerations and
Non-Numeric Technology Based Effluent Limits (TBELs).



What are Non-Numeric Technology Based Effluent Limits?

Technology-based effluent limits (TBELs) are required under the CWA as the “minimum level of control that must be imposed” in an NPDES permit. ~ CWA section 301(b)(1)(C)

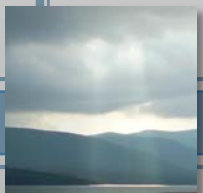


What are Non-Numeric Technology Based Effluent Limits?

BPT - Best **Practicable** Control Technology identified by EPA as effluent limitations.

BAT - Best **Available** Technology Economically **Achievable** based on performance in an industrial category.

BCT - Best **Conventional** Pollutant Control Technology

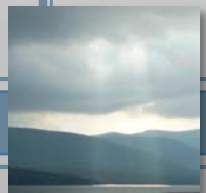


What are Non-Numeric Technology Based Effluent Limits?

Numeric Effluent Limitation Guidelines (ELGs) – concentrations

<i>Table VIII-N-1</i> <i>Sector N – Numeric Effluent Limitations (Subsector N4 Only)</i>		
Parameter	Effluent Limitations	
	Daily Maximum	30 Day - Average
Total Mercury*	50 ng/L	
PCBs	200 ng/L per Aroclor**	

*Mercury Analysis shall be by EPA Method 1631
** Required for Aroclors 1016, 1221, 1232, 1242, 1248, 1254 and 1260. If 65 ng/L per Aroclor or more is detected, *owner or operator* shall make adjustments to their *BMPs*

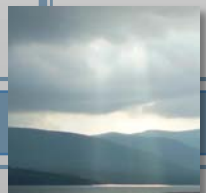


What are Non-Numeric Technology Based Effluent Limits?

Non-numeric (Narrative) ELGs

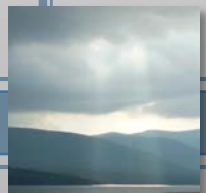
Ex. Required practices

N-1 & N-2	Inbound Waste Control Program	Provide totally enclosed drop off containers for the public whenever possible. When determined to be impractical, the SWPPP must describe the measures implemented to either prevent the discharge of contaminated stormwater from containers, or the containers should be subject to screening and monitoring required in Part III.F.3.
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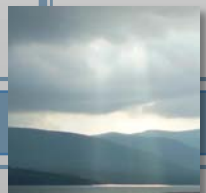
What are Non-Numeric Technology Based Effluent Limits?

Non-numeric (Narrative) ELGs
Ex. Description of prohibited visual result



BMP Design Selection – “*Must Consider*”

- 💧 Identify/limit pollutant sources – use less toxics
- 💧 Minimize activities/pollutants in exposed areas
- 💧 Limit contact with stormwater
- 💧 Conserve natural areas, especially at perimeter
- 💧 Divert, berm, intercept, capture
- 💧 Use practices in combination

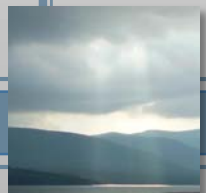


BMP Design Selection – “*Must Consider*”

Justification of variations from ELGs

The owner or operator must evaluate the applicability of the BMPs in Part VIII.

If the operator concludes that the BMPs are not appropriate, include explanation in the plan.



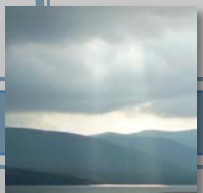
Describe compliance with the following TBELs:

- 💧 Minimize exposure
- 💧 Good housekeeping
- 💧 Preventative maintenance
- 💧 Erosion and sediment controls



Describe compliance with the following TBELs:

- 💧 Manage runoff
- 💧 Salt storage piles or piles containing salt
- 💧 Sector-specific non-numeric effluent limits
- 💧 Spill prevention and response procedures



Describe compliance with the following TBELs:

- 💧 Eliminate non-stormwater discharges
- 💧 Manage waste, garbage and floatables
- 💧 Prevent dust generation and tracking
- 💧 Training



Sector N Subsectors

N-1 Source separated at
transfer stations/landfills

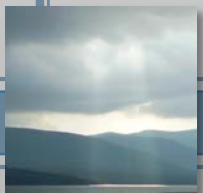
N-2 Mixed waste stream

N-3 Non-liquid

N-4 Shredder

N-5 Liquids (oil, antifreeze)

N-6 Ship dismantling



Sector N Requirements

Inbound waste control program

- 💧 Procedure for inspection of inbound loads
- 💧 Supplier notification - acceptable and conditionally acceptable materials
- 💧 Develop and distribute educational materials
- 💧 Staff training – acceptable material



Sector N Requirements

Inbound waste control program

- 💧 Drain and properly recycle/dispose of residual fluids prior to delivery to the facility.
- 💧 Remove and properly collect, recycle and/or dispose of PCB-, mercury- and lead- containing parts and refrigerants.
- 💧 Remove and properly collect/dispose of PCB capacitors, & other contaminants from appliances.



Sector N Requirements

Manage particulates

- 💧 Frequent sweeping of haul and access roads
- 💧 Good housekeeping – Prevent accumulation of matter and fluids



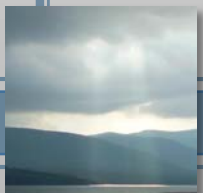
Sector N Requirements

Practices for managing stockpiles

Document the following or equivalent*:

- 💧 Store one day's volume indoors
- 💧 Divert runoff to sanitary sewer
- 💧 Cover
- 💧 Install oil/water separator, filter, treat

* List does not include all requirements



Sector N Requirements

Manage fluids

Document the following or equivalent*:

- 💧 Drums indoors
- 💧 No washwater on tipping floors
- 💧 Prohibit discharge of washwater
- 💧 Drip pans under equipment until repaired

* List does not include all requirements



Sector N Requirements

Lead-acid battery program

Describe the procedures for:

- Proper handling, storage and disposal of cracked, broken, leaking batteries
- Collection and disposal of battery fluid
- Eliminating exposure
- Staff battery management training



Sector N Requirements

Other categories requiring documentation:

- 💧 Shredder operation
- 💧 Indoor storage areas
- 💧 Spill and leak prevention
- 💧 Waste processing
- 💧 Transfer/rail transfer areas



Sector N Requirements

Public Education Program Development

- 💧 Identify target audience
- 💧 Select appropriate media for audience
- 💧 Consider providing info in multiple languages
- 💧 Consider distribution – cost, likelihood that material will be reviewed



Sector N-1 Education

💧 Transfer station examples:

Target general public– mailing, local cable, posters in public places

Schools – distribute flier for coloring for home review, attractive poster for home recycling area

Goals – Increase recycling, Better compliance



Sector N-1 Education

- Transfer station drop-off area examples
 - Poster at receiving area
 - Take-home fliers
 - Provide info on common recyclables, plus info on recycling scrap lead-acid batteries, electronics, waste oil, white goods



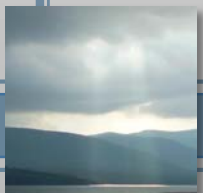
Sector N-3 - N-6 Education

Examples Supplier/Staff/Public Education Topics

End of Life Vehicles (ELVs) - ELVs must be free of leaks.

Scrap batteries -Remove scrap lead-acid batteries from loads and deliver in a non-leaking container.

State policy re alkaline, Lithium Ion, Nickel-Cadmium and other non-lead- acid batteries.

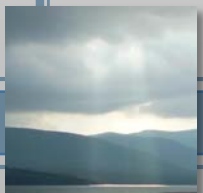


Examples Supplier/Staff/Public Education Topics

White goods – Policies regarding refrigerants; PCB capacitors; mercury switches and thermocouples; asbestos-containing insulation

Containers

Empty drums, totes and other containers must be unsealed or have holes of sufficient size cut in them to allow easy inspection.



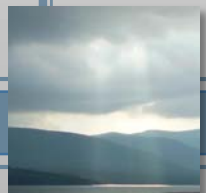
Examples Supplier/Staff/Public Education Topics

Pressurized cylinders

Empty pressurized cylinders with valves must be removed or visibly punctured prior to delivery.

Lighting fixtures

Mercury vapor, halide-containing or fluorescent bulbs, ballasts and capacitors must be removed from outdoor and other large lighting fixtures prior to arrival.



Examples Supplier/Staff/Public Education Topics

PCB-containing equipment

Loads containing ballasts and capacitors manufactured before the 1980s often contain PCBs and are not accepted unless they have been drained and decontaminated per federal TSCA/PCB regulations prior to delivery, or labels indicate that they contain less than 50 mg/kg of PCBs per 40 CFR 761 and labeled “no PCBs”.



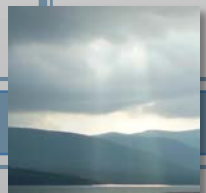
Examples Supplier/Staff/Public Education Topics

Computers and electronics such as televisions contain heavy metals and may contain batteries considered universal waste.

Indicate whether such electronics are generally accepted or conditionally accepted.

Ex. of conditional acceptance:

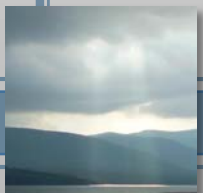
These materials may be accepted if the cathode ray tubes, circuitry, lamps and batteries have been removed



Examples Supplier/Staff/Public Education Topics

Asbestos-containing materials containing thermal insulation and spray on coatings (pre- 1980) are regulated. Describe policy.

Free flowing fluids must be absent from loads delivered to the facility.



Examples Supplier/Staff/Public Education Topics

Radioactive material

Radioactive material is not acceptable. Pipes used for the development of natural gas wells, some medical equipment, and military scrap are examples of material that may be radioactive.

Sources of lead – Specify lead handling policy

Lead or lead-bearing material mixed with ferrous material, and lead-painted metals are not accepted.



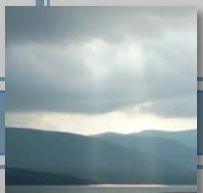
Examples Supplier/Staff/Public Education Topics

Sources of mercury

Mercury-containing switches, thermostats, gas meters or other devices containing mercury must be removed from mixed loads prior to delivery.

Fluid containers

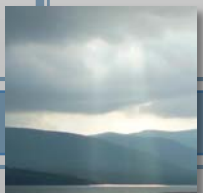
Totes, drums, other containers must be accurately labeled or they will be rejected.



Examples Supplier/Staff/Public Education Topics

Not accepted:

- Flammable or combustible materials
- Loads mixed with used oil filters
- Ammunition or other explosive materials
- Trash mixed with recycling

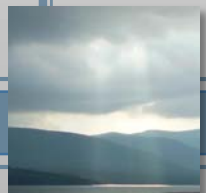


How will your facility fare in an inspection/review?

There are 17 types of inspections, stormwater monitoring data, reports, correspondence that must be kept with SWPPP.

To ensure readiness/compliance:

- Complete the annual comprehensive site compliance evaluation
- Perform a thorough SWPPP review – compare with current permit requirements
- Develop an organized record keeping system
- Post an inspection/monitoring schedule
- Clear assignment of responsibility for implementation, inspection, record keeping and follow up.



Water Action Compliance Assistance and Planning

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<http://www.wacaap.com/presentations.html>

