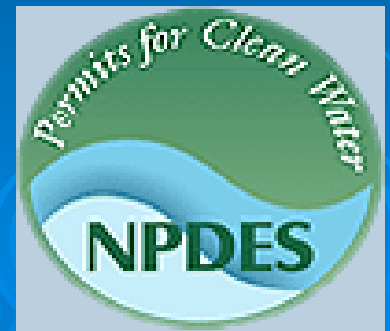



# An Overview of the (Almost) Re-Issued Multi-Sector General Permit (MSGP)



# Topics to be Covered

- Discussion of changes from the MSGP-2000
  - Conditions added by the MA-DEP water quality certification
  - Summary of comments received
  - Next steps
- 

# Notable Changes from MSGP 2000

- 30 day waiting period for authorization
- Provisions related to Endangered Species Act and National Historic Preservation Act
- Monitoring
- Some benchmarks & benchmark values
- Framework for meeting water quality standards
- Discharges to impaired waters requirements
- Sector-specific SWPPP requirements
- Response to exceedances
- Reporting

# Discharge Authorization Timeframe

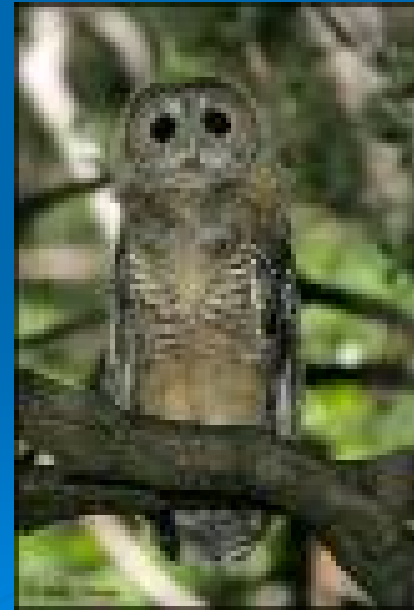
There is a 30-day waiting period for facilities that have correctly completed NOI applications. The period begins when EPA posts the NOI on the e-NOI website. Authorization to discharge is granted at the end of the 30 day period unless EPA has substantive reason to delay or deny authorization.

Purposes:

- 1) Opportunity for Services to review proposed discharge, and
- 2) Opportunity for public to view NOI.

# Endangered Species Act

- Additional eligibility criterion, D, was added: coordination between operator & Services concluded; Services have provided written statement that adverse effects not likely; any conditional provisions included in SWPPP.



# National Historic Preservation Act

- A fourth eligibility criterion, D, was added: operator contacted state or tribal Historic Preservation Officer with information of the potential to have an effect on historic properties, and did not receive a response within 30 days.



# Monitoring

- Inactive and unstaffed sites may exercise visual & benchmark monitoring waivers as long as there are no industrial materials or activities exposed.
- Monitoring commences in year 1; additional monitoring, if necessary, in year 2.
- Follow-up monitoring requirements have been added when results indicate a discharge exceeds a numeric effluent limit, or causes and contributes to an exceedance of a water quality standard, and to verify that BMPs have been modified to protect water quality.

# Sector Specific Monitoring

- All sectors have Total Suspended Solids (TSS) as a benchmark monitoring requirement. (100 mg/l)
- 12 sectors did not have any monitoring requirements under the MSGP 2000, but now have the TSS monitoring requirement.

# Benchmark Values

The following benchmark values were changed, largely to reflect updated federal water quality criteria:

- Antimony
- Arsenic
- Cadmium
- Chromium
- Copper
- Cyanide
- Phenols
- Selenium
- Silver
- Turbidity

# Modified & New Benchmark Values

Pollutant	2000 MSGP	2006 MSGP	Sector(s)
Antimony	0.636 mg/L	0.64 mg/L	G
Arsenic	0.16854 mg/L	0.15 mg/L	A, G, K
Cadmium	0.0159 mg/L	0.022 mg/L	G, K
Chromium	--	1.8 mg/L	A
Copper	0.0636 mg/L	0.014 mg/L	A, F, G
Cyanide	0.0636 mg/L	0.022 mg/L	K
Phenols	--	0.016 mg/L	A
Selenium	0.2385 mg/L	0.005 mg/L	G, K
Silver	0.0318 mg/L	0.0038 mg/L	G, K
Turbidity	5 NTU above background	50 NTU	G

# State 401 Certification Conditions

## ➤ Sector Q

- Copper added - hardness dependent
- Tri-butyl tin added - 0.42  $\mu\text{g/l}$

## ➤ Sector R

- Aluminum added - 0.75 mg/l
- Iron added - 1.0 mg/l
- Lead added - hardness dependent
- Copper added - hardness dependent
- Tri-butyl tin added - 0.42  $\mu\text{g/l}$

# Response to Benchmark Exceedances

- Exceedance: average of 4 sample values
- MA-DEP Exceedance: any single sample
- Review SWPPP (14 days) to determine adequacy.
- If operator determines SWPPP is adequate, must document, and reduce monitoring frequency to once annually.
- If operator determines SWPPP is inadequate must initiate corrective action and continue monitoring for another 4 quarters.

# Framework for Meeting Water Quality Standards

- Meeting water quality standards is now a permit requirement rather than an eligibility requirement.
- Two scenarios
  - Impaired waters without a TMDL
  - Impaired waters with an approved TMDL

# Impaired Waters Requirements

## - No or Pre-TMDL -

- Must comply with any state- or tribe-specified requirements.
- Must monitor discharge annually\* for pollutant of concern.
- Monitoring may be waived after 1 year if pollutant is not detected in the discharge & the SWPPP documents that the pollutant is not present at the facility or exposed to precipitation

\* Unless otherwise specified by state or tribe

# Impaired Waters Requirements

## - TMDL -

- Must develop and implement SWPPP to meet applicable WLA(s).
- Must monitor annually\* for pollutant of concern.
- Monitoring may be waived after one year if WLA expressed only in terms of BMPs, pollutant of concern is not detected in the discharge, and the SWPPP documents that required BMPs have been implemented.

\* Unless otherwise specified by state or tribe

# Response to Exceedances of Effluent Limitations

- Exceedance: any single sample value.
- Modify SWPPP (14 days) and implement new or modified BMPs (prior to next precipitation event or 60 days).
- Within 30 days of implementing improved BMPs conduct follow-up monitoring; report data to EPA.
- If monitoring indicates a continued exceedance, submit Exceedance Report to EPA within 30 days.
- As long as limit or standard exceeded monitoring must continue no less than quarterly.

# Reporting

- Monitoring data must be reported within 30 days of receiving lab reports.
- When follow-up monitoring reveals continued exceedance of water quality standard, effluent limit or wasteload allocation, Exceedance Report must be submitted to EPA within 30 days of receiving lab reports.
- Unauthorized release or discharge: verbally within 24 hours and in writing within 5 days if threat to human health; otherwise in writing within 30 days.

# Electronic Application and Reporting

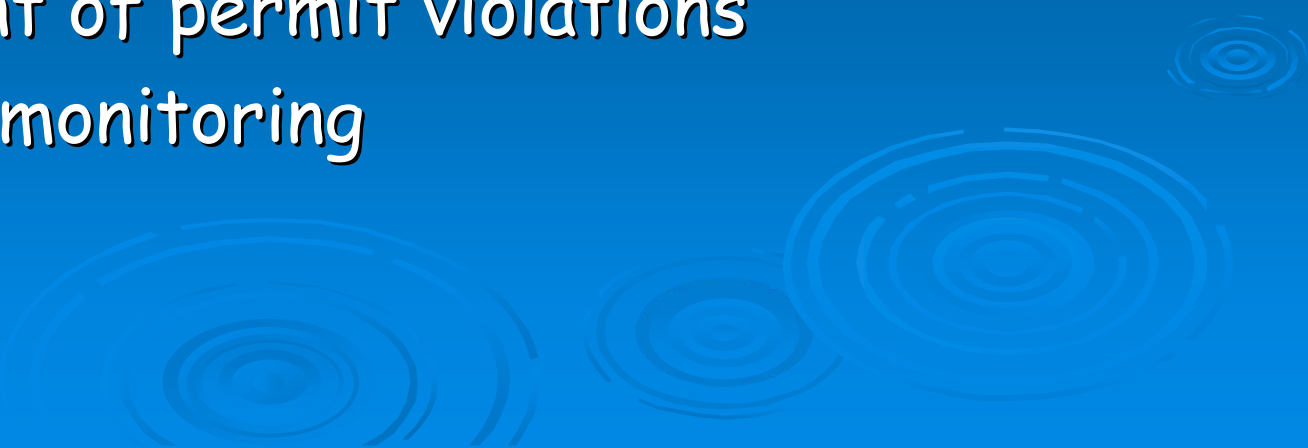
([www.epa.gov/npdes/eNOI](http://www.epa.gov/npdes/eNOI))

- Applications or "Notices of Intent" will again be filed electronically via EPA's eNOI system.
- All applicants will receive an electronic summary of their monitoring requirements.
- Online filing of monitoring data will also be available via the eNOI system.
- Electronic filers will receive reminder emails and instructions if benchmarks or limits are exceeded.
- Using the electronic system will be much faster and easier!

# Breakdown of Comments

- Comment period ended 2/16/2006
- Total comment letters received - 92
  - Private citizens - 3
  - Environmental groups - 7
  - Government - 20
  - Industry - 52
  - Other - 10
- Total comments - 1100 (approx)

# Major Issues and Comments

- Public availability of SWPPP
  - Identification of impaired waters and pollutants of concern
  - Authorization of new discharges to impaired waters
  - Anti-degradation compliance
  - Enforcement of permit violations
  - Benchmark monitoring
- 

# Next Steps

- EPA develop response to comments
- ESA Consultation - Concurrence from FWS and NOAA
- Sign off from Office of Management and Budget (OMB)
- Final publication in Federal Register

# While Waiting...

- If covered by the MSGP, permit is administratively continued
  - Continue visual monitoring
  - Continue analytical monitoring
- If need a permit, develop SWPPP consistent with the MSGP-2000
- Apply for new MSGP when available

# Questions

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