

## EPA Issues Final NPDES Stormwater Multi-Sector General Permit for Industrial Activities

2008-09-25

On September 29, 2008, EPA will publish a final Multi-Sector General Permit (MSGP), which authorizes stormwater discharges associated with industrial activity under the National Pollutant Discharge Elimination System program. The permit will replace the previous MSGP, which was issued in October 2000 and expired in October 2005. EPA administratively continued coverage under the 2000 MSGP after it expired, allowing facilities that had been covered to continue to comply with the terms of the expired permit until a new permit was issued.

The new MSGP requires existing dischargers that are operating under the original 2000 MSGP, and new dischargers who commenced covered activities between October 30, 2005, and January 5, 2009, to submit a Notice of Intent (NOI) to EPA by January 5, 2009.

### **Industrial Stormwater Discharges Under the NPDES Program**

EPA regulates "stormwater discharges associated with industrial activity" under Section 402(p) of the Clean Water Act (CWA), and has defined the term in a comprehensive manner to include discharges associated with a large variety of facilities. Since its original issuance, the MSGP has provided a means for many companies to comply with the requirements of the CWA, while avoiding the need to obtain an individual stormwater discharge permit.

### **The Final 2008 MSGP**

The 2008 MSGP differs from the 2000 MSGP in several significant ways. The waiting period for operators who have submitted a complete NOI has been extended from two days to 30 or 60 days, depending on individual circumstances. NOIs will now be posted on the internet, and are reviewable by the public during the waiting period. A new "eNOI" system has been implemented, which will allow operators to submit NOIs electronically, and to gather TMDL and receiving water information quickly. This system will also allow for electronic data reporting. The 2008 MSGP contains new water quality-based effluent limit and antidegradation requirements, and imposes new corrective action responsibilities on permittees. It also imposes new monitoring requirements on certain permittees, and requires all permittees to submit an annual report to EPA.

Additional changes include a more precise delineation of effluent and Storm Water Pollution

Prevention Plan requirements, the requirement that dischargers supply certain additional information in NOIs, adjustments to benchmarks for ammonia and certain heavy metals to further protect endangered species, and provisions requiring the protection of historic properties during the construction of certain stormwater control measures.

The 2008 MSGP contains significant changes and requires action within a relatively short time. Some industry specific changes may expose permittees to new regulatory risks. Entities with affected interests should familiarize themselves with the new permit requirements.

Click [here](#) to view the new MSGP and an EPA fact sheet.

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