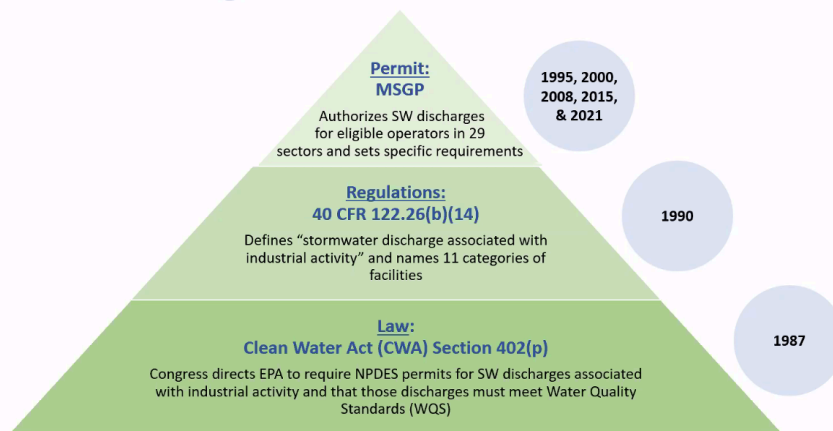


MSGP Background

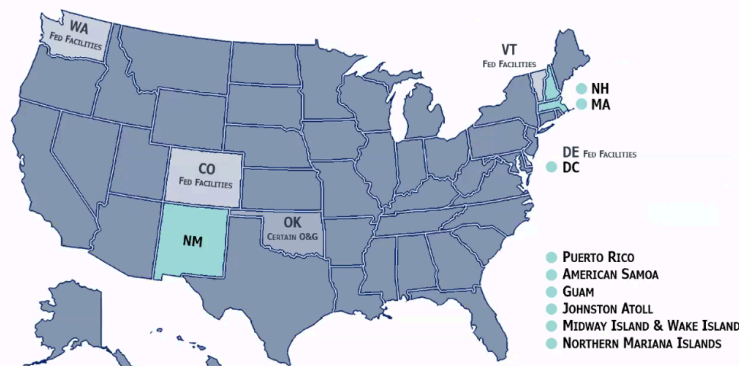
- The Clean Water Act requires a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges from certain industrial activities.
- EPA offers coverage for “stormwater discharges associated with industrial activity” under the Multi-Sector General Permit (MSGP) to facilities in areas where EPA is the permitting authority.
 - 29 industrial sectors [40 CFR 122.26(14)(b)] included in the permit = “multi-sector”.
- MSGPs are issued for 5-year terms.
- Current 2021 MSGP expires on February 28, 2026.

How does EPA regulate industrial stormwater?



MSGP Applicable Areas

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



Covered Industries

What *does* the MSGP cover?

The MSGP authorizes stormwater discharges from the following eligible sectors:

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

Background

What *doesn't* the 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.

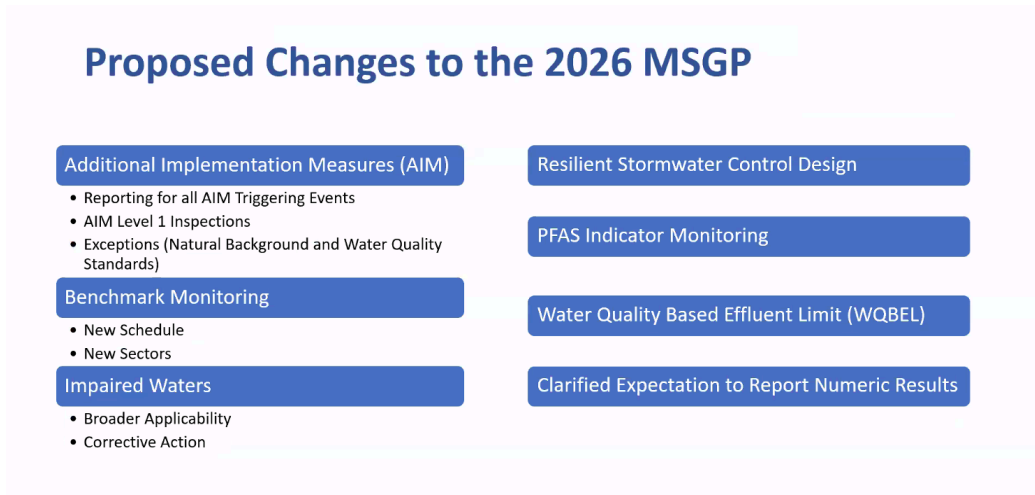
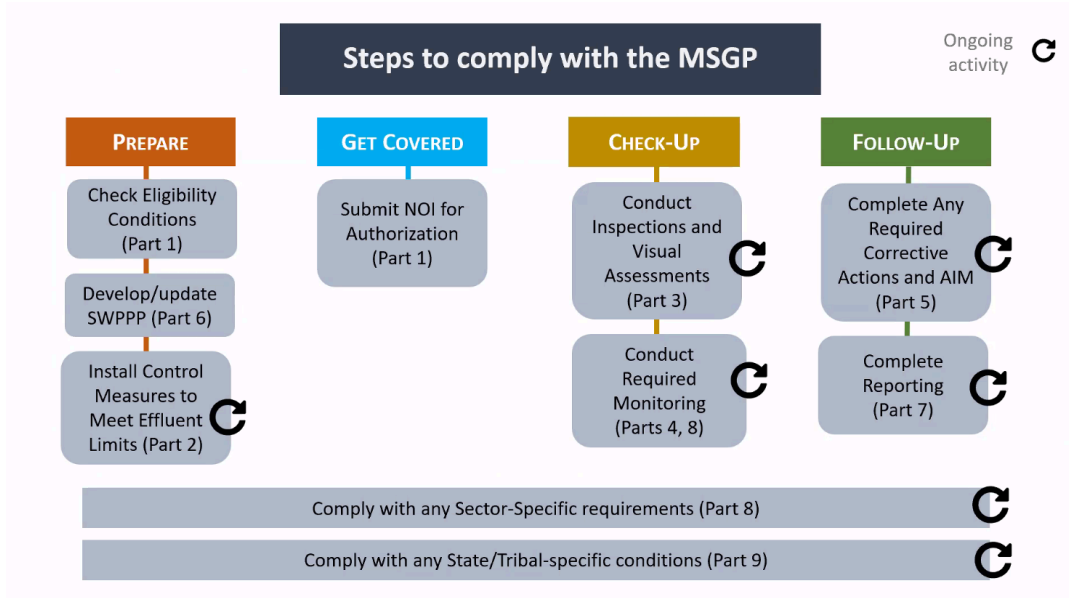
Key things to know before getting permit coverage

Operators must:

- ✓ Meet eligibility requirements, such as National Historic Preservation Act requirements and Endangered Species Act requirements.
- ✓ Develop/update a stormwater pollution prevention plan (SWPPP).
- ✓ File a Notice of Intent (NOI) and wait a minimum of 30 days before discharging.
- ✓ Become familiar and comply with any State- or Tribe-specific water-quality based requirements (from the CWA section 401 certification process).

Operators should also know that:

- ⚠ Industrial stormwater discharges must meet applicable water quality standards (CWA §402(p)(3)(A)).
- ⚠ A no exposure certificate is available for facilities that can certify that industrial activities are not exposed to stormwater.



AIM – Response Reporting

Additional Implementation Measures (AIM) – After a facility receives lab results that indicate an AIM triggering event, they would need to submit a report of planned corrective action and a follow up report when corrective action is taken.

2021 MSGP	Proposed 2026 MSGP
In the annual report (Appendix I), operators must provide a summary of the past year's AIM documentation	<p>Part 5.2: The AIM Triggering Event Report must include:</p> <ul style="list-style-type: none"> Within 14 days of the AIM Triggering Event: <ul style="list-style-type: none"> A description of the planned corrective action, The planned date of the corrective action. Within 14 days of completing the corrective action: <ul style="list-style-type: none"> The actual date of completion, Any changes to the planned corrective action.

Gives facility and EPA more real-time feedback.

AIM – Level 1 Inspections

Additional Implementation Measures (AIM) - Requiring a facility that triggers AIM Level 1 to conduct an inspection to identify the pollutant source for benchmark exceedance within 7 days of triggering AIM

2021 MSGP	Proposed 2026 MSGP
<p>5.2.3.1 AIM Level 1 Responses. If any of the triggering events in Part 5.2.2 occur, you must: Review SWPPP/Stormwater Control Measures. Immediately review your SWPPP ... and Implement Additional Measures. After reviewing your SWPPP/stormwater control measures, you must implement additional measures, considering good engineering practices, ... you must document per Part 5.3 and include in your annual report why you expect your existing control measures to bring your exceedances below the parameter's benchmark threshold for the next 12-month period.</p>	<p>5.2.3.1 AIM Level 1 Responses. If any of the triggering events in Part 5.2.2 occur, you must:</p> <ol style="list-style-type: none"> Conduct an Inspection. Conduct and document an inspection as described in Part 3 to investigate the cause of the benchmark exceedance(s) within 7 days of triggering AIM Level 1. Submit the findings of your inspection electronically via NeTMSGP per Part 7.2.1. You must also document in your SWPPP the results of your inspection. ... Review your SWPPP Implement Additional Measures

AIM - Exceptions

Natural Background Exception: Proposes that operators sample and provide numeric results of pollutant in stormwater from natural background and get EPA approval to claim natural background exception.

2021 MSGP	Proposed 2026 MSGP
<p>5.2.6.1 You must demonstrate that the benchmark exceedance is solely attributable to the presence of that pollutant in natural background sources, provided that all the following conditions are met and you submit your analysis and documentation to the applicable <i>EPA Regional Office upon request</i>:</p> <ol style="list-style-type: none"> The four-quarter averageyour supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) 	<p>5.2.6.1 You must demonstrate <i>and obtain EPA agreement</i> that the benchmark exceedance is solely attributable to the presence of that pollutant in natural background sources, provided that all the following conditions are met:</p> <ol style="list-style-type: none"> The four-quarter average... You submit documentation with a supporting rationale and EPA concludes that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale with <i>analytical results of uncontaminated (i.e., before entering an area with industrial activity occurring) stormwater coming from natural, undisturbed areas,</i>

More analytical data needed before stormwater enters industrial activity. The facility would need to wait for EPA to verify before changes in AIM monitoring.

Benchmark Monitoring - New Schedule

Schedule: Proposes a modified benchmark monitoring schedule. Previously, monitoring was required in Years 1 and 4 if no AIM triggering event occurred. EPA is proposing quarterly monitoring for the first three years.

2021 MSGP	Proposed 2026 MSGP
<p>Part 4.2.2.3 (a): Year one of permit coverage: You must conduct benchmark monitoring for all parameters applicable to your subsector(s) for four quarters in your first year of permit coverage, beginning in your first full quarter of permit coverage, no earlier than May 30, 2021.</p> <ol style="list-style-type: none"> If the annual average for a parameter does not exceed the benchmark threshold, you can discontinue benchmark monitoring for that parameter for the next two years (i.e., eight quarters). 	<p>Part 4.2.2.3 (a): After obtaining <i>twelve quarterly samples, if the annual average for a parameter does not exceed the benchmark threshold</i>, at any time in the first three years of permit coverage you can discontinue benchmark monitoring for that parameter for the remainder of the permit term.</p>

Benchmark Monitoring - New Sector

Updating Monitoring Requirements for Certain Sectors – Proposes, for certain sectors, a shift from indicator (report-only) monitoring to benchmark monitoring and AIM requirements. Proposed subsectors had monitoring data reported under the 2021 MSGP with a significant number of data points that would have exceeded the applicable benchmark.

2021 MSGP	Proposed 2026 MSGP
Indicator monitoring only for the listed subsectors.	<p>Shift to benchmark monitoring for 11 subsectors whose indicator monitoring from the 2021 MSGP had a significant number of data points that would have exceeded the applicable benchmark and those sectors with numerous data points that far exceeded the benchmarks:</p> <ul style="list-style-type: none"> • E3 – Glass and Stone Products • I1 – Oil and Gas Extraction • L2 - Landfills • N2 – Source – separated Recycling Facilities • O1 – Steam Electric Generating Facilities • P1 – Land Transportation and Warehousing • R1 – Ship and Boat Building and Repairing Yards • U3 – Meat and Dairy Products • Y2 – Misc. Plastics • AB1 – Transportation Equipment, Commercial Machinery • AD1 – Non-Classified Facilities (designated by director)

Impaired Waters – Broader Applicability

Impaired Waters Monitoring – Proposes a change to the schedule and would broaden the applicability of monitoring to all impaired waters.

2021 MSGP	Proposed 2026 MSGP
Part 4.2.5.1: Discharges to impaired waters without an EPA-approved or established TMDL - Monitoring is required annually in the first year of permit coverage and again in the fourth year of permit coverage as follows, unless you detect a pollutant causing an impairment, in which case annual monitoring must continue.	Part 4.2.5.1: For discharges to impaired waters with or without an EPA-approved or established TMDL, monitoring is required quarterly for the entirety of the permit term.

Impaired Waters – Corrective Action

Impaired Waters Monitoring – Proposes adaptive measures that would require operators to take action to eliminate discharge of pollutants causing impairments. (Also see Part 5.2.3)

2021 MSGP	2026 MSGP
No equivalent	<p>Part 4.2.5.1(a): If any of your monitoring results indicate that the pollutant of concern is detected in your stormwater discharge, or is outside the acceptable range for a given parameter (e.g., pH, temperature) for the waterbody to meet its designated use, you must:</p> <ol style="list-style-type: none"> i. comply with AIM Level 1 Responses in Part 5.2.3.1 ii. take all reasonable steps as described in Part 2.1.2.3 to prevent the discharge.

Resilient Stormwater Control Design

Designing for Resilience – Proposes requirement to ensure that operators consider a more resilient, proactive approach, using best available data to design SCMs to withstand future weather conditions.

2021 MSGP	Proposed 2026 MSGP
<p>Part 2.1.1.8: Implementing structural improvements, enhanced/resilient pollution prevention measures, and other mitigation measures can help to minimize impacts from stormwater discharges from major storm events such as hurricanes, storm surge, extreme/heavy precipitation, and flood events.</p>	<p>Part 2.1.1.8: When implementing structural improvements, adaptive measures, or a combination of adaptive measures can help to minimize impacts from stormwater discharges from major storm and flood events. You must consider if your facility has previously experienced such major storm events under current conditions, or may be exposed in the future to major storm and flood events based on <i>best available data</i>.</p>

PFAS Indicator Monitoring

New Per-and Polyfluoroalkyl Substances (PFAS) Monitoring: Proposes a new provision that would require certain operators to conduct quarterly “report-only” indicator monitoring for PFAS for the entire permit term.

2021 MSGP	Proposed 2026 MSGP
<p>No Equivalent</p>	<p>Part 4.2.1.1(c): Per- and Polyfluoroalkyl Substances (PFAS) Applicability. Operators in the following sectors must monitor stormwater discharges for PFAS (also specified in sector-specific requirements in Part 8).</p> <p>Monitoring applies to the 40 PFAS compounds listed in EPA Method 1633, ...using EPA Method 1633.</p> <ul style="list-style-type: none"> • A – Timber Products • B – Paper and Allied Products • C – Chemicals and Allied products • D – Asphalt paving and Roofing Materials and Lubricants • F - Primary Metals • I – Oil and Gas Extraction • K – Hazardous Waste Treatment, Storage, or Disposal Facilities • L – Landfills, Land Application Sites, and Open Dumps • M – Automobile Salvage Yards • N – Scrap Recycling Facilities • P – Land Transportation and Warehousing • R – Ship and Boat Building and Repairing Yards • S – Air Transportation Facilities • T – Treatment Works • U – Food and Kindred Product • V - Textile Mills, Apparel, and Other Fabric Product Manufacturing; Leather and Leather Products • W – Furniture and Fixtures • X – Printing • Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries • Z – Leather Tanning and Finishing • AA – Fabricated Metal Products • AB – Transportation Equipment, Industrial or Commercial Machinery • AC – Electronic, Electrical, Photographic, and Optical Goods

New monitoring for these sectors. Required to report indicator monitoring. No threshold for this, just monitor and report to EPA the numerical reports quarterly. Requires method 1633 and must list any of the 40 PFAS found using this method. The EPA is taking comments regarding the method and PFAS. Selected these based on EPA PFAS Roadmap. Within that memo, there are a handful of industries expected to discharge PFAS. They expect these materials to be exposed to stormwater discharges.

WQBEL

Water Quality-Based Effluent Limitations and Other Limitations – Proposes a modification to the 2021 MSGP water quality-based effluent limitations and other limitations to add more specificity and clarity to the permit provision.

2021 MSGP	Proposed 2026 MSGP
2021 MSGP: Requires operators to “control discharges as necessary to meet water quality standards”.	Part 2.2: Your discharge must not contain or result in: <ul style="list-style-type: none">• observed deposits of floating, settled, or suspended solids, scum, sheen, or substances;• an observable film or sheen upon or discoloration from oil and grease;• an observable foam; or• substances that produce an observable change in color or odor.

Reissuance Schedule



The proposed permit documents and fact sheet are available at <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-proposed-2026-msgp>
Public Docket: <https://www.regulations.gov/docket/EPA-HQ-OW-2024-0481>

NEXT STEPS:



A few reminders



Today's presentation will be posted on EPA's MSGP webpage



Links to the proposed permit, accompanying fact sheet, and federal register notice are available



Instructions for submitting comments on or before 2/11/25 are included in the federal register notice

Q&A

How were industries chosen to monitor for PFAS?

The EPA has been working on PFAS Action Plan. Used PFAS Strategic Roadmap and worked collaboratively with state permitting agency. Limit the discharges. EPA reviewed sector-specific fact sheet, industrial activity, literature review.

Are there concerns with laboratory capacity for PFAS monitoring?

EPA has worked with the Science and Technology office, they helped develop and publish current methods for PFAS 1633 and 1621. As of today, more and more laboratories getting up to speed with these methods. Hiring concerns as well and might have challenges getting materials, but for the most part, they are gearing up to process these samples.

Notes from Q&A

- EPA is proposing a new provision for PFAS indicator only monitoring. As with any pollutant monitored, one must also comply with water quality standards.
- No PFAS benchmark value currently included.
- No automatic renewals. Complete new NOI and update their SWIP, info, etc.
- No Exposure Sites will not be required to monitor for PFAS.
- Natural Background exception will still have to document and support this claim.
- The use of Test 1633 has been finalized.
- Thresholds based on National Aquatic Life criteria, but more info on how this was decided is also in the Fact Sheet.