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NPDES Stormwater Program at Manufacturing Facilities

According to regulatory statistics, many industrial facilities are unaware that they may be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES). This article provides an abbreviated background of NPDES regulatory requirements and information resources.

The NPDES permit was initially developed by the United States Environmental Protection Agency (EPA) in order to comply with the 1972 Clean Water Act (CWA) to ensure the protection of the receiving waters from point sources. According to the EPA, a point source is a stationary location or fixed facility from which pollutants are discharged; any single identifiable source of pollution; e.g. a pipe, ditch, ship, ore pit, factory smokestack. In 1990 the EPA developed Phase I of the NPDES Stormwater program, in response to the 1987 amendments to the CWA. Phase I of the NPDES Stormwater program addresses the sources of stormwater runoff that had the greatest potential to negatively impact water quality. In October 2000 the EPA authorized the Florida Department of Environmental Protection (FDEP) to manage Florida's NPDES Stormwater program, with the exception of Indian Country Lands.

Under the Phase I NPDES Stormwater program, the FDEP identifies eleven categories of industry that potentially are subject to stormwater permitting requirements. Areas on the regulated manufacturer's property not associated with the industrial activity would not be covered under the NPDES Stormwater permit. For example, runoff from office buildings and accompanying parking lots would not be required to be covered under the permit; however, the other areas on the property associated with the industrial activity (i.e., plant yards, storage areas, manufacturing areas, etc.), would be covered under the permit. There are two types of permits for industrial activities: 1) multi-sector generic permit and 2) individual permit. Permits are generally valid for five years. There is also a conditional no exposure exclusion

certification.

The first type of coverage is the multi-sector generic permit. This is the easiest and most economical type of permit coverage to obtain. It divides the regulated industries into thirty sectors that have both general and specific requirements. The general and specific requirements of the thirty sectors can be found on the following Internet site:

<http://www.dep.state.fl.us/water/stormwater/npdes/industrial5.htm>.

If a facility does not meet the requirements to be covered under the generic permit, an individual permit must be obtained. This permit is more difficult and more expensive to obtain. The individual permit will have facility specific requirements as opposed to the general sector requirements.

As an alternative to obtaining one of the permits, the conditional no exposure exclusion may apply if the facility demonstrates that all processes and materials related to industrial activity are not exposed to precipitation or runoff. According to the FDEP, to qualify for the conditional no exposure exclusion, a facility must:

- Meet the criteria for no exposure (Outlined in Florida Administrative Code 62-620.100 (2)(o)).
- Complete and submit the No Exposure Certification for Exclusion from NPDES Stormwater Permitting (FDEP Form 62-620.910(17)) along with an application fee.
- Re-certify the FDEP form every 5 years.

The above permits and certification must be applied for through the FDEP and generally require an application fee. The permits may require that a stormwater pollution prevention plan be prepared along with other sector specific sampling and monitoring requirements. Additional information regarding the FDEP NPDES program can be obtained from the FDEP Internet Site <http://www.dep.state.fl.us/water/stormwater/npdes/>.

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