

**VERMONT AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
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MONTPELIER, VERMONT 05620-3522**

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

FACT SHEET

**REISSUANCE AND AMENDMENT OF GENERAL PERMIT 3-9003 FOR
STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES**

DRAFT GENERAL PERMIT 3-9003 (2024)

I. Background

The Secretary of the Vermont Agency of Natural Resources (Secretary) is proposing to issue a general permit for stormwater discharges associated with industrial activities. The draft permit is referred to as Multi-Sector General Permit (MSGP) 3-9003 (2024).

This general permit amends and replaces the 2011 Multi-Sector General Permit (MSGP) 3-9003 which expired on August 4, 2016. The Secretary administratively continued the 2011 MSGP and granted all current authorizations general permit coverage until the reissuance date. All permittees with authorizations to discharge under the previously issued 2011 MSGP and those permittees who submitted Conditional Exclusions for No Exposure (NOX) under the previously issued 2011 MSGP must reapply under this new general permit. In addition, all existing and new facilities with primary activities with Standard Industrial Classification (SIC) codes regulated by this permit shall also apply.

II. Multi-Sector General Permit (MSGP) Authority

The draft General Permit 3-9003 (2024) is proposed for issuance pursuant to the Secretary of the Vermont Agency of Natural Resources' federally-delegated National Pollution Discharge Elimination System (NPDES) authority under the federal Clean Water Act (CWA). Federal facilities and federal operators are not eligible for permit coverage under draft General Permit 3-9003 (2024), which is excluded from Vermont's federally-delegated NPDES authority. The draft General Permit 3-9003 (2024) is proposed for issuance pursuant to the Vermont Water Pollution Control statutes, 10 V.S.A. Chapter 47, including §§ 1258, 1259, and 1264 and the rules adopted thereunder, including the Vermont Stormwater Permitting Rule (Environmental Protection Rules, Chapter 22), effective March 15, 2019; the CWA, as amended, 33 U.S.C. § 1251 *et seq.*; and related regulations of the United States Environmental Protection Agency (U.S. EPA) at 40 C.F.R. Part 122, including 40 C.F.R. § 122.26.

III. Purpose of the General Permit

The Multi-Sector General Permit (MSGP) is the State of Vermont's primary regulatory tool for managing stormwater discharges from industrial activities. Industrial facilities conduct activities and use materials that have the potential to impact the quality of Vermont's waters. The permit requires facilities to examine potential sources of pollution, implement measures to reduce the risk of stormwater contamination, and monitor stormwater discharges for sources of pollution. The MSGP specifically requires a site-specific Stormwater Pollution Prevention Plan (SWPPP) to be developed and implemented at certain industrial facilities where industrial pollutants, spills or leaks, and potentially unauthorized non-stormwater discharges may be exposed to precipitation, resulting in stormwater discharges to waters of the State. In addition, industrial facilities subject to the federal CWA NPDES regulations may otherwise qualify for Conditional Exclusion for No Exposure (NOX), when facility industrial activities are not exposed to precipitation, thereby eliminating any potential for stormwater contamination.

IV. Summary of Changes from the 2011 MSGP

The 2024 MSGP includes several new or modified requirements, and thus differs from the 2011 MSGP in various ways. The following list summarizes the more significant changes to the MSGP.

Information Required for Notice of Intent (NOI)

The 2024 MSGP Notice of Intent (NOI) has been revised to include information on facility and operator eligibility, necessity for additional water quality-based control measures, and identification of specific monitoring requirements per facility. Facilities and operators seeking coverage under the proposed draft general permit must submit a complete and accurate Notice of Intent (NOI); certify in the NOI that the facility meets the requisite eligibility requirements described in Part 1 of the general permit, including the requirement to select, design, and install control measures to comply with the technology and water quality based effluent limits in Part 2; and to develop a SWPPP, pursuant to Part 5. Once covered under this general permit, a permittee is required to take corrective actions if it is determined through inspection, evaluation, or monitoring that the implemented control measures are not adequately reducing pollutants in the discharge.

Electronic Reporting Requirements

Electronic reporting is required in the 2024 MSGP. Facilities and operators are now required to submit electronically to comply with the NPDES eRule which requires regulated entities to report information electronically, instead of filing written paper reports. Electronic reporting includes submittal of the NOI, NOX, SWPPP, Discharge Monitoring Reports (DMRs), and additional forms developed as part of this permit. Recognizing there may be cases that make electronic submittals of information impossible, the Secretary may issue a waiver if the permittee's headquarters are physically located in a geographic area that is identified as under-served for broadband internet access in the most recent report from the Federal Communications

Commission or if the permittee has limitations regarding available computer access or computer capability.

Revised Benchmark Limitations for Copper, Selenium and Aluminum

The benchmark parameter values for copper, selenium, and aluminum were revised in the draft 2024 MSGP to align with EPA's 2021 MSGP. For all three parameters, these revisions resulted in an increase in the benchmark value. EPA described the derivation of these new benchmarks beginning at page 86 of its [2021 MSGP Fact Sheet](#). In addition, the benchmark value for copper was previously established as a hardness dependent value which has since been updated such that the benchmark value is no longer hardness dependent. While EPA's 2021 MSGP presents some of these values in micrograms per liter (ug/l), the draft 2024 MSGP presents respective equivalent values in milligrams per liter (mg/l) for consistent units of measure across all benchmark values in the 2024 MSGP.

Effluent Limit Clarifications

Several of the effluent limits in Part 2 of the 2024 MSGP include a greater level of specificity to make the requirements clearer and to enable permittees to better comply with the effluent limits. The effluent limits for which the Secretary has made clarifications include requirements for minimizing exposure, good housekeeping, maintenance, spill prevention, response procedures, and employee training.

Inspections

The Secretary consolidated the comprehensive site inspection and routine facility inspection procedures into one set of procedures to eliminate redundancies and reduce burden. The facility inspection requirements are included in Part 3 of the draft 2024 MSGP.

Corrective Actions

Although the 2011 MSGP required corrective actions, the Secretary has clarified in the 2024 MSGP which conditions for corrective actions require a SWPPP review and included and modified deadlines to clearly identify what actions must be taken by the deadlines and has rewritten and clarified the reporting requirements following corrective actions.

SWPPP Availability

The Secretary will post each facility's NOI, including the applicable SWPPP, on the Agency's Environmental Notice Bulletin, upon receipt of application and during the required public notice and comment period.

Discharges to Impaired Waters Monitoring

The Secretary has revised the general permit language and requirements pertaining to impaired waters monitoring. The 2011 MSGP required a facility and operator discharging stormwater to impaired waters without an EPA-approved or established TMDL to monitor annually for all pollutants for which a waterbody is impaired. The draft 2024 MSGP has been revised to only require this monitoring when directed by, and in consultation with, the Secretary. This proposed change will align the monitoring requirements for facilities and operators discharging stormwater

to impaired waters without an EPA-approved or established TMDL with previously established monitoring requirements for facilities and operators discharging stormwater to impaired waters with an EPA-approved or established TMDL. The Secretary may require a facility and operator to conduct impaired waters monitoring in consideration of the known pollutant(s) of concern and as informed by the Agency's established and ongoing state-wide surface water monitoring program.

Additional Implementation Measures for Benchmark Monitoring Exceedances

For consistency with EPA's Federal Permit, the Secretary has revised the general permit to require corrective actions based on benchmark monitoring exceedances. If the average of four benchmark monitoring exceedances continues after the permittee has implemented initial corrective actions, additional control measures beyond what was previously implemented are required. Permittees must also continue benchmark monitoring for the parameter that exceeded the benchmark monitoring limit.

Industry Sector-specific Requirements

The following changes were made to Part 8 of the MSGP, which describes requirements tailored to specific industry sectors:

Sector A, Timber Products – Discharges resulting from uncontaminated spray down or intentional wetting of logs at wet deck storage areas is an allowed non-stormwater discharge, provided the effluent limitation in Part 8.A.7 is met. To accommodate situations where facilities use water from a waterbody that operators intend to return to the waterbody following spraying/wetting, the permit contains an allowance or credit for pollutants originally in the waterbody prior to use and discharge.

Sector G, Metal Mining – Facilities conducting metal mining are no longer able to receive permit coverage for earth disturbing activities conducted prior to metal mining under the MSGP. Metal mining facilities planning to conduct earth disturbing activities must apply for and receive authorization under the Construction General Permit (CGP 3-9020 or its equivalent) or an individual construction permit.

Sector H, Coal Mining – Additional requirements have been added that are consistent with changes made to Sector G.

Sector J, Mineral Mining and Dressing – Sector J has been updated to include construction permit requirements consistent with the Agency's Construction General Permit (3-9020) standards. This allows the applicant to follow the construction requirements of the general permit, rather than apply for a separate construction permit for earth disturbing and/or reclamation activities. The MSGP now requires all areas subject to earth-disturbing activities or reclamation activities to comply with an Erosion Prevention and Sediment Control Plan (EPSC Plan) described in Part 8.J.4.1.1. This plan has specific guidelines on how to manage areas in terms of stabilization, mitigation, reclamation, and pollution prevention. All of Sector J that conducts and discharges from mine dewatering activities will be subject to effluent limitations, specifically limits for both pH and total suspended solids (TSS), regardless of SIC code, as demonstrated through monitoring. In addition, peak flow limitations will also be imposed for

mine dewatering discharges, in consideration of the receiving water drainage area and time of year.

Sector S, Air Transportation – Requirements have been added based on the final ELG for jet and airport deicing operations. Also, the 2024 MSGP clarifies airport operators’ responsibilities and permit requirements that airport authorities may conduct on behalf of airport tenants.

Sector AD-1, Anaerobic Digester Processing of Organics – A new sector, AD-1, was added to cover facilities that produce biogas through the anaerobic digesting and processing of organics.

V. Public Notice and Comment Period

Written public comments on the proposed draft general permit are invited and must be received on or before July 12, 2024. Comments may be submitted through the Agency’s Environmental Notice Bulletin (ENB) <http://enb.vermont.gov> Although you can comment as a guest user, it is recommended that users create an account. If you wish to be notified on the status of the General Permit, after registering on the ENB, select “my subscriptions,” by selecting “modify alerts” and sign up for notices related to “Multi-Sector General Permit 3-9003 (MSGP)” under the Watershed Management Division Stormwater heading. Be sure to hit the green “save” button to ensure preferences are saved for the account. All comments received by the above date will be considered in the formulation of the final Multi-Sector General Permit 3-9003 (2024).

Public Meeting

A public information meeting will be held in-person with a virtual option via Microsoft Teams or audio on: Tuesday, June 25, 2024, from 1:00 to 3:00 PM, at the offices of the Vermont Agency of Natural Resources, Department of Environmental Conservation, Stormwater Program, in the Catamount Conference room located in the National Life Building at 1 National Life Drive, Davis 1, Montpelier, VT 05602. To join the meeting virtually, instructions are included on the ENB.

At the public meeting, Department staff will be present to answer general questions concerning draft Multi-Sector General Permit 3-9003 (2024) and to receive public comment.

A copy of the draft 2024 MSGP and Fact Sheet are available on the ENB.

Questions should be directed to Ashley Carver, Environmental Analyst, Stormwater Program, ashley.carver@vermont.gov or 802-490-6906.