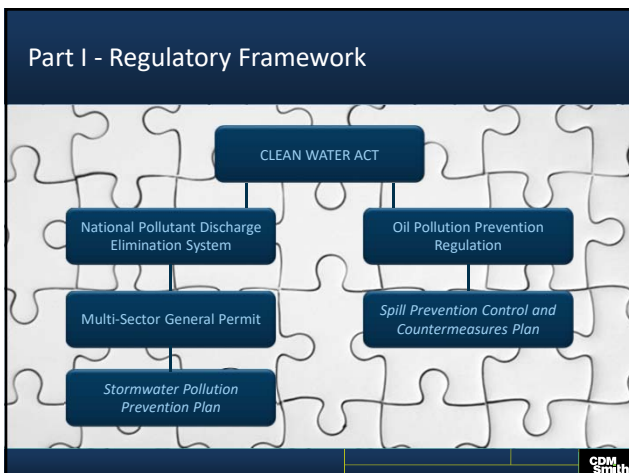


<p>RUN FOR COVERAGE! SOLID WASTE FACILITY STORMWATER COMPLIANCE IN NEW MEXICO</p>		
<p>2018 New Mexico Recycling and Solid Waste Conference</p>		
<p>Dacia Tucholke Amy Reed</p>		<p>September 25, 2018</p>

Overview

- Part I: Regulatory Framework
- Part II: Regulatory Compliance



What is stormwater?

- Stormwater is water from rain or melting snow that does not soak into the ground
- Stormwater washes pollutants into storm sewers and ditches
- These empty into our wetlands, rivers, and waterways

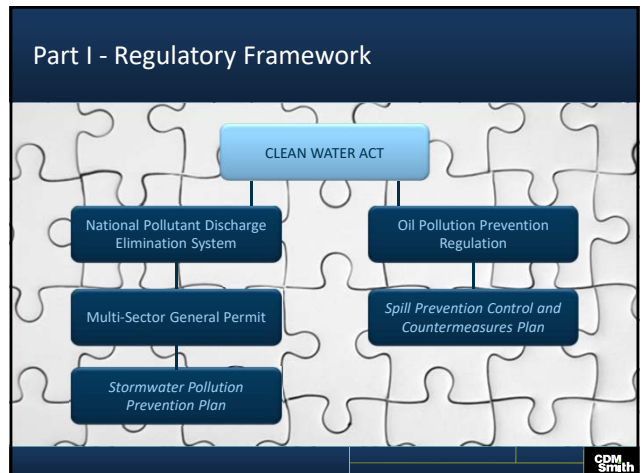


New Mexico Solid Waste Facilities

New Mexico	No. Facilities ¹	Have MSGP Coverage ²	No MSGP Coverage
Landfills	27	14	48%
Transfer Stations	17	4	76%
Collection Centers	182	9	95%
Recycling Facilities	46	10	78%
TOTALS	272	37	86%



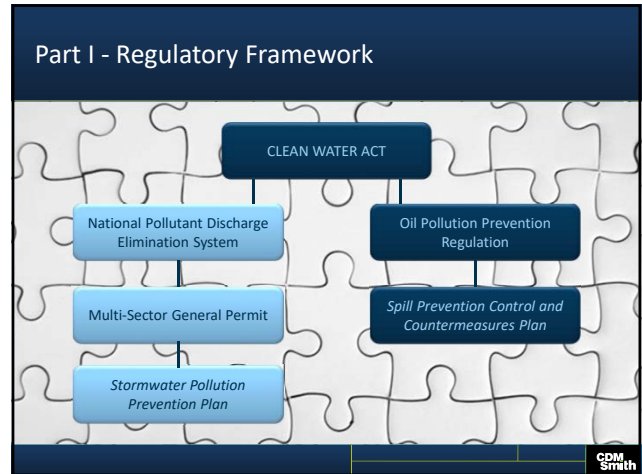
¹ Data obtained from NMED Solid Waste Bureau's permitted and registered facilities lists.
² Data obtained from EPA's Enforcement and Compliance History Outline (ECHO) database.

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Clean Water Act (CWA)

- CWA Passed in 1972
- Regulates discharge of pollutants into waters of the United States
- Provided Environmental Protection Agency (EPA) authority to implement pollution control programs
- Created the National Pollutant Discharge Elimination System

National Pollutant Discharge Elimination System (NPDES) Permit Program

- Controls water pollution from point sources discharging into waters of the United States
- Permits identify provisions to protect water quality and public health:
 - Discharge limitations
 - Monitoring and reporting requirements
 - Other specific provisions
- Individual Permits and General Permits


Multi-Sector General Permit (MSGP)



- Current MSGP issued June 2015
- Specific Industrial Sectors required to obtain coverage under MSGP
- 30 MSGP Industrial Sectors
- Based on Standard Industrial Classification Codes



Industrial Stormwater Permit Eligibility – Solid Waste Facilities

- **Sector L:**
 - Landfills and land application sites (Subtitle D landfills)
- **Sector N:**
 - Scrap Recycling and Waste Recycling Facilities (materials recovery facilities)
- **Sector P:**
 - Land transportation and warehousing (transfer stations, convenience centers)



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Sector L – Associated Pollutants

Sector L: Landfills and land application sites (Subtitle D landfills)

Activity	Pollutant Source	Pollutant
Exposed soils, stockpiles, etc.	Erosion	TSS, TDS, turbidity
Waste Transportation	Waste tracking by vehicles	TSS, TDS, Turbidity, floatable
Leachate Collection	Uncontrolled leachate (commingling with run-off/on)	Iron, TSS, BOD, ammonia, zinc, pH, etc.
Vehicle equipment/maintenance	Fueling, cleaning, fluids replacement, etc.	Fuels, oils, solvents, heavy metals, etc.
Outdoor Chemical Storage	Exposure of chemicals to precipitation	Chemicals stored

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Sectors N and P – Associated Pollutants


Sector N: Scrap Recycling and Waste Recycling Facilities
Sector P: Land Transportation and Warehousing

Activity	Pollutant Source	Pollutant
Stockpiling and storage of materials; loading/unloading	Fluid leaks from vehicles, deterioration of materials	PCBs, oil, grease, lubricants, heavy metals, etc.
Outdoor material storage	Deterioration of wastepaper and unprocessed aluminum	BOD
Processing and storage	Illicit connections, improper dumping to floor drains, washing tipping floors	Dependent on material
Vehicle maintenance	Fueling, cleaning, fluids replacement, etc.	Fuels, oil, grease, particulate matter, antifreeze

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MSGP Requirements

- Stormwater Pollution Prevention Plan
- Implementation of control measures
- Submittal of a request for Permit coverage (Notice of Intent)



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MSGP – Stormwater Pollution Prevention Plan

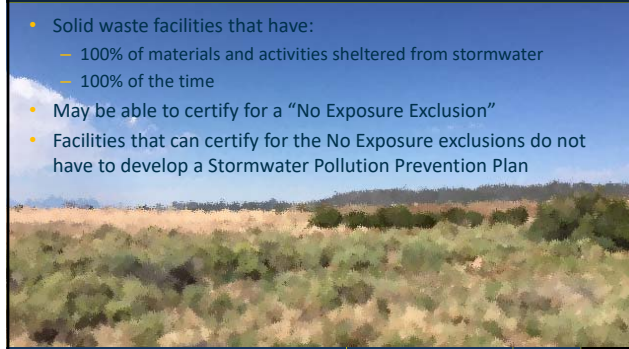


- Prepare and implement a SWPPP
- Purpose: to minimize water quality impacts from runoff to receiving waters
- EPA Region 6 is regulatory authority for New Mexico

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No Exposure Exclusion

- Solid waste facilities that have:
 - 100% of materials and activities sheltered from stormwater
 - 100% of the time
- May be able to certify for a “No Exposure Exclusion”
- Facilities that can certify for the No Exposure exclusions do not have to develop a Stormwater Pollution Prevention Plan



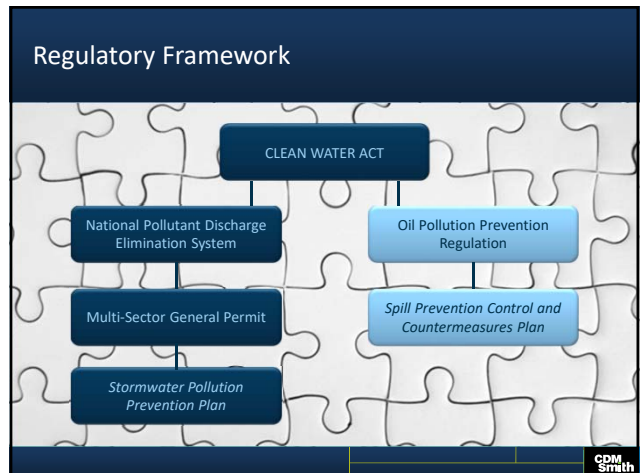
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MSGP Inspections





- NPDES compliance inspections
- NMED Surface Water Quality Bureau
- Point Source Regulation Section
- Industrial inspections on behalf of EPA Region 6

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Oil Pollution Prevention Regulation

- Oil Pollution Act amended the Clean Water Act in 1990
- The Oil Pollution Prevention regulation (40 CFR 112) sets forth requirements for:
 - the prevention of,
 - preparedness for, and
 - response to oil discharges at specific non-transportation-related facilities.





Oil Pollution Prevention Regulation (continued)

- The Oil Pollution Prevention regulation includes requirements for Spill Prevention, Control, and Countermeasures to:
 - Contain oil discharges
 - Prevent oil from reaching navigable waters
- Develop and implement Spill Prevention, Control, and Countermeasure (SPCC) Plans
- EPA Region 6 is regulatory authority for New Mexico





SPCC Rule Eligibility – Solid Waste Facilities




- A facility is covered by the SPCC Rule if it has:
 - Aggregate aboveground oil storage capacity >1,320 U.S. gallons (>55-gallon containers)
 - Buried storage capacity >42,000 U.S. gallons (*Note: PSTB regulates >110 gallons*)
 - Reasonable expectation of an oil discharge to navigable waters of the U.S. or adjoining shorelines.



SPCC Plans



- Describe measures that form a comprehensive spill prevention program
- Prepares facility personnel to respond to spills in a safe, effective, and timely manner
- Establishes procedures to mitigate the impacts of a discharge



Why should I run for coverage?

- Compliance is required!
- You could be in violation if you discharge stormwater without MSGP coverage
- Violations can include monetary penalties
- SWQB is actively inspecting industrial facilities, including solid waste facilities
- Polluted stormwater degrades:
 - Fish and wildlife habitats
 - Downstream recreational areas
 - Drinking water supplies



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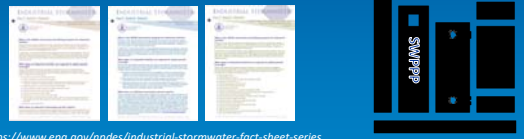
Part II – Regulatory Compliance



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My facility is regulated under the MSGP. What next?

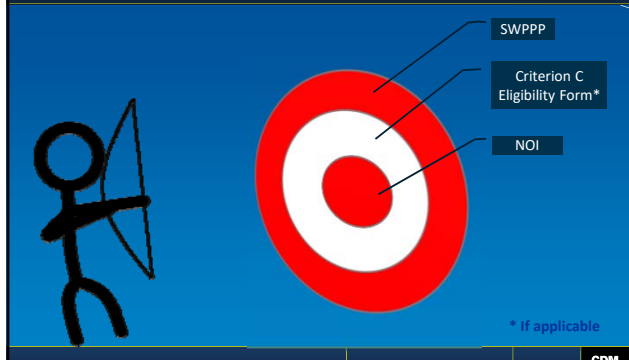
- Develop a SWPPP including stormwater control measures
- Apply for MSGP coverage
- Conduct quarterly/monthly facility compliance inspections
- Conduct required monitoring
- Complete an annual report



<https://www.epa.gov/npdes/industrial-stormwater-fact-sheet-series>

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MSGP Authorization Target



* If applicable

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SWPPP Elements – MSGP Section 5.2

- Stormwater Pollution Prevention Team
- Site Description
- Summary of Potential Pollutants
 - Activities
 - Pollutants
 - Spills & Leaks
 - Unauthorized Discharges
- Description of Control Measures
 - Best Management Practices
 - Good Housekeeping
 - Structural
 - Non-Structural
- Schedules & Procedures
 - Control Measures
 - Inspections & Assessments
 - Monitoring

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SWPPP – Potential Pollutants [5.2.3]

Activities	Pollutants	Spills & Leaks	Unauthorized Discharges
	<input type="checkbox"/> Fuels, Oils, Grease <input type="checkbox"/> Hydraulic Fluid <input type="checkbox"/> Solvents <input type="checkbox"/> Soaps, Detergents <input type="checkbox"/> MSW Leachate <input type="checkbox"/> Battery Acid <input type="checkbox"/> Antifreeze <input type="checkbox"/> Soaps, Detergents <input type="checkbox"/> Paints and Sealants <input type="checkbox"/> Paper, Plastic, Aluminum, Steel, Tin, Glass, and Small Electronics		- Document on a form - Allowable Non-Stormwater Discharges <ul style="list-style-type: none"> <input type="checkbox"/> Potable water <input type="checkbox"/> Lawn, landscape, irrigation water <input type="checkbox"/> Air conditioner condensate <input type="checkbox"/> Street washing waters (no soaps) <input type="checkbox"/> Fire fighting discharges <input type="checkbox"/> Building washdown

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SWPPP – Control Measures [5.2.4]

Spill Kit/Spill Plan.

Spill cleanup.

Permitted wash area.

Storage labeling.

Parts washer.

Secondary Containment Sizing

*Must have capacity for largest container sitting on top.
**Must have additional 10% capacity if stored outdoors.

Unlabeled container.

Proper labeling of material storage.

Secondary containment.

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SWPPP – Control Measures [5.2.4] cont.

Proper tire storage.

Improper tire storage.

What do you see?

What can be added here?

Unlabeled container.

Proper labeling of material storage.

Secondary containment.

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SWPPP – Schedules & Procedures [5.2.5]

Control Measure

- Good Housekeeping Schedule
- Spill Response Procedures
- Maintenance Procedures
- Employee Training Plan

Inspections & Assessments

- Scheduling & Personnel responsibility for
 - ⑩ Routine Facility Inspections★
 - ⑩ Quarterly Visual Assessments

★ Quarterly except for Landfills who do monthly inspections


Monitoring

- Benchmark Monitoring
- Effluent Limitation Guidelines
- State-or-Tribal
- Impaired waters monitoring
- EPA monitoring, if required


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SWPPP Elements – MSGP Section 5.2

- Stormwater Management
- Site Description
- Summary
- Description
- Schedule
- Documentation
- Federal
- Signature



Historic Properties

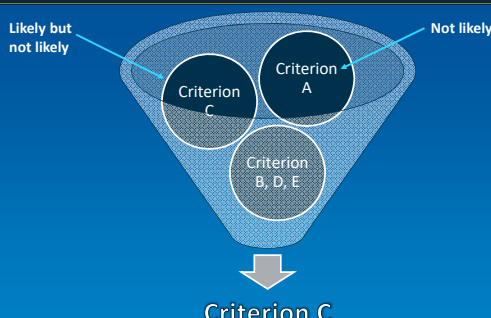


Endangered & Threatened Species and Critical Habitat Protection

Under Other

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Endangered & Threatened Species and Critical Habitat Protection



Criterion C

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SWPPP – Criterion C Eligibility Form

- Complete the *Criteria Selection Worksheet*, including the *Criterion C Eligibility Form*, in Part E.4 of Appendix E in the MSGP
- Submit at least 30 days prior to filing a NOI for permit coverage
- EPA may require additional measures that must be implemented

Section 1.1.4.5

adversely affect listed threatened or endangered species or critical habitat. To certify your eligibility under this criterion, you must use the *Criteria Selection Worksheet* in Part E.4 of Appendix E, including completion of the *Criterion C Eligibility Form*, which you must submit to EPA at least 30 days prior to filing your NOI for permit coverage. After evaluation of your *Criterion C Eligibility Form*, EPA may

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Notice of Intent

- <https://epanet.zendesk.com/hc/en-us/articles/360001508168-How-to-Create-a-NOI-for-MSGP-PPT->

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Now what?

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MSGP Annual Compliance Requirements

- Once per Quarter [N, P]
- Once per Month [L]
- Four events per year
- Annual Reporting
- Due 01/30 for previous calendar year reporting
- Benchmark Sampling/ Effluent Monitoring
- Annual Sampling for Sector N & L

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Routine Facility Inspections

- Facility Inspections
 - Monthly: Sector L
 - Quarterly: Sectors N, P
 - One must be performed during a wet weather event
- Address items immediately
- All documentation needs to be properly stored in the SWPPP binder**
- SWQB compliance inspection will review record keeping

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Routine Facility Inspections

- Potential areas to inspect
 - Fuel storage and dispensing
 - Maintenance
 - Leachate collection
 - Used oil storage
 - Vehicle and equipment wash bay
 - Solid waste handling, storage, and disposal areas
 - Outdoor materials handling and storage
 - Stormwater outfalls and areas susceptible to erosion

A detailed quarterly stormwater inspection form with multiple sections for recording data, including facility information, inspection details, and findings.

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Corrective Action

- When an inspection, monitoring event, or other observation reveals a condition that may result in stormwater pollution, corrective action must be performed
- Immediate Actions (within 24 hours)
 - Minimize/prevent discharge of pollutants
 - Cleanup pollutants and area
 - Document spill (reason, source, date/time, location, actions taken, signature or reporting person)
- Subsequent actions (within 14 days)
 - Install or modify control measures
 - Notify **your Pollution Prevention Team Leader** of corrective actions taken and document

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Stormwater Visual Monitoring


Outfall definition:

An industrial outfall is the **point** where stormwater associated with **industrial activity discharges** off site to a waters of the United States or a municipal separate storm sewer system (MS4). An outfall does not include conveyances, pipes or tunnels connecting segments of the same system.



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Annual Reporting

- NPDES eReporting Tool (NeT) 
- Reports due by January 30th following the calendar year
- Annual Report:
 - General findings summary from Routine Facility Inspection(s)
 - Summary of quarterly visual assessment documentation
 - Benchmark exceedance, if applicable
 - Summary of Corrective Action

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Benchmark Sampling

- Applicable Sectors: L, N
- Benchmark monitoring data is used primarily to determine the overall effectiveness in control measures and assist in determining if additional corrective action is needed to comply with the effluent limitations.
- 4 quarterly samples the first year of permit coverage.

The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if corrective action is required as a result of a benchmark exceedance, failure to conduct required corrective action is a permit violation.

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Effluent Monitoring

- Stormwater discharges subjected to effluent limitation guidelines
- Exceedance of the effluent is a **permit violation**.

Table 6-1. Required Monitoring for Effluent Limits Based on Effluent Limitations Guidelines

Regulated Activity	Effluent Limit	Monitoring Frequency	Sample Type
Discharges resulting from spray down or intentional wetting of logs at well deck storage areas	See Part 8.A.7	1/year	Grab
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	See Part 8.C.4	1/year	Grab
Runoff from asphalt emulsion facilities	See Part 8.D.4	1/year	Grab
Runoff from material storage piles at cement manufacturing facilities	See Part 8.E.5	1/year	Grab
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	See Part 8.J.9	1/year	Grab
Runoff from hazardous waste landfills	See Part 8.K.6	1/year	Grab
Runoff from non-hazardous waste landfills	See Part 8.L.10	1/year	Grab
Runoff from coal storage piles at steam electric generating facilities	See Part 8.O.8	1/year	Grab
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	See Part 8.S.8	1/year	Grab



Training Materials

- Initial and annual training required for all staff
- Facility representatives to provide training for other staff that may handle or work in areas where petroleum is stored or handled
- Training shall include SWPPP Contents



Record Keeping

1. Training Materials
2. Training Log
 - a) Date of Training
 - b) Names of Attendees
3. Three Year Record Retention




SWPPP Plan Revision

- Plan Review:
 - June 4th, 2020 – 2015 MSGP Expires
 - If EPA does not issue an update soon after, that 2015 MSGP will be in affect until a new permit is issued
 - When change occurs at the facility
 - New industrial activity, Site change, New PPT, etc.
 - Corrective Actions Reports generated > 5 for the calendar year



40 CFR 112 – Oil Pollution Prevention

Chapter I – Environmental Protection Agency
Subchapter D – Water Programs
Part 112 – Oil Pollution Prevention (§§ 112.1-112.21)



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SPCC Plan Review

- Maintained by each facility Supervisor
- Components include:
 - All applicable oil storage containers
 - Site plan indicating oil storage locations, volumes, etc.
 - Oil storage and handling procedures
 - Emergency response procedures
 - Training requirements
 - Inspection/testing requirements
 - Inspection forms



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SPCC Plan

- Certified by a P.E.
- Plan Review:
 - Every 5 years
 - Within 60 days of a significant change in oil storage
 - If the facility has a discharge greater than 1,000 gallons in a single event
 - If the facility has a discharged greater than 42 gallons in two events in a 12 month period
- Administrative updates triggered by changes in facility contacts or responsibilities (does not need engineer review)

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Storage and Handling


- Secondary Containment
 - Double-wall tanks
 - Rigid plastic secondary containment pallets
 - Concrete secondary containment
 - Tank and containment materials must be compatible with fluid stored




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Measurement and Monitoring

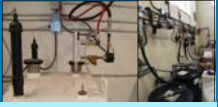
- Liquid level gauges required for tanks
- Check gauges and devices each time you use a tank
- Mechanism to detect leaks in interstitial space of double wall tank
- Test electronic devices on a regular schedule



Liquid level gauge



Detect leaks in double wall tanks



Electronic monitoring devices

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Inspections

- Owners Inspector:
 - Must be knowledgeable about storage operations, the type of AST and its associated components, and characteristics of the liquid stored. Owner's inspector must also be familiar with pumping, piping and valve operations of the AST system.
- Required forms:
 - AST Record for each AST
 - Monthly AST inspection Checklist
 - Annual AST Inspection Checklist
 - Monthly Portable Container Inspection Checklist
- Documentation of all inspections is critical
- Documentation must be retained for a minimum of 36 months

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Inspections

Recommended Inspection Standards for ASTs:



**STANDARD FOR THE INSPECTION
OF ABOVEGROUND STORAGE TANKS**

SP001

JANUARY 2018
6TH EDITION

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Summary

- Facility Compliance Checklist
 - ☑ MSGP
 - ☑ Permit coverage
 - ☐ NOI
 - ☐ No Exposure Certificate
 - ☑ SWPPP
 - ☑ Annual Reporting Requirements
 - ☑ Oil Pollution Prevention
 - ☑ >1320 Gallons Oil
 - ☑ SPCC Plan
 - ☑ Annual Reporting Requirements

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Questions?



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