

Supplemental Fact Sheet

Draft General NPDES Permit for the Discharge of Stormwater Associated with Industrial Activities

March 2024

The WPED Stormwater Program has prepared the reissuance package for the National Pollutant Discharge Elimination System (“NPDES”) General Permit for the Discharge of Stormwater Associated with Industrial Activities (“Industrial General Permit,” “the permit,” or “the IGP”) to solicit public comment on the draft permit. The comment period will be 45 days (15 days longer than required) allowing stakeholders sufficient time to review and respond to the draft permit. The current Industrial General Permit expires on September 30, 2024. The last substantive reissuance of the Industrial General Permit occurred in 2011, after which only “as-is”, no change re-issuances were issued between 2016 and 2021. Between 2011 and 2023, the Stormwater Program received approximately 1,700 registrations for coverage under the IGP and approximately 24,300 discharge monitoring reports (“DMRs”), which were manually entered into various databases by program staff.

Significant changes to the general permit include the following: an updated format that mirrors the 2021 US EPA Multi-Sector General Permit (“MSGP”); sector-specific designations for each permittee; clarifications on stormwater and non-stormwater discharge authorizations and prohibitions; additional sector-specific definitions; additional Stormwater Control Measures (“SCMs”) and Best Management Practices (“BMPs”) for certain sectors; the inclusion of, or updates to, sector-specific federally required Effluent Limitation Guidelines (“ELGs”); increases in monitoring requirements to align with the MSGP; the inclusion of a new “Corrective Actions” section; utilization of electronic DMR reporting; a new online noncompliance notification reporting tool; recommendations for the evaluation of resiliency measures; and submittal of an annual report, consistent with the MSGP and similar permits in the region.

On a parallel pathway, the Stormwater Program has been working with the Connecticut Bureau of Information Technology Services (“BITS”) and US EPA to develop an online registration portal intended to go live with the reissuance of the permit in response to the federal NPDES Electronic Reporting Rule (“NPDES eRule”, 40 CFR 127 published in 2015). The NPDES eRule replaces most paper based NPDES reporting requirements with electronic reporting using EPA’s Central Data Exchange (“CDX”). To comply with the federal regulations, in 2016 DEEP developed an eRule Implementation Plan and as part of that plan, DEEP signed a Memorandum of Understanding (“MOU”) with US EPA for the Development and Maintenance of the NPDES Electronic Reporting Tool (“NeT”) on November 6, 2023.

The updates to the draft 2024 IGP are essential to meet our regulatory commitments and provide enhanced user experiences for permittees. These updates allow us to protect our natural resources, promote

sustainability, provide regulatory certainty for existing and new industries, and foster a sustainable and prosperous economic future for the state.

The below updates to the 2024 draft IGP are grouped into two (2) categories: 1.) Updates to the format, permit conditions, and requirements; and 2.) Transition to online applications and reporting.

1. Updates to the Permit Format, Permit Conditions, & Requirements

1.1 Permit Format

The 2024 draft IGP has an improved format, an initiative designed to improve intelligibility and provide a form of compliance assistance. The 2011 IGP was structured to mirror US EPA's national industrial stormwater permit ("MSGP") format and what was commonly known as a "hybrid multi-sector" format, meaning that approximately 56% (~950) of the CT universe of industrial facilities were assigned to a "General" industrial sector and the remaining 44% (~750) were assigned to one of 13 unique industrial sectors based on their activity.

In 2015, US EPA reissued the national MSGP and transitioned to a "full multi-sector" permit that contains 30 industrial categories such that each industrial facility, based on its Standard Industrial Classification Code must adhere to both the core permit requirements and to additional requirements based on the facility's industrial classification. DEEP's 2024 draft IGP has been updated to mirror the federal "full multi-sector" format. The permitted community will benefit from such a comprehensive alignment, particularly for those corporations that operate in multiple states.

1.2 Fees

Permit application fees have been marginally increased to align with recently reissued general permits and support the new technology required to comply with the federal eRule.

	Current Fee¹	Increased Fee¹
Companies with less than 50 employees or have gross annual sales of less than five (5) million dollars; and municipal, federal, or state-operated facilities,	\$500	\$650
Companies with more than 50 employees and have gross annual sales of greater than five (5) million dollars;	\$1,000	\$1,200

¹ Under CGS 22a-6, municipalities pay half the stated fee.

1.3 Permit Monitoring, Benchmark Thresholds, & Inclusion of Federal Effluent Limit Guidelines

As part of the adoption of EPA's MSGP multi-sector format, additional clarifications and national requirements have been carried over to the 2024 draft IGP. Sector-specific definitions are provided in 11 industrial sectors and additional control measures appropriate to industrial activities are adopted in 16 industrial sectors. Nearly all monitoring parameters in the 2011 issuance are maintained in the draft, with only a few very targeted exceptions to reduce monitoring frequency when supported by data. Increases to monitoring requirements, where implemented, either align with EPA requirements or specifically address known high pollutant loads from given industrial sectors. 14 industrial sectors have additional benchmark monitoring requirements with exemption opportunities when concentration thresholds are met. Nine (9) industrial sectors have additional parameters that do not have exemption opportunities. Federally required Effluent Limitations Guidelines ("ELGs") have been updated in five (5) industrial sectors meeting WPEDs

FY24/25 EPA/DEEP Performance Partnership Agreement (“PPA”) commitments and federal regulations. Appendix A of the Fact Sheet details the specific changes to each industrial sector. An exceedance of a benchmark threshold is not a violation of the permit; however, an exceedance of an effluent limit is a permit violation. The draft 2024 IGP Fact Sheet provides additional information for the development and inclusion of numeric and non-numeric benchmark thresholds.

1.4 New “Resiliency Measure” Element in the SWPPP

The Resiliency Measure section is a new component of the SWPPP and was added in response to Connecticut’s commitment to prepare for ongoing climate change. This new element of the SWPPP is intended to identify resource gaps, promote emergency planning and preparedness, and identify additional processes and procedures that may need to be considered and, if necessary, employed when experiencing variable weather patterns. This section does not require nor prescribe specific Control Measures or BMPs to be implemented. This section is also not intended to impede or conflict with local efforts to improve and bolster resiliency.

1.5 New “Corrective Actions” Section

As adapted from the US EPA MSGP permit, the draft IGP includes a new section, “Corrective Actions,” providing consistent and concise compliance determinations, (i.e., what constitutes a permit violation) and provides the permittee with a roadmap for the necessary steps to return to compliance. This section includes built-in compliance deadlines to further specify DEEP's expectations for the type of actions that must be taken within a specific time frame and simplifies the reporting requirements for the permittee.

2. NPDES eRule, Transition to Electronic Onboarding & Reporting

DEEP is currently in the development phase for our new online services and intends to provide training tools to the regulated community as these platforms come online. Please check the Stormwater Program website for updates.

2.1 Online Registration Process

Working towards meeting DEEPs 20by26 Goal 10, “Expand Tools for Online Services,” WPED is working alongside BITs to modify the ezFile platform as part of the online registration process. As mentioned earlier, DEEP entered into a MOU to utilize EPA’s online registration platform while also maintaining the state’s internal business operations. Applicants to the 2024 IGP will follow a two-step process: (1) Use a simplified version of the ezFile portal to provide DEEP with basic site and operator information, upload the SWPPP for public review and comment, and provide fee payment; (2) after completing the ezFile step, move to EPA’s NeT portal to fill out a comprehensive and detailed application about the site, operator, discharges, etc.

2.2 New Electronic Submittal of Discharge Monitoring Reports

An existing data flow between NeT and EPA's Discharge Monitoring Reporting ("NeTDMR") tool will allow information gathered in NeT (registration portal) to automatically populate monitoring requirements in NeTDMR such that thousands of monitoring reports can be gathered electronically in compliance with the NPDES eRule. To conform to the business rules of the new data platforms, instead of facilities submitting DMRs throughout the year, DMRs will be submitted twice a year. The permittees will submit data 45 days after the end of the monitoring period. This transition will allow the Stormwater Program to evaluate discharge data more efficiently, thus providing DEEP with more concise information to make more informed decisions for the protection of water quality in the state.

2.3 New Online Annual Report

Consistent with EPA's 2021 MSGP and similar permits in the region, the draft 2024 IGP includes a new requirement for all permittees to submit an annual report to DEEP that contains the results of the required comprehensive site inspection and a discussion of corrective actions required and/or taken at any time since the previous comprehensive site inspection. EPA began requiring the submittal of an annual report in the late 2000s and similar permits in the northeast and nationwide require the submittal of an annual report. The submission of the report is to gather information from permittees identifying potential water quality concerns and to assess compliance with permit provisions. To increase transparency, accountability, and oversight, DEEP along with US EPA believes it is important to receive periodic reports from permittees indicating that they are actively implementing their stormwater management programs, maintaining their control measures, and complying with the terms and limits in the permit. DEEP is creating an online annual report form to be used by the permittees for a streamlined submittal experience.

2.4 New Online Noncompliance Reporting Platform

In December 2023, WPED began the transition from paper-based noncompliance reporting to an online electronic portal accessible through our website providing enhanced compliance assistance tools to the regulated community. The 2024 draft IGP requires permittees to report instances of noncompliance using this portal.

Additional Resources

DEEP Online Application Portal: <https://filings.deep.ct.gov/DEEPPortal/>

DEEP Stormwater Portal & Noncompliance Reporting: <https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Stormwater-Management>

EPA 2021 MSGP: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>

EPA Industry Specific Fact Sheets: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-fact-sheets-and-guidance>

EPA NPDES eRule: <https://www.epa.gov/compliance/npdes-ereporting>

EPA Training & Guidance: https://usepa.servicenowservices.com/oeca_icis?id=ecss_oeca_csm_index