

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT
601 57th STREET SE
CHARLESTON, WV 25304

WEST VIRGINIA/NPDES
MULTI-SECTOR GENERAL WATER POLLUTION CONTROL PERMIT

FACT SHEET AND RATIONALE

1. NAME AND ADDRESS OF APPLICANT: Any establishment with discharges composed entirely of stormwater associated with industrial activity agreeing to be regulated under the terms of this proposed general permit (except as noted herein).
2. GENERAL WV/NPDES PERMIT NO.: WV0111457
3. COUNTY: Any WV county
4. RECEIVING STREAM: Any WV stream
5. PUBLIC COMMENT PERIOD FROM TO
6. BACKGROUND

The West Virginia Multi-Sector Stormwater General Permit for Industrial Activities is intended to cover stormwater discharges to waters of the State from a wide variety of industrial activities and is derived from, and based in large part upon the Final National Pollutant Discharge Elimination System Multi-Sector Stormwater General Permit For Industrial Activities as promulgated by the Environmental Protection Agency (EPA) in Federal Register Volume 86 No. 32, Friday February 19, 2021 / Notices (the "Federal Multi-Sector Permit" or FMSP).

The West Virginia Multi-Sector Stormwater Permit is proposed to replace the existing Stormwater Multi-Sector Permit No. WV0111457. All facilities covered under the existing general permit within thirty (30) days of the effective date of the reissued general permit will be required to submit a new registration form to obtain coverage under the new Multi-Sector Stormwater Permit. Upon receipt of the registration application

form, the Division of Water and Waste Management (DWWM) will review it for completeness. DWWM then will advise an applicant of its coverage under this general permit and advise applicable Sector and Monitoring Requirements. Proposed stormwater discharges or discharges without previous general permit coverage or applications are also eligible for coverage under the general permit: - however, each discharge/facility must meet the public notice and public comment requirements.

7. TYPES OF DISCHARGES COVERED

This general permit covers stormwater discharges associated with industrial activity from industrial categories which the EPA has determined to contain stormwater discharges consistent with the EPA's definition of "stormwater discharges associated with industrial activity," except those stormwater discharges described in the next section. These industrial categories have been regrouped into the 23 sectors based upon similarities in the nature of the industrial activity, the type of materials handled, and material management practices employed. This general permit also covers stormwater discharges associated with industrial activity from those industries which will not, or are not, covered under sectors A through W. Refer to the general permit, Part A, for the type of discharges covered under each sector.

8. TYPES OF DISCHARGES NOT COVERED

The State of West Virginia has decided to regulate stormwater associated with the following industrial activity through individual WV/NPDES Permits. Most of these facilities are subject to effluent guidelines and/or operating under individual WV/NPDES permit.

Cement Manufacturing (40 CFR 411)

Feedlots (40 CFR 412)

Fertilizer Manufacturing (40 CFR 418)

Petroleum Refining (40 CFR 419)

Phosphate Manufacturing (40 CFR 422)

Steam Electric (40 CFR 423)

Coal Mining (40 CFR 434)

Mineral Mining and Processing (40 CFR 436)

Ore Mining and Dressing (40 CFR 440)

Asphalt Emulsion (40 CFR 443)

Oil and Gas Extraction (SIC Major Group 13)

Publicly Owned Treatment Works (SIC33)

Landfills**Land Application Sites****Primary Metals****Discharges Associated with Construction Activities.****Wood Preserving Facilities (SIC2491)****Hazardous Waste Treatment, Storage or Disposal Facilities****Leather Tanning or Finishing (SIC 3111)****Water Transportation Facilities****Ship and Boat Building or Repairing (SIC 3731)****9. MONITORING REQUIREMENTS**

This general permit requires analytical monitoring for discharges from certain classes of industrial facilities. The DWWM believes that industries may reduce the level of pollutants in stormwater runoff from their sites through the development and proper implementation of a stormwater pollution prevention plan (SWPPP). The general permit requires mainly analytical monitoring for the industry sectors or subsectors that demonstrated a potential to discharge pollutants at concentrations of concern. The general permit also requires effluent limitation monitoring for Sector H. Stormwater Discharges Associated with Industrial Activity from Vehicle Maintenance Areas, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities. This monitoring stems from a effluent limitation established in May 2012. To determine when such analytical monitoring would be required, the EPA established "benchmark" concentrations for the pollutant parameters on which monitoring results had been received. The "benchmarks" are the pollutant concentrations above which the EPA determined represents a level of concern. The level of concern is a concentration at which a stormwater discharge could potentially impair, or contribute to impairing water quality or affect human health from ingestion of water or fish. The benchmarks are also viewed by the DWWM as a level, that if below, a facility represents little potential for water quality concern. As such, the benchmarks also provide an appropriate level to determine whether a facility's stormwater pollution prevention measures are successfully implemented. The benchmark concentrations are not effluent limitations and should not be interpreted or construed as such. These values are merely levels which the DWWM is using to determine if a stormwater discharge from any given facility merits further monitoring to ensure that the facility has been successful in implementing a approved Stormwater Pollution Prevention Plan SWPPP. As such, these levels represent a target concentration for a facility to achieve through implementation of pollution prevention measures at the facility. The following table lists the parameter benchmark values as selected by the DWWM.

**Parameter Benchmark Values
West Virginia**

Parameter Name	Benchmark Level	Source*
Biochemical Oxygen Demand (5)	30 mg/l	4
Chemical Oxygen Demand	120 mg/l	5
Total Suspend Solids	100 mg/l	14
Oil and Grease	15 mg/l	8
Nitrate+Nitrite Nitrogen	0.68 mg/l	7
Total Phosphorus	2.0 mg/l	6
PH	6.0-9.0 s.u.	14
Acrylonitrile (c)	7.55 mg/l	2
Aluminum, Total (pH 6.5-9)	0.75 mg/l	1
Ammonia	4 mg/l	14
Antimony, Total	0.636 mg/l	9
Arsenic, Total (c)	0.16854 mg/l	9
Benzene	0.01 mg/l	10
Beryllium, Total (c)	0.13 mg/l	2
Butylbenzyl Phthalate	3 mg/l	3
Cadmium, Total (H)	0.0159 mg/l	9
Copper, Total(H)	0.0636 mg/l	1
Chloride	860 mg/l	1
Dimethyl Phthalate	1.0 mg/l	11
Ethylbenzene	0.1 mg/l	14

Flouranthene	0.042 mg/l	3
Fluoride	1.8 mg/l	6
Iron, Total	1.5 mg/l	12
Lead, Total (H)	0.0816 mg/l	1
Manganese	0.0636 mg/l	13
Mercury, Total	0.0024 mg/l	1
Nickel, Total (II)	1.417 mg/l	1
PCB-1016(c)	0.000127 mg/l	9
PCB-1221(c)	0.10 mg/l	10
PCB-1232(c)	0.000318 mg/l	9
PCB-1242(c)	0.00020 mg/l	10
PCB-1248(c)	0.002544 mg/l	9
PCB-1254(c)	0.10 mg/l	10
PCB-1260(c)	0.000477 mg/l	9
Phenols, Total	1.0 mg/l	11
Pyrene (PAH.c)	0.01 mg/l	10
Selenium, Total	0.2385 mg/l	9
Silver, Total (H)	0.0318 mg/l	9
Toluene	0.10 mg/l	14
Trichloroethylene (c)	0.0027 mg/l	3
Zinc, Total (H)	0.117 mg/l	1

(*) Sources

1. "EPA Recommended Ambient Water Quality Criteria." Acute Aquatic Life Freshwater
2. "EPA Recommended Ambient Water Quality Criteria." LOEL Acute Freshwater
3. "EPA Recommended Ambient Water Quality Criteria." Human Health Criteria for Consumption of Water and Organisms
4. Secondary Treatment Regulations (40 CFR 133)

5. Factor of 4 times BOD5 concentration - Benchmark
6. North Carolina stormwater benchmark derived from NC Water Quality Standards
7. National Urban Runoff Program (NURP) median concentration
8. Median concentration of Stormwater Effluent Limitation Guideline (40 CFR Part 419)
9. Minimum Level (ML) based upon highest Method Detection Limit (MDL) times a factor of 3.18
10. Laboratory derived Minimum Level (ML)
11. Discharge limitations and compliance data
12. WV State Water Quality Standard for Iron
13. Colorado - Chronic Aquatic Life Freshwater - Water Quality Criteria
14. Baseline General Permit for Stormwater Discharges from Industrial Activity and Best Professional Judgment (BPJ)

Notes:

(c) carcinogen
(H) hardness dependent
(PAH) Polynuclear Aromatic Hydrocarbon

Assumptions:

Receiving water temperature - 20° C
Receiving water pH - 7.8
Receiving water hardness CaCO₃ - 100 mg/l

Receiving water salinity - 20 g/kg
Acute to Chronic Ratio (ACR) - 10

As can be seen here, benchmark concentrations were determined based upon a number of existing standards or other sources to represent a level above which water quality concerns could arise. The DWWM has sought to develop values which can realistically be measured and achieved by industrial facilities. Moreover, stormwater discharges with pollutant concentrations occurring below these levels would not warrant further analytical monitoring due to their minor potential effect on water quality. The DWWM believes that each of these benchmark values represents a reasonable level below which water quality impacts should not occur and they, therefore, represent a useful level to assess whether a pollution prevention plan is controlling pollution in the stormwater discharges.

The DWWM has adopted each of the benchmark values as determined by the EPA and tabulated in the Federal Multi Sector Permit Rationale under the table on page 3 of this fact sheet, Parameter Benchmark Values, with the exception of those benchmark values for Ammonia, Ethyl benzene, and Toluene. Generally, the DWWM has adopted values for these three (3) parameters from its Baseline General Permit for Stormwater Discharges in conjunction with the application of its Best Professional Judgement (BPJ).

10.CHANGES FROM THE 2021 MODIFIED PERMIT

Page 13 Sector G-1 Corrects the Benchmark for Total Recoverable Lead to 0.0816 mg/l

Page 37 – SWPPP requirements – changes to the site map requirements, to be more consistent with other Stormwater General Permits, under number 1 as follows.

1. A site map with a North Arrow with site oriented to the North, with a minimum of five- foot topographic contours and including: each drainage and discharge structure; an outline of the drainage area of each discharge point; drainage patterns of surface flow to each discharge point; each past or present area used for outdoor storage or disposal of significant materials; each existing structural control measure to reduce pollutants in stormwater runoff; stormwater conveyances including all ditches and pipe systems; material loading and access area; each hazardous waste storage or disposal facility (including each area not required to have a Resource Conservation and Recovery Act (RCRA) permit which is used for accumulating hazardous waste under 40 CFR section 262.34); each well where fluids from the facility are injected underground; sinkholes; springs; and other surface water bodies; a legend depicting all facility requirements.

Page 45 – Duty to Reapply – changes the language to the following - If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit within thirty (30) days of Reissuance of the general permit under WV DEPs online permitting system. This has been changed from 180 days to be consistent with the other WV DEP Stormwater Permits. The language stating that WV DEP will contact permittees regarding this requirement has been removed.

Page 49 – Changes the Representative Sampling, Sample Type and Sample Period to be reflective of the required quarterly sampling.

This language is now Permittee's quarterly sampling is due within 25 days after the quarterly reporting periods. These reporting periods are January through March, April through June, July through September, and October through December. Samples for the first reporting period are due by April 25th, for the second reporting period July 25th, for the third reporting period July 25th and the third reporting period October 25 and for the fourth reporting period January 25th.

11. ANTIDegradation REQUIREMENTS

The Stormwater Industrial Multi Sector permit is BMP based and has no discharge permit limits. The only exception is some activities in certain sectors have effluent limitation guidelines. These sectors are sector C-1B Phosphate Fertilizer Manufacturing, D-2B Asphalt Paving and Roofing Materials Manufacturing, and H-1 Air Transportation Facilities only if the site has airfield pavement deicing and airplane deicing (for new sources only). Currently there are approximately 1,000 facilities registered under the 2019 Stormwater Industrial Multi-Sector General Permit. These facilities have existing discharges and therefore are not subject to antidegradation requirements. Any new facility applying to be covered under the new Multi Sector general permit is required to comply with antidegradation requirements. In order to comply with these requirements, the DWWM requires that these new facilities are sent to public notice. It also requires that BMPS are implemented and in place prior to any stormwater discharge. The permit requires that SWPPP's and Groundwater Protection Plans be submitted with the new applications and reviewed prior to the issuance of registrations under the permit.

12. Chesapeake Bay TMDL and West Virginia Watershed Improvement Plan (WIP).

In the state of West Virginia, the Counties of Jefferson, Berkeley, Morgan, Hampshire, Mineral, Grant, Hardy and Pendleton drain to the Chesapeake Bay and must address this issue. The existing facilities covered under this General Permit are not expected to have a reduction in loadings affecting the TMDL. However, significant growth in facilities covered under this general permit is not expected and all new industrial stormwater loadings will be included in the State's 2015 urban stormwater loading assessment. This assessment will evaluate the success or failure of the WIP strategy to not increase delivered loading from Potomac watershed urban stormwater sources beyond 2010 levels. The proper implantation of required SWPPP's and GPP's by facilities renders stormwater discharges of quality similar to urban stormwater, hence the consideration of these discharges as urban stormwater discharges for WIP compliance purposes.

The State of West Virginia, Department of Environmental Protection, Division of Water and Waste Management, has made a tentative decision for a State NPDES Permit as listed on

this Fact Sheet. In order to provide public participation on the proposed issuance of the required permit, the following information is being supplied in accordance with Title 47, Series 10, Section 11.3.e.2 and 3, of the West Virginia Legislative Rules.

During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing. A request for a public hearing shall be made in writing and addressed to:

Director, Division of Water and Waste Management
Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304
Attention: Sharon Mullins
Phone: (304) 926-0499 ext. 43808
Fax: (304) 926-0446
[E-mail: Sharon.A.Mullins@wv.gov](mailto:Sharon.A.Mullins@wv.gov)

The request shall state the nature of the issues proposed to be raised in the hearing and must be received within the comment period. The Director shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest in issues relevant to the draft permit. Any person may submit oral or written statements and data concerning the draft permit; however, reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. A tape recording or written transcript of the hearing shall be made available to the public upon request.

If information received during the public comment period appears to raise substantial new questions, the Director may reopen the public comment period.

All applicable information concerning any permit application and the tentative decisions is on file and may be inspected by appointment, or copies obtained at a nominal cost, at the offices of the Division of Water and Waste Management, 601 57th Street SE, Charleston, West Virginia 25304, Monday through Friday (except State holidays) between 8:00 a.m. to 4:00 p.m.

Hearing impaired individuals having access to a Telecommunication Device for the Deaf (TDD) may contact our agency by calling (304) 926-0489. Calls must be made between 8 a.m. to 3:30 p.m. Monday through Friday.

Requests for additional information should be directed to Larry Board at (304) 926 0499 ext. 43883.

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