

Multi-Sector General Permit (MSGP)

Frequently Asked Questions

(updated: February 20, 2007)

[General application questions](#)

[No Exposure](#)

[Facility specific questions](#)

[Monitoring](#)

General application questions

- 1. How do I know if I need to apply for the MSGP?** If your facility's primary activity, identified by the Standard Industrial Classification (SIC) code, is found in Table D-1 of the permit then you must apply for coverage. Additionally, if your primary activity is not listed in Table D-1 and you have one of the following activities on site, you must apply for coverage for those portions of the facility where the activity occurs:
 - Activities listed in Table 1-1 of the MSGP
 - Hazardous Waste Treatment Storage, or Disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA)
 - Landfills, Land Application Sites and Open Dumps that receive or have received industrial wastes
 - Steam Electric Power Generating Facilities
 - Sewage Treatment Works with a design flow of 1 MGD or more
- 2. How can I determine my facility's SIC code?** You can determine your facility's SIC code in one of two ways. You can either look up your code using the Department of Labor's web site at: <http://www.osha.gov/pls/imis/sicsearch.html> or you can obtain your NAICS code from the "Industry Verification Form" sent to you by the Vermont Department of Labor and convert it to an SIC code. Your NAICS code can be converted to an SIC code at: <http://www.census.gov/epcd/naics02/N02TOS87.HTM>
- 3. Is a facility's SIC code based on the SIC code of the business, or the activities taking place at the facility?** Coverage under the MSGP is based on the industrial activity taking place at the facility.
- 4. If my facility already has another stormwater permit (i.e. permit coverage under the State Stormwater Discharge Permit program or Construction Stormwater Permit program) do I need to seek coverage under the MSGP?** Yes. If your SIC code is listed in Table D-1 of the permit you need to seek coverage regardless of other permits that your facility may have. The different stormwater permits issued by the Water Quality Division of Vermont DEC cover different aspects of stormwater. Operational stormwater and construction permits do not take into account and protect Vermont's waters from industrial activities and pollutants.

5. What do I need to do to apply?

a. Determine if you qualify for the “No Exposure Conditional Exclusion”. A No Exposure Conditional Exclusion will be available for those facilities that keep all of their materials and activities from being exposed to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, and waste products. If your facility meets the criteria for No Exposure, the owner or operator of the facility must fill out a “No Exposure Certification”. No Exposure forms are available on the Stormwater Section website:

http://www.vtwaterquality.org/stormwater/htm/sw_msgp.htm

b. If your facility does not meet the criteria for the No Exposure certification, the owner or operator of the facility must fill out a “Notice of Intent” (NOI) form. (This is a notice to discharge stormwater associated with an industrial activity) NOI forms are available on the Stormwater Section website:

http://www.vtwaterquality.org/stormwater/htm/sw_msgp.htm

6. If I have an existing facility, when do I need to apply for MSGP coverage? The NOI filing deadline is the effective date of the permit, August 18, 2006. All facilities that are eligible for permit coverage should submit an NOI or No Exposure Certification to the following address. Applicants may also apply online at: <http://www.securevtanr.com>. A copy of the complete NOI must be provided to the municipal clerk of the municipality in which the discharge is located at the same time that the NOI is submitted to the Water Quality Division.

VT DEC, Water Quality Division
Stormwater Section – MSGP
103 South Main Street, 10 N
Waterbury, VT 05671-0408

7. Can the public comment on my application? Yes. For a period of 10 days following the receipt of an NOI, the Secretary will provide the opportunity for written comments regarding whether the application and certification comply with the terms and conditions of the permit. The NOI must be posted in the municipal clerk’s office and will be posted on the Water Quality website at: <http://www.vtwaterquality.org/cfm/notices/notices.cfm>

8. When will my facility receive coverage under the permit? Following the close of the public comment period, if the facility is eligible for coverage and the NOI filing is complete, the Secretary will authorize coverage under the MSGP and send the facility a written authorization. A facility is authorized to discharge stormwater associated with industrial activity under the MSGP once the facility receives the written determination from the Secretary. The Secretary may also deny eligibility, require an individual permit, or request additional information.

9. If my facility doesn't qualify for "No Exposure", what do I have to do to comply with the MSGP?

- a. By May 15, 2007 the facility must develop and implement a Stormwater Pollution Prevention Plan (SWPPP) and submit it to the Agency. The SWPPP must contain facility specific information regarding potential pollutant sources, Best Management Practices to prevent stormwater pollution, and other site specific information. A SWPPP template is available for download at:
http://www.vtwaterquality.org/stormwater/htm/sw_msgpswppp.htm
- b. Facilities are also required to conduct visual, benchmark, and effluent monitoring at the stormwater discharge locations identified on the site.

10. What is the application fee for the MSGP? The fee for submitting a NOI is \$150 (application review fee). The annual operating fee is \$55. There is no fee for submitting a No Exposure Certification.

No Exposure

11. The MSGP indicates that a facility can still qualify for the No Exposure Conditional Exclusion if it has well maintained vehicles on-site. What qualifies something as a vehicle? Examples of questionable vehicles include trailers with attached storage tanks or the sorting machines used in composting operations. To demonstrate and maintain a condition of No Exposure, a storm resistant shelter is not needed for adequately maintained vehicles such as trucks, automobiles, forklifts, trailers or other general purpose vehicles – but not industrial machinery – which are not leaking or are otherwise a potential source of contaminants.

12. Does a fuel pump need to be covered to demonstrate No Exposure? Yes. Fueling is considered "vehicle and equipment maintenance" which is an activity that triggers the need for MSGP coverage. A facility with a fueling operation must apply BMPs to prevent or minimize contamination of stormwater from the fueling area. A facility may choose to prevent exposure by sheltering the operation from stormwater and stormwater runoff. If a facility protects all of its industrial materials and activities by a storm resistant shelter, to prevent exposure to rain, snow, snowmelt and/or runoff, it may qualify for No Exposure.

13. Do used roll off containers need to be covered? For a facility to qualify for the No Exposure Conditional Exclusion, all dumpsters and roll off containers must be covered and plugged.

Facility Specific Questions

14. Do storm water discharges from non-industrial areas at an industrial facility (employee parking lots, rental car operations at an airport) have to be addressed in a NPDES permit? No. Only storm water discharges from those areas that are associated with industrial activity, as defined at 40 CFR 122.26(b)(14) must be addressed in the permit.

However, if storm water runoff from a non-industrial area commingles with runoff from a regulated industrial area, the combined discharge would require permit coverage.

15. **Do salt piles and salted sand piles need to be covered?** Yes, piles containing salt at MSGP-regulated facilities must be enclosed or covered to prevent exposure to precipitation. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered only if stormwater from the pile is not discharged directly or indirectly to waters of the state or discharges from the piles are authorized and controlled under another NPDES permit.
16. **Does a closed landfill have to apply for coverage under the MSGP?** Any landfill, active, inactive or closed must apply for a permit if it receives or has received waste from industrial facilities. An inactive, closed or capped landfill may achieve No Exposure if they have 1) closed in accordance with closure plans approved by the Secretary; and 2) are currently performing or have completed post closure care in accordance with a certification, assurance of discontinuance, order or other legal document issued by or on behalf of the Secretary. Other closed landfills may be required to comply with the MSGP permit if so ordered by the Secretary.
17. **Do transfer stations need to seek coverage under the permit?** Transfer stations are classified under SIC code 4212. This SIC code includes residential drop off stations as well as commercial transfer stations. SIC code 4212 is included in Sector P of the MSGP, but these facilities are only required to seek coverage under the MSGP if they also have vehicle maintenance or equipment cleaning operations on site. Only those portions of the facility engaged in vehicle maintenance or equipment cleaning are considered industrial activities.
18. **Do Material Recovery Facilities (MRFs) need to seek coverage under the MSGP? If you convert the NAICS code that describes these facilities to an SIC using the table provided by the U.S. Department of Labor, you end up with an SIC code that is not listed in Table D-1 of the MSGP?** Yes, MRFs need to seek coverage under the MSGP. The MSGP uses the 1987 SIC codes. EPA has not yet made the switch to the updated 2002 NAICS codes and neither has Vermont. Under the current permitting system, NAICS codes hold no bearing on jurisdictional issues. Under the current system, MRFs are described under SIC code 5093 and included in Sector N of the MSGP. Specific requirements for MRFs are outlined in Section 4N of the permit.
19. **Do facilities primarily engaged in composting need to seek coverage under the MSGP? What is their SIC code?** Yes. Facilities primarily engaged in composting are classified under SIC code 2875. This SIC code is included in Sector C, Agricultural Chemicals.
20. **Are municipal and highway garages required to seek coverage under the permit?** Municipal and highway garages are classified under SIC code 1611. This SIC code is not included in table D-1 of the permit, therefore, these facilities do not need to seek coverage under the Vermont MSGP.

21. **Do loggers with log storage areas need to seek coverage?** Silvicultural activities are not required to seek coverage under the VT MSGP. Silvicultural activities include the felling, skidding, preparation (e.g., delimiting and trimming), loading and initial transport of forest products from an active harvest site. An active harvest site is considered to be an area where harvesting operations are actually on-going. Harvesting operations include the incidental stacking and temporary storage of harvested timber on the harvest site, prior to its initial transport to either an intermediate storage area or other processing site. This activity is an inherent part of harvesting operations. The definition of active harvesting operations does not include sites that are processing, sorting, or storing harvested timber which has been transported there from one or more active harvesting sites. These site activities are a point source under 40 CFR 122.27(b)(1), and described by SIC code 2411. Operators of these sites must seek MSGP coverage.
22. **Do “hobby” portable sawmill operations need to seek coverage under the permit, even if the operation is not a “business”? What about part-time operations being run as a business, such as firewood processors?** Establishments primarily engaged in cutting timber and in producing rough, round, hewn, or riven primary forest or wood raw materials, or in producing wood chips in the field are classified as SIC code 2411. This SIC code is included in Sector A of the MSGP and those facilities must apply for MSGP coverage. However, silvicultural activities (as defined by 40 CFR 122.27) are not required to seek coverage under this permit. If a sawmill operator brings the sawmill to a site to mill lumber and only mills the logs from that site, then the portable sawmill does not need MSGP coverage. The sawmill operator should follow the Department of Forest, Parks, and Recreation’s “Acceptable Management Practices” (AMPs) for Logging Jobs in Vermont.
23. **Do maple syrup producers need to seek coverage under the MSGP?** Facilities primarily engaged in the gathering and boiling of maple sap would be contained under SIC code 0831. This SIC code is not included in table D-1 of the permit and facilities would not be required to seek coverage.
24. **Do ski resorts need to seek coverage under the MSGP? Ski areas may have maintenance garages and salt piles on-site; do those portions of the facility need to seek coverage under the MSGP?** The primary activity taking place at ski resorts would fall under SIC code 7999 or 7011. These SIC codes are not included in Table D-1 of the permit and these facilities would not need to seek coverage under the permit. Having a maintenance garage or salt pile at the facility does not mean that the facility is required to seek coverage under the MSGP. Inclusion in the MSGP is based on your facility’s primary activity and these activities would be considered secondary to the operation of the ski resort.
25. **Do electric utilities need to seek coverage under the MSGP?** Electric utilities are defined by SIC code 4911. This SIC code is not included in Table D-1 of the MSGP and these facilities do not need to seek coverage. However, steam electric generating facilities are included in Sector O, and those facilities must seek coverage.
26. **Does a gravel pit need a both a construction permit and an MSGP?** No. If a gravel pit operator incorporates the terms and conditions and applicable technical standards of the

Construction General Permit 3-9020 in the facility's Stormwater Pollution Prevention Plan (SWPPP), the facility only needs permit coverage under the MSGP. The operator must include the risk scoring matrix and applicable Erosion Prevention and Sediment Control worksheets and plans with the application.

Monitoring

27. **How is a stormwater outfall from an industrial site defined for the purpose of sampling?** An industrial outfall is the point at which storm water associated with industrial activity discharges to waters of the United States or a separate storm sewer. Separate storm sewers may be roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains. Determine where runoff from each drainage area leaves your facility. If each drainage area has its own discharge location, you need to sample for each parameter or pollutant of concern at each discharge location (i.e., outfall). Remember that the goal is to collect samples of stormwater before it leaves your property and before it reaches a brook or stream. For more information on monitoring, see EPA's Stormwater Sampling Guidance at: <http://www.epa.gov/npdes/pubs/owm0093.pdf> or Vermont's Sampling Guide at: http://www.vtwaterquality.org/stormwater/htm/sw_msgpswppp.htm
28. **What are the monitoring requirements for snowmelt?** The permit requires quarterly visual and benchmark monitoring, for quarters defined by January, April, July, and October. Samples must be taken within the first 30 minutes of the storm event (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging from your facility. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. One monitoring event should be scheduled to capture the first snowmelt discharge. The snowmelt event must be large enough to produce a discharge that can be sampled. The facility manager should determine when a large enough melt event occurs at the facility, based on warming temperatures.
29. **What should I do if there is no stormwater discharge from my facility?** For the visual monitoring requirement, you must document in your monitoring records that no discharge occurred. For benchmark, effluent limitation and impaired waters monitoring, you must submit a Discharge Monitoring Report (DMR) for each identified stormwater outfall where no discharge occurred. In the 'Sample Result' column, explain that there was insufficient volume to take a sample for each required parameter. To meet the benchmark monitoring requirements, the facility must continue to submit DMRs until the average of 4 samples taken is below the benchmark level.