

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER BUREAU



National Pollutant Discharge Elimination System (NPDES)  
Storm Water from Industrial Activities General Permit

Are you discharging storm water associated with industrial activity without the necessary wastewater discharge permit?

The Michigan Department of Environmental Quality (DEQ) is offering facilities discharging storm water to surface waters of the state without required permit coverage an expedited process to resolve violations of law and avoid enforcement actions. The goal is to encourage facility owners to comply with state and federal water quality laws, especially Section 324.3112 of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended. Facilities that have never had a permit and are discharging storm water without necessary permit coverage may address past violations by voluntarily submitting a Certificate of Entry of the General Administrative Consent Order for Unpermitted Discharges, paying the applicable permit fee and penalty, and meeting all eligibility requirements for the permit selected.

There is a three step process to determine if a storm water permit is necessary.

**Step one** is to find out if your industry is identified in the federal storm water regulations. Standard Industrial Classification (SIC) codes or narrative descriptions are used to identify regulated facilities. SIC codes describe the primary nature of business in which a facility is engaged. In general, the following industrial categories are regulated:

- Manufacturing (SIC 20— through 39—)
- Public Warehousing (SIC 422-)
- Transportation (SIC 40— through 45—)
- Mining (SIC 10— through 14—)
- Landfills
- Steam Electric Power Plants
- Recycling Facilities
- Waste Water Treatment
- Hazardous Waste Storage and Treatment

You can find your four digit SIC code, for comparison, in your corporate tax returns under Schedule K listed as either “Business Activity Code” or “Manufacturers Identity Code.” You may also call Michigan’s Unemployment Agency at (800) 638-3994 and provide your federal identification number to get your official SIC code. A complete list of regulated SIC codes can be found on the industrial storm water program page at [http://www.michigan.gov/documents/deq/wrd-isw-fed-sic\\_398366\\_7.pdf](http://www.michigan.gov/documents/deq/wrd-isw-fed-sic_398366_7.pdf).

**Step two** is to determine if your facility has a point source discharge of storm water to surface waters of the state. Storm water runoff consists of rain, snow or any other form of precipitation that falls on the facility and runs (flows) off. A “point source discharge” is defined as any discernable, confined, and discrete conveyance that directs storm water off the property. This includes but is not limited to pipes, ditches, channels, tunnels, conduits, and grading to direct water off the property. Storm water that does not discharge off the site of a regulated industrial activity or which does not follow a definable path to a surface water body will not need a permit. “Surface waters of the state” include lakes, rivers, streams and wetlands.

If storm water from the site is discharged into a combined sewer system which leads to a wastewater treatment plant, a storm water permit is not required. Combined sewers are common in several large cities in Michigan and are designed to contain storm water runoff and combine it with sanitary wastewater. You may contact personnel at the department of public works in your city to determine if your site is served by combined or separate storm sewers. If storm water from your site discharges to a separate storm sewer system, a storm water permit is required.

**Step three** is to decide whether storm water could come into contact with industrial materials or activities at the site. Basically, if you store or transport ANYTHING related to your industrial activity outside without permanent covering (exempting final products manufactured for use outside such as a completed automobile), then it can come into contact with storm water and the quality of the storm water runoff could be affected. The term “exposure” is used in the storm water program to indicate the potential for contact between storm water and your industrial materials. This includes outside storage of scrap dumpsters that contain materials associated with your industrial activity. Guidance as to whether you have exposure can be found on the industrial storm water program web page.

If after reviewing the guidance document you determine that you do not have exposure at the site, then you can submit a “No Exposure Certification” form. The No Exposure Certification form is submitted in place of obtaining a storm water permit. If you chose to operate your facility without exposure, then you may still want to have a team of storm water certified operators among your housekeeping team to help recognize practice changes that could cause you to need coverage (such as moving equipment outside).

In summary, if you answer “yes” to all of the following three questions, you need a permit:

1. Am I regulated?
2. Do I have a storm water discharge to surface waters of the state?
3. Do I store or transport industrial materials outside that could come in contact with storm water?

If permit coverage is needed, please submit the enclosed Industrial Response Form with the appropriate box checked. Water Bureau staff will confirm that coverage under the Storm Water General Permit is appropriate and send you a copy of the General Administrative Consent Order for Unpermitted Discharges.

To enter the General Administrative Consent Order that resolves the past violations for discharging without a permit, you will be required to submit the following:

- A notarized Certificate of Entry form that states you agree with the General Administrative Consent Order.
- The permit fee of \$260 and a monetary penalty of \$520.

Eligibility for this General Administrative Consent Order is limited to those facilities that currently have a discharge, but have never held a permit issued by the State of Michigan for that discharge. This General Administrative Consent Order is not available to facilities with expired permits for the discharge. Please also note that this waiver of violation does not extend to any damage to surface water, storm water or groundwater quality that may have occurred as a result of current or past discharges.

Under the general order, you are agreeing to apply for coverage within a 60-day period. To apply for permit coverage, you will need to submit a "[Notice of Intent \(NOI\)](#)". When submitting the application form (the NOI) you must also:

- Have a certified operator who has supervision over the control structures at the facility.
- Have eliminated any unauthorized non-storm water discharges to the storm sewer system and waters of the state.
- Have a Storm Water Pollution Prevention Plan (SWPPP) developed and implemented.

The permit application (NOI) cannot be submitted until these requirements have been met. The MDEQ will review completed NOI forms to determine if coverage under a general permit is appropriate. The MDEQ will grant coverage under the general permit by mailing each eligible facility a Certificate of Coverage.

Training materials for the certified operator program, guidance on how to identify non-storm water connections to the storm water system, and template SWPPP's can be found online at [www.michigan.gov/degstormwater](http://www.michigan.gov/degstormwater), select "Industrial Program." Questions can be directed to your Storm Water Program staff in the district offices or you can contact the Environmental Assistance Center 1-800-662-9278 for referral to staff.

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## Frequently Asked Questions

- 1. What is storm water?** Storm water refers to rain, snow melt, or any other form of precipitation.
- 2. I have storm drains at my facility, but I don't know where they go. Where can I find this information?** Contact your city's department of public works or the water and sewer division.
- 3. I don't add anything to storm water or put anything in the storm drains. Do I still need a permit?** Yes. This is a pollution prevention permit. It requires that pollution prevention procedures and controls are used to prevent the contamination of the storm water that is discharged from the facility.
- 4. What is the purpose of the Industrial Storm Water Program?** The goal of the program is to reduce the amount of pollutants that are washed into Michigan's rivers, lakes and streams, by implementing pollution prevention strategies at industrial facilities.
- 5. How long have storm water permits been required?** Industrial storm water permit coverage has been required in Michigan since 1994.
- 6. Do other states have this requirement?** Yes. The federal Clean Water Act requires that industrial facilities in all states obtain permit coverage if they meet the conditions specified in the rules.
- 7. Are there any fees associated with the permit?** Yes. Currently, there is an annual fee of \$260.
- 8. What is a Storm Water Pollution Prevention Plan (SWPPP)?** The SWPPP is a written plan that describes the control measures an industrial facility will take to reduce or eliminate pollutants in storm water. These measures include preventative maintenance, good housekeeping and material handling practices, as well as proper spill response procedures.
- 9. What if I lease my facility?** The facility operator must apply for permit coverage rather than the property owner.
- 10. Are there any exceptions?** Yes, there is a conditional exemption for those facilities that operate without any exposure of industrial materials or activities to storm water. More information about the No Exposure Certification can be found on the DEQ website at [www.michigan.gov/degstormwater](http://www.michigan.gov/degstormwater). Click on "Industrial Program", then "No Exposure Certification Guidance".