



PAG-03
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR DISCHARGES OF
STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY
FACT SHEET

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* (the "Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*, the Department of Environmental Protection (DEP) is proposing to renew the discharge of stormwater associated with industrial activity to surface waters of the Commonwealth under the PAG-03 General Permit. The purpose of this document is to explain the basis for the terms and conditions of the reissued PAG-03 General Permit, in accordance with 25 Pa. Code § 92a.53 (relating to documentation of permit conditions). In general, efforts were made by DEP to keep the PAG-03 General Permit consistent with the United States Environmental Protection Agency's (EPA's) 2021 NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP).

DEP published notice of the availability of a draft PAG-03 General permit in the *Pennsylvania Bulletin* on _____. A 30-day comment period was provided, and interested parties were directed to submit comments to DEP's eComment system or by e-mail to ecomment@pa.gov. The comment period ended on _____. DEP received comments and questions from ___ different individuals and organizations during the comment period and has developed a separate comment-response document.

SCOPE

The PAG-03 General Permit is intended to provide NPDES permit coverage for discharges of stormwater associated with industrial activity, as defined at 40 CFR § 122.26(b)(14) (excluding §§ 122.26(b)(14)(iii) for mineral industry, 122.26(b)(14)(ix) for sewage treatment works and 122.26(b)(14)(x) for stormwater associated with construction activity), and other industrial stormwater discharges that may be required to obtain a permit under Pennsylvania's Clean Streams Law. An industrial facility that already has or is required to obtain an individual NPDES permit for non-stormwater discharges may not use the PAG-03 General Permit for coverage of its stormwater discharges, as the stormwater discharges are incorporated into the individual permit. See "Discharges Not Authorized by the PAG-03 General Permit" below for additional criteria that limit coverage under the PAG-03 General Permit.

Industrial facilities that are required to obtain NPDES permit coverage for their stormwater discharges, and also have periodic non-stormwater discharges, may be eligible for PAG-03 General Permit coverage if the non-stormwater discharges are limited to the following (authorized non-stormwater discharges):

- Discharges from emergency/unplanned fire-fighting activities;
- Potable water – including water line flushings, fire suppression system flushings, and fire hydrant flushings – that does not contain measurable concentrations of Total Residual Chlorine (TRC), and where appropriate control measures are implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
- Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors (if treatment through an oil/water separator is provided) and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage;
- Landscape water if such water does not contain pesticides, herbicides or fertilizers;
- Pavement wash waters, other than wash waters used on newly sealed pavement, where no detergents or hazardous cleaning products are used; the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities, or any other toxic or hazardous materials; and where appropriate control measures are implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
- Routine external building washdown / power wash water that does not contain detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols) and where appropriate control measures are implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials; and

- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of a facility, but not intentional discharges from the cooling tower.

The PAG-03 General Permit contains Parts A, B, and C, which apply to all facilities, and appendices that are sector-specific. Table 1 below identifies the PAG-03 appendices, the SIC codes and industrial activities that are subject to the requirements in those appendices, and the source of the requirement for NPDES permit coverage (or otherwise No Exposure Certification). Facilities whose primary industrial activities do not fall within the SIC codes of a given appendix, but the activities are nonetheless similar, may be specified by DEP as needing to comply with that appendix.

Table 1 – Industrial Activities and Corresponding PAG-03 Appendices

PAG-03 Appendix	SIC Code	Industrial Activity	Source
A – Hazardous Waste Treatment, Storage or Disposal Facilities	4953 and others	Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA	40 CFR § 122.26(b)(14)(iv)
B – Primary Metals	3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills	40 CFR § 122.26(b)(14)(ii)
	3321-3325	Iron and Steel Foundries	
	3331-3339	Primary Smelting and Refining of Nonferrous Metals	
	3341	Secondary Smelting and Refining of Nonferrous Metals	
	3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals	
	3363-3369 3398, 3399	Nonferrous Foundries (Castings) Miscellaneous Primary Metal Products	
C – Landfills and Land Application Sites	4953 and others	All Landfill and Land Application Sites that receive or have received industrial wastes	40 CFR § 122.26(b)(14)(v)
D – Timber Products	2411	Log Storage and Handling	40 CFR § 122.26(b)(14)(ii)
	2421	General Sawmills and Planing Mills	
	2426	Hardwood Dimension and Flooring Mills	
	2429	Special Product Sawmills, Not Elsewhere Classified	
	2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood	
	2441	Nailed and Lock Corner Wood Boxes and Shook	
	2448	Wood Pallets and Skids	
	2449	Wood Containers, Not Elsewhere Classified	
	2451, 2452	Wood Buildings and Mobile Homes	
	2491	Wood Preserving	
	2493	Reconstituted Wood Products	
2499	Wood Products, Not Elsewhere Classified		
E – Paper and Allied Products	2611	Pulp Mills	40 CFR § 122.26(b)(14)(ii)
	2621	Paper Mills	
	2631	Paperboard Mills	
	2652-2657	Paperboard Containers and Boxes	
	2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes	

PAG-03 Appendix	SIC Code	Industrial Activity	Source
F – Chemicals and Allied Products	2812-2819	Industrial Inorganic Chemicals	40 CFR § 122.26(b)(14)(ii)
	2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass	
	2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances	40 CFR § 122.26(b)(14)(xi)
	2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations	40 CFR § 122.26(b)(14)(ii)
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products	
	2861-2869	Industrial Organic Chemicals	
	2873-2879	Agricultural Chemicals	
	2891-2899	Miscellaneous Chemical Products	
	2911	Petroleum Refining	40 CFR § 122.26(b)(14)(xi)
3952	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors		
G – Air Transportation Facilities	4512-4581	Air Transportation Facilities	40 CFR § 122.26(b)(14)(viii)
H – Steam Electric Generating Facilities	4911	Steam Electric Generating Facilities, including coal handling sites	40 CFR § 122.26(b)(14)(vii)
I – Food and Kindred Products	2011-2015	Meat Products	40 CFR § 122.26(b)(14)(xi)
	2021-2026	Dairy Products	
	2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties	
	2041-2048	Grain Mill Products	
	2051-2053	Bakery Products	
	2061-2068	Sugar and Confectionery Products	
	2074-2079	Fats and Oils Products	
	2082-2087	Beverages	
	2091-2099	Miscellaneous Food Preparations and Kindred Products	
2111-2141	Tobacco Products		
J – Additional Facilities	Various	Other stormwater discharges designated as needing a permit or any facility discharging stormwater associated with industrial activity not described by any other appendix.	40 CFR § 122.26(a)(9)(i)(C) & (D) and or Pennsylvania Clean Streams Law
K – Existing Salt Storage and Distribution Sites	Various	Salt Storage and Distribution Piles	Pennsylvania Clean Streams Law
L – Land Transportation and Petroleum Stations and Terminals	4011, 4013	Railroad Transportation	40 CFR § 122.26(b)(14)(viii)
	4111-4173	Local and Highway Passenger Transportation	
	4212-4231	Motor Freight Transportation and Warehousing	
	4311	United States Postal Service	
	5171	Petroleum Bulk Stations and Terminals	

PAG-03 Appendix	SIC Code	Industrial Activity	Source
M – Asphalt Paving, Roofing Materials and Lubricants	2951, 2952	Asphalt Paving and Roofing Materials	40 CFR § 122.26(b)(14)(ii)
	2992, 2999	Miscellaneous Products of Petroleum and Coal	
N – Glass, Clay, Cement, Concrete and Gypsum Products	3211	Flat Glass	40 CFR § 122.26(b)(14)(ii)
	3221, 3229	Glass and Glassware, Pressed or Blown	
	3231	Glass Products Made of Purchased Glass	
	3241	Hydraulic Cement	
	3251-3259	Structural Clay Products	
	3261-3269	Pottery and Related Products	
	3271-3275	Concrete, Gypsum, and Plaster Products	
	3281	Cut Stone and Stone Products	
O – Automobile Salvage Yards	5015	Automobile Salvage Yards	40 CFR § 122.26(b)(14)(vi)
		Automobile Salvage Yards	40 CFR § 122.26(b)(14)(vi)
P – Scrap and Waste Recycling Facilities	5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling	40 CFR § 122.26(b)(14)(vi)
	5093	Source-Separated Recycling Facility	
Q – Textile Mills, Apparel and Other Fabric Products	2211-2299	Textile Mill Products	40 CFR § 122.26(b)(14)(xi)
	2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials	
	3131-3199	Leather and Leather Products	
R – Printing and Publishing	2711-2796	Printing, Publishing, and Allied Industries	40 CFR § 122.26(b)(14)(xi)
S – Rubber, Miscellaneous Plastic Products and Miscellaneous Manufacturing Industries	3011	Tires and Inner Tubes	40 CFR § 122.26(b)(14)(xi)
	3021	Rubber and Plastics Footwear	
	3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting	
	3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified	
	3081-3089	Miscellaneous Plastics Products	
	3931	Musical Instruments	
	3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods	
	3951-3955 (except 3952)	Pens, Pencils, and Other Artists' Materials	
	3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal	
3991-3999	Miscellaneous Manufacturing Industries		
T – Leather Tanning and Finishing	3111	Leather Tanning and Finishing	40 CFR § 122.26(b)(14)(ii)
U – Fabricated Metal Products	3411-3499	Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services.	40 CFR § 122.26(b)(14)(xi)
	3511-3599	Industrial Machinery and Equipment	
	3911-3915	Jewelry, Silverware, and Plated Ware	

If the SIC code characterizing the primary industrial activity is not listed above and/or industrial activities are not similar to those above, but all other eligibility requirements for PAG-03 General Permit coverage are met, DEP may allow PAG-03 coverage under Appendix J; otherwise, the facility will need to apply for individual permit coverage.

Unless otherwise specified in the PAG-03 General Permit, the discharge of stormwater associated with industrial activity into a storm sewer prior to discharge to surface waters does not alleviate the requirement to apply for NPDES permit

coverage or No Exposure Certification, regardless of whether a permit has been issued to cover stormwater discharges from the storm sewer. For example, an industrial site whose activities fall into the definition of stormwater associated with industrial activity and discharges stormwater to a municipal separate storm sewer system (MS4) permitted by DEP cannot claim that their stormwater discharges are covered by the MS4's NPDES permit; separate coverage for the industrial site is required (unless otherwise specified in PAG-03). However, stormwater discharges to a separate or combined sanitary sewer system do not require independent permit coverage.

The Notice of Intent (NOI) form (3800-PM-BCW0083b) must be completed by all persons seeking new, renewed, or amended coverage under the PAG-03 General Permit. In addition, the NOI must be completed by all persons seeking new or renewed No Exposure Certification approval from DEP (except those sections of the NOI that do not apply to No Exposure).

NOI REQUIREMENTS

Facilities seeking coverage under the PAG-03 General Permit shall submit an administratively complete and acceptable NOI at least 60 days prior to the planned date for commencing any new discharge. A facility authorized to discharge under an individual NPDES permit who is seeking coverage under this General Permit may continue to discharge in accordance with the individual permit while DEP reviews the NOI and associated documents for coverage under this General Permit.

The 2016 General Permit utilized the Annual Report in lieu of a renewal NOI to continue coverage under the General Permit, unless notified by DEP in writing that an NOI was required. To maintain General Permit coverage, permittees will now be required to submit a complete renewal NOI upon expiration and reissuance of the General Permit. Notice of each approval of coverage and reissuance of the PAG-03 General Permit will be published by DEP in the *Pennsylvania Bulletin*.

The NOI fee for coverage under this General Permit is \$500 per year the permittee operates under the General Permit. The initial \$500 is paid with the NOI for new permit coverage, and then an installment of \$500 will be paid each year, to be submitted at the same time as an Annual Report due by May 1 unless DEP approves a Notice of Termination (3800-PM-BCW0410) by that date.

DISCHARGES NOT AUTHORIZED BY THIS GENERAL PERMIT

The following discharges are not authorized under this General Permit, and DEP may deny coverage under this General Permit when one or more of the following conditions exist:

1. Stormwater discharges that, individually or in combination with other similar discharges, are or have the potential to be a contributor of pollution, as defined in the Pennsylvania Clean Streams Law, which are more appropriately controlled under an individual permit. (25 Pa. Code § 92a.54(e)(1))
2. The discharger is not, or will not be, in compliance with any one or more of the conditions of the General Permit. (25 Pa. Code § 92a.54(e)(2))
3. Stormwater discharges proposed by a person responsible for other activities regulated by DEP who has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit, schedule of compliance or order issued by DEP. (25 Pa. Code § 92a.54(e)(3))
4. Stormwater discharges that contain pollutants for which a change has occurred in the availability of demonstrated technology or practices for the control or abatement of the pollutants. (25 Pa. Code § 92a.54(e)(4))
5. Stormwater discharges for which categorical point source effluent limitations are promulgated by the U.S. Environmental Protection Agency (EPA) and other sector-specific prohibited discharges identified in the appendices to this General Permit. (25 Pa. Code § 92a.54(e)(5))
6. Stormwater discharges that are not in compliance or will not result in compliance with an applicable effluent limitation or water quality standard. (25 Pa. Code § 92a.54(e)(6))
7. Stormwater discharges from a facility for which an individual permit is required for other point source discharges, and issuance of both an individual permit and authorization for coverage under a General Permit for the facility would constitute an undue administrative burden on DEP. (25 Pa. Code § 92a.54(e)(7))

8. Stormwater discharges that DEP determines require an individual NPDES permit to ensure compliance with the Federal Clean Water Act, the Pennsylvania Clean Streams Law or DEP regulations. (25 Pa. Code § 92a.54(e)(8))
9. Stormwater discharges directly to surface waters classified as High Quality Waters (HQ) or Exceptional Value Waters (EV) under 25 Pa. Code Chapter 93 (relating to Water Quality Standards). (25 Pa. Code § 92a.54(e)(9))
10. Stormwater discharges containing toxic or hazardous pollutants as defined in sections 307 and 311 of the Clean Water Act (33 U.S.C. §§ 1317 and 1321), or any other substance which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or contribute to an increase in mortality or morbidity in either an individual or the total population, or pose a substantial present or future hazard to human health or the environment when discharged into surface waters. (25 Pa. Code § 92a.54(a)(5))
11. Stormwater discharges that individually or cumulatively have the potential to cause or contribute to a violation of an applicable water quality standard established under 25 Pa. Code Chapter 93 (relating to water quality standards) or cause significant adverse environmental impact. (25 Pa. Code § 92a.54(a)(7))
12. Stormwater discharges to impaired waters (with or without an approved Total Maximum Daily Load (TMDL)) where the discharges contain or are expected to contain parameters at concentrations that have the potential to cause or contribute to the impairment, and stormwater discharges that are subject to a Wasteload Allocation (WLA) in a TMDL.
13. Stormwater discharges that would adversely affect a listed endangered or threatened species or its critical habitat. (25 Pa. Code § 92a.12(c))
14. Stormwater discharges from a facility covered by an individual permit when coverage under the General Permit would result in less stringent effluent limitations or terms and conditions.
15. Non-stormwater discharges and stormwater discharges containing pollutants that are intentionally introduced by the permittee, unless specifically authorized by DEP.
16. Stormwater discharges associated with construction activity as defined in 40 CFR § 122.26(b)(14)(x) or 40 CFR § 122.26(b)(15); stormwater discharges associated with mineral extraction activity as defined in 40 CFR § 122.26(b)(14)(iii); and stormwater discharges associated with treatment works treating domestic sewage as defined in 40 CFR § 122.26(b)(14)(ix).
17. Stormwater discharges that occur at new or existing facilities with cooling water intake structures as defined in 40 CFR §§125.81 and 125.91, respectively.
18. Stormwater discharges where one or more of the sector-specific discharge prohibitions apply, as identified in the appendices to the General Permit.

NOTE – If NPDES permit coverage is required for stormwater associated with mining activities, the operator should submit an NOI for GP-104 NPDES permit coverage to the appropriate DEP district mining office. Non-mining industrial activities that are located at mining sites may be covered by the PAG-03 General Permit except as follows, which should apply for GP-104 permit coverage:

- Asphalt plants located within a permitted mine site and all drainage is to the permitted mine site. (If the mine closes and the asphalt plant wishes to continue to operate, the operator would need to apply for PAG-03 General Permit coverage or an individual NPDES permit).
- Asphalt plants located outside but contiguous to a permitted mine site that drain entirely to the permitted mine site.

PART A – EFFLUENT LIMITATIONS

The PAG-03 General Permit establishes effluent limitations through the implementation of best management practices (BMPs), as specified in Part C II (general BMPs applicable to all facilities) and the sector-specific appendices of the General Permit, to reduce the discharge of pollutants in stormwater discharges associated with industrial activity.

All stormwater discharges must comply with all applicable requirements established in accordance with 25 Pa. Code Chapters 91-96, 102, and 105 of DEP's rules and regulations. For all permittees covered under this General Permit, DEP may, upon written notice, require additional BMPs or other control measures to ensure that the water quality standards of the receiving waters are attained.

In addition, the permittee may not discharge the following, which are narrative effluent limitations used to implement specific provisions of DEP's regulations:

1. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water. (25 Pa. Code § 92a.41(c))
2. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline. (25 Pa. Code §§ 92a.47(a)(7), 95.2(2))
3. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa. Code § 93.6(a))
4. Foam or substances that produce an observable change in the color, taste, odor, or turbidity of the receiving water. (25 Pa. Code § 92a.41(c))

PART A – SELF-MONITORING, REPORTING AND RECORDKEEPING

In general, these requirements are used in DEP's individual NPDES permits, and identify the following key elements of monitoring, reporting and recordkeeping under the General Permit that are generally required by state and federal regulations:

- Representative sampling requirements, records retention requirements, recording of results, analytical test procedures, and quality assurance and control.
- Reporting of monitoring results, including the requirement to submit Discharge Monitoring Reports (DMRs), the method by which DMRs must be submitted, and signatory requirements. The U.S. Environmental Protection Agency (EPA) published a final rulemaking in 2015 that requires (with certain exceptions) that NPDES-permitted facilities submit DMR data electronically. As a result, DEP has required the use of its electronic DMR (eDMR) system in the PAG-03 General Permit for submission of semiannual DMRs by permittees.
- Other reporting requirements, including planned changes to physical facilities, unanticipated non-compliance or potential pollution reporting, and other non-compliance.

In addition, the General Permit requires the submission of an Annual Report to be submitted by May 1 of each year. The use of DEP's Annual Report template (3800-PM-BCW0083h) is required.

An annual installment of the NOI fee in the amount of \$500 is due by May 1 of each year of permit coverage, unless: 1) the permittee submits a Notice of Termination (3800-PM-BCW0410) as required by Part B I.B.5 of the General Permit that is approved by DEP by the date the payment is due; or 2) the permittee is exempt under 25 Pa. Code § 92a.26(i)..

Part A of the General Permit was updated to conform to DEP's latest regulatory language in 25 Pa. Code Chapter 92a.

PART B – STANDARD CONDITIONS

In general, these requirements are used in DEP's individual NPDES permits, and identify other responsibilities of permittees that are covered under the General Permit, including:

- Achieving compliance with compliance schedules of the General Permit.
- Procedures for permit modification, termination or revocation and reissuance.
- Duties to provide information to DEP.
- Proper operation and maintenance.

- Duties to mitigate to prevent discharges in violation of the General Permit.
- Penalties and liabilities for violating permit conditions or limitations, or falsifying information.
- Provisions to provide entry to DEP and EPA to the facility, have access to records, and inspect and monitor facility operations at reasonable times.
- Procedures for transferring coverage under the General Permit.
- Clarification that property rights are not conveyed by coverage under the General Permit.
- Duty to reapply. The 2016 General Permit of the PAG-03 General Permit utilized the Annual Report in lieu of a renewal NOI to continue coverage under the General Permit, unless notified by DEP in writing that an NOI was required. To maintain General Permit coverage, permittees will now be required to submit a complete renewal NOI upon expiration and reissuance of the General Permit. Notice of each approval of coverage and reissuance of the PAG-03 General Permit will be published by DEP in the *Pennsylvania Bulletin*.

PART C – SPECIAL CONDITIONS

The Part C of the reissued PAG-03 General Permit has been updated in comparison to the 2016 General Permit, as follows:

- **Section I** – Paragraph B (authorized non-stormwater discharges) has been updated to include fire suppression system flushings under potable water discharges, and clarification has been added to all authorized potable and wash water discharges that authorized appropriate control measures should be implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement). The list of authorized non-stormwater discharges is consistent with EPA's 2021 MSGP and has not significantly changed from the 2016 PAG-03 General Permit. Paragraph D was updated to reflect DEP's current permit language.
- **Section II** – The general BMPs that apply to all permittees have been updated for clarification and to reflect the general BMPs contained in EPA's 2021 MSGP. Specifically, language has been added to paragraph B regarding vehicle and equipment maintenance activities and container storage. Paragraph D, providing for ongoing maintenance of installed control measures, was also added.
- **Section III** – A requirement that at least one inspection per year occur during a storm event meeting the criteria for representative sampling was added to Paragraph A.
- **Section IV** – DEP has updated the Preparedness, Prevention, and Contingency (PPC) Plan conditions of the PAG-03 General Permit to be consistent with internal references throughout the permit document. This section has not significantly changed from the 2016 General Permit.
- **Section V** – Several provisions of the monitoring requirements of the PAG-03 General Permit have been modified in comparison to the 2016 General Permit:
 - The General Permit now clarifies that facilities with stormwater controls that do not discharge under typical rainfall conditions may report no discharge on DMRs. These facilities will be required to provide at least one sample result on the subsequent renewal NOI.
 - The section also establishes requirements for discharges from valve-controlled stormwater retention structures. This includes any structural stormwater BMP that is designed to capture runoff and has a mechanical means of controlling discharges from the structure. The section now contains requirements for the sampling and discharge of retained stormwater runoff from these structures.
 - Permittees will now be required to submit an NOI to amend coverage under the General Permit anytime a new outfall is identified or proposed, and anytime the permittee desires to modify representative outfalls for sampling purposes.
 - The requirement to submit a Corrective Action Plan (CAP) after two exceedances of benchmark values remains a requirement in the proposed reissued PAG-03. A new requirement to submit a Stormwater BMPs Checklist (3800-PM-BCW00831) after four consecutive exceedances of benchmark values had been added to the

proposed General Permit. Permittees will be required to submit the Stormwater BMPs Checklist (3800-PM-BCW0083I) with each CAP for four or more consecutive exceedances of the benchmark values.

- It is clarified that DEP may, at its discretion, require an individual permit for continued exceedances of the benchmark values.

SECTOR-SPECIFIC APPENDICES

DEP's 2016 PAG-03 General Permit contained 21 appendices for specific industrial sectors. Table 1 above proposes no changes to the organization of appendices from the 2016 General Permit, except for the addition of SIC codes 3511-3599, Industrial Machinery and Equipment, to Appendix U.

In general, DEP decided that semiannual monitoring for key pollutants for all sectors was still appropriate. The 2016 General Permit required semiannual monitoring for most sectors and, in DEP's experience, this is sufficient to characterize stormwater associated with industrial activity.

A monitoring requirement for Total Nitrogen and Total Phosphorus has been added for all sectors. Monitoring has been added to help characterize Total Nitrogen and Total Phosphorus concentrations in industrial stormwater for possible future action in the Chesapeake Bay watershed and other waters with protected uses impaired by nutrients.

DEP is proposing to maintain most benchmark values from the 2016 General Permit with certain exceptions, as follows:

- Total Suspended Solids (TSS) (all appendices) – 150 mg/L. The 2016 benchmark of 100 mg/L was proposed based on DEP's best judgment of what a properly operated facility should be able to achieve. Throughout the 2016 General Permit's term, DEP observed that many facilities otherwise operating properly still had difficulty maintaining the TSS benchmark of 100 mg/L. Many of these PAG-03 facilities are smaller business or operate on unimproved lots where it is very difficult to meet TSS requirements. A review of literature available from EPA, the Minnesota Stormwater Manual, and other sources supported a typical industrial TSS concentration of 150 - 200 mg/L. Using the lower end of this range gives some allowance to permittees who have difficulty meeting TSS benchmarks due to lot conditions while still holding the largest sources accountable to make improvements or apply for individual permit coverage.
- Monitoring for Oil & Grease was added to Appendices B and U due to the common use of petroleum products in the listed industrial sectors and their observed presence in runoff at the regional level.
- Monitoring for Chemical Oxygen Demand (COD) was added to Appendix O due to concerns for proper draining and handling of fluids in stored vehicles.

The following significant modifications are proposed to PAG-03 sector-specific appendices:

- Sector-specific BMPs are proposed to be added to particular appendices, as needed, to incorporate any new BMPs listed in the EPA 2021 MSGP.
- Appendix H – The 2016 General Permit lists several facility categories that do not require NPDES permit coverage as prohibited from coverage under the PAG-03 and requiring individual permit coverage. DEP has determined that this was an error because EPA does not consider these facilities to need permit coverage. These facilities are proposed to be removed from the list of prohibitions. EPA's Fact Sheet for the 2021 MSGP describes that a facility only requires coverage if the facility has a stream component for power generation. Therefore, gas turbine facilities and combined cycle facilities where no supplemental fuel oil is burned, and where the gas turbine or combined cycle facility is not a dual fuel facility that includes a steam boiler and cogeneration facilities (combined heat and power) utilizing a gas turbine do not require permit coverage.