

## **Stormwater Discharges Associated with Industrial Activity NPDES Permits and No Exposure Certification**

### **Frequently Asked Questions (FAQ)<sup>1</sup> April 20, 2023 Version 1.3**

#### **Background**

The Department of Environmental Protection (DEP) has developed this FAQ document to assist facilities who are required to have National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges of stormwater associated with industrial activity (under an individual permit or PAG-03 General Permit coverage) or No Exposure Certification (NEC). This document does not apply to stormwater discharges from sewage treatment plants, mining activities or stormwater discharges associated with construction activities. Questions about the program may be directed to the appropriate [DEP regional office](#) or to DEP's Bureau of Clean Water, Division of NPDES Permitting at [RA-EPNPDES\\_Permits@pa.gov](mailto:RA-EPNPDES_Permits@pa.gov) or (717) 787-5017.

DEP reissued the PAG-03 General Permit on December 24, 2022, which has an effective date of March 24, 2023 and an expiration date of March 23, 2028. Existing permittees were required to submit Notices of Intent (NOIs) to DEP to remain covered under PAG-03 by March 23, 2023.

#### **GENERAL APPLICABILITY**

#### **FAQ #1: What facilities are required to obtain NPDES permit coverage for stormwater discharges?**

Industrial facilities identified as needing NPDES permit coverage pursuant to 40 CFR § 122.26(b)(14) must apply for NPDES permit coverage or, if eligible pursuant to 40 CFR § 122.26(g), apply for NEC. In addition, any facility discharging pollutants in stormwater may be required by DEP under the authority of the Pennsylvania Clean Streams Law (CSL) to apply for and obtain an NPDES permit.

#### **FAQ #2: How does a facility determine whether NPDES permit coverage or NEC is required based on SIC code or activity?**

If a facility's primary Standard Industrial Classification (SIC) code or industrial activity is listed in Table 1 of the [PAG-03 Notice of Intent \(NOI\) Instructions](#), the facility is required to obtain permit coverage or

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<sup>1</sup>**DISCLAIMER:** The information outlined in this document is intended to supplement existing requirements. Nothing in this document affects regulatory requirements. The interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the interpretations in this document that weight or deference. This document provides a framework within which DEP will exercise administrative discretion in the future. DEP reserves the discretion to deviate from the interpretations in this document if circumstances warrant.

seek NEC.

The table below identifies three scenarios involving a facility’s primary SIC code, secondary SIC code, and narrative industrial activity. For certain industrial sectors, the federal regulations at 40 CFR § 122.26(b)(14) define stormwater associated with industrial activity in terms of SIC code and for other sectors, the regulations define stormwater associated with industrial activity in terms of a narrative description of the industrial activity. If a facility’s Primary SIC code or industrial activity is listed in 40 CFR § 122.26(b)(14), the facility must apply for permit coverage or NEC. If only a secondary SIC code is listed in the regulations, a facility is not required to apply for permit coverage or NEC unless DEP determines that permit coverage is necessary due to the presence of pollutants in stormwater discharges.

Scenario	Primary SIC Code	Secondary SIC Code	Industrial Activity	Requirement
1	Listed	Listed or not	Listed or not	Apply for permit or No Exposure
2	Not listed	Listed	Not listed	None, unless DEP determines permit coverage is required by CSL
3	Listed or not	Listed or not	Listed	Apply for permit or No Exposure

**FAQ #3: How do I determine a facility’s primary SIC code when there are multiple activities at a site?**

To determine the primary industrial activity, determine the revenues generated by all activities on-site. The activity that generates the most revenue is the primary industrial activity for determining the primary SIC code. To determine the SIC code that is related to the activity, the U.S. Department of Labor Occupational Safety and Health Administration’s [SIC search system](#) can be used.

**FAQ #4: Where can I find information to relate an SIC code to my facility’s NAICS code?**

The U.S. Census Bureau maintains a cross-walk of 2002 North American Industry Classification System (NAICS) codes to 1987 SIC codes on its [website](#), as well as cross-walks between 2002 and other year NAICS codes. In addition, the U.S. Environmental Protection Agency (EPA) has included a cross-walk in [Appendix N](#) of its Multi-Sector General Permit for industrial stormwater.

**FAQ #5: How is a facility regulated when multiple activities conducted by different operators are occurring on the same site?**

When multiple activities are conducted by different operators at a single location, each industrial activity is assigned its own SIC code. For example, an industrial park or complex that is owned by one entity may have multiple tenants with SIC codes for primary industrial activities that each require permit coverage or NEC.

If none of the tenants qualify for NEC, either the owner of the industrial park or complex can apply for permit coverage under a single permit or the multiple tenants can be co-applicants for a single permit (either PAG-03 coverage if all tenants are eligible, or an individual permit). When a permit is issued with

co-applicants, the co-applicants will become co-permittees and will share responsibilities of permit compliance.

While operation under a single permit is preferred, if those options are considered infeasible, DEP will accept separate NOIs for PAG-03 General Permit coverage or individual permit applications from each tenant.

If the industrial activities at the site correspond to different appendices, the appendices will be applied on an outfall by outfall basis.

**FAQ #6: Can activities conducted by the same operator on multiple properties or tax parcels be covered under on permit?**

Activities occurring on contiguous lots or tax parcels may be covered under one permit. If the properties or tax parcels are not contiguous, separate permits will generally be required.

**FAQ #7: Do stormwater discharges from non-industrial areas at an industrial facility (e.g., employee parking lots) have to be addressed in an NPDES permit?**

The requirement for permit coverage or NEC under federal regulations applies only to the areas associated with industrial activity as defined at 40 CFR § 122.26(b)(14). However, if stormwater runoff from a non-industrial area commingles with runoff from a regulated industrial area, the combined discharge and drainage area would require permit coverage (or NEC). DEP requests that all stormwater outfalls be reported in NOIs and applications for documentation purposes and to aid DEP in conducting inspections.

It is noted that DEP may require that persons with discharges from areas not regulated under 40 CFR § 122.26(b)(14) apply for and obtain a permit if it is determined that the discharges contribute pollutants to waters of the Commonwealth.

**FAQ #8: What type of non-stormwater discharges are authorized under PAG-03?**

Non-stormwater discharges authorized under the General Permit are as follows:

- Discharges from emergency/unplanned fire-fighting activities;
- Potable water, including water line flushing and fire hydrant flushing, that do not contain measurable concentrations of Total Residual Chlorine (TRC) (i.e., below the DEP Target Quantitation Limit (0.02 mg/L) for TRC as listed in in the “Attachment C” of the Industrial Wastewater Permit Application Instructions (3800-PM-BCW008a);
- 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 where no detergents or hazardous cleaning products are used, and 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;

- Routine external building washdowns / power wash water that does not use detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);
- 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 permittee is also authorized to discharge sector-specific non-stormwater discharges identified in the appropriate appendix of the General Permit, if applicable.

**FAQ #9: If my facility is already in operation but never received PAG-03 or NEC coverage, should I check “New” or “Existing” on the NOI?**

Select ‘Existing Facility’ without providing permit or NEC number, and select ‘New’ for Type of Approval.

**FAQ #10: How do I determine if my facility should be covered under an individual permit instead of a general permit?**

An individual permit is required for industrial stormwater and other discharges that are not authorized by the PAG-03 General Permit. The conditions in which discharges are not authorized by the PAG-03 General Permit and where an individual permit would be required for the discharges are provided in the [PAG-03 NOI Instructions](#) (see “Discharges Not Authorized by the PAG-03 General Permit” section). For example, if the discharger is not, or will not be, in compliance with any one or more of the conditions of the PAG-03 General Permit (see the [Sample Permit](#)), the discharger would need to seek approval under an individual permit. Additional prohibitions to the use of the PAG-03 General Permit are described in sector-specific appendices to PAG-03.

**FAQ #11: If my stormwater is being discharged to receiving waters with an existing or designated use of High Quality (HQ) or Exceptional Value (EV) under 25 Pa. Code Chapter 93, am I required to submit an anti-degradation module?**

Yes. An applicant must provide a completed [Module 1 – Anti-Degradation](#) form (3800-PM-BCW0403d) with an Individual NPDES Permit Application for Industrial Stormwater (3800-PM-BCW0403b) if the applicant is proposing the following discharges to receiving waters with existing uses of HQ or EV under DEP’s regulations at 25 Pa. Code Chapter 93:

- A new discharge not previously present;
- An additional or increased discharge to an existing waste stream or outfall; or,
- An existing discharge that exists but is not permitted and the permittee is seeking permit coverage of the discharge for the first time.

Discharges to receiving waters with existing or designated uses of HQ and EV under DEP's regulations at 25 Pa. Code Chapter 92a are not authorized under the PAG-03 General Permit. If a stream is redesignated while a facility has coverage under the PAG-03 General Permit, the permittee will be required to apply for an individual permit when the PAG-03 General Permit expires. Applicants who had PAG-03 General Permit coverage when the stream was redesignated are not required to submit an anti-degradation analysis.

If Module 1 will be submitted, DEP encourages applicants to meet with DEP in advance of the permit application to ensure proper understanding of DEP's anti-degradation requirements. DEP provides anti-degradation guidance in the DEP's Water Quality Antidegradation Implementation Guidance document (391-0300-002).

**FAQ #12: My facility is not regulated under 40 CFR § 122.26(b)(14), but DEP has required that I apply for a permit due to a finding that there are pollutants in stormwater discharges from the facility. May I apply for a NEC instead?**

No. NEC is applicable only to those facilities that are regulated under 40 CFR § 122.26(b)(14). In general, there should not be a need for permit coverage where a facility implements conditions commensurate with the federal definition of No Exposure. However, if there is a finding that there are pollutants in stormwater discharges from the facility, DEP may require submission of a PAG-03 NOI or individual permit application.

**FAQ #13: If there are auxiliary operations on-site and off-site, do I need to obtain permit coverage or NEC for these auxiliary operations?**

Auxiliaries are establishments primarily engaged in performing management or support services for other establishments of the same enterprise. Some examples of activities commonly performed by auxiliaries are management and other general administrative functions, such as accounting, data processing, and legal services; research, development, and testing; and warehousing.

**On-site:** On-site auxiliary operations, such as warehouses or vehicle maintenance shops, are considered Secondary SIC code activities. A facility only needs a permit if the Primary SIC code or narrative activity is listed. If it is listed, obtain the appropriate permit and comply with the sector-specific appendix requirements for primary activities, auxiliary/secondary activities on-site and any narrative activities, or obtain NEC.

**Off-site:** Auxiliary operations conducted off-site should be evaluated separately as to whether the off-site industrial activities need permit coverage or NEC.

**FAQ #14: Do I need permit coverage or a NEC if my facility discharges to a separate sanitary sewer system or a combined sewer system?**

If stormwater discharges from an industrial site identified at 40 CFR § 122.26(b)(14) flow into a separate sanitary sewer or combined sewer system that is part of a publicly owned treatment works (POTW) defined at 25 Pa. Code § 92a.2, permit coverage or NEC is not required. However, such discharges are

subject to EPA pretreatment regulations (40 CFR Part 403 and others as applicable). The POTW should be notified of any discharges to their system.

If stormwater discharges from an industrial site identified at 40 CFR § 122.26(b)(14) flow into a separate sanitary sewer or combined sewer system that is not part of a POTW, permit coverage or NEC is required.

It is noted that any stormwater discharges to separate sanitary sewers and any new or increased stormwater discharges to combined sewer systems are highly discouraged.

**FAQ #15: Do I need permit coverage or NEC if my facility discharges to a municipal separate storm sewer system (MS4) or private storm sewer?**

Yes. All facilities identified at 40 CFR § 122.26(b)(14) that discharge to an MS4 or private storm sewers must apply for permit coverage or NEC.

**FAQ #16: Stormwater discharges from my facility flow into a basin that does not discharge under normal conditions. Does my facility need permit coverage or NEC?**

Yes. If there is any possibility of a discharge, even during large storm events, then permit coverage or NEC is required when an industrial site is identified at 40 CFR § 122.26(b)(14).

Note: If there is a retention basin, or if stormwater discharges into a quarry pond, sinkhole, or well (i.e., groundwater) that is designed to capture all stormwater runoff from industrial areas of a site, DEP may still require permit coverage. A Water Quality Management (WQM) permit may be required if stormwater discharges to groundwater, a water of the Commonwealth under the CSL.

**FAQ #17: If the stormwater from my facility is discharged as sheet flow, am I required to obtain permit coverage or NEC?**

Permit coverage or NEC is required when an industrial site is identified at 40 CFR § 122.26(b)(14). The CSL does not distinguish between point and non-point source pollution, and the absence of an outfall structure does not preclude a facility from the requirements of permit coverage.

**FAQ #18: What are toxic pollutant effluent standards and are they applicable to my facility?**

The federal regulations at 40 CFR § 122.26(b)(14)(i) include facilities that are subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards. The phrase, “toxic pollutant effluent standards” refers to the standards established pursuant to CWA section 307(a)(2) and codified at 40 CFR Part 129. Part 129 applies only to manufacturers of six specific pesticide products which are defined as toxic pollutants. The phrase, “facilities subject to toxic pollutant effluent standards,” does not refer to those industries subject to effluent limitation guidelines for toxics under 40 CFR Subchapter N.

## **INDUSTRIAL CLASSIFICATION APPLICABILITY**

### **FAQ #19: Are activities associated with industrial activity that occur on agricultural lands exempted from stormwater permitting requirements?**

No. If a stormwater discharge is associated with industrial activity as defined at 40 CFR § 122.26(b)(14), it is subject to permit or NEC requirements regardless of the location of the activity.

### **FAQ #20: Is a manufacturing facility's off-site vehicle maintenance facility required to apply for a permit under the transportation category?**

No. An off-site vehicle maintenance facility supporting one company would not be required to apply for a permit if that company is not primarily engaged in providing transportation services and therefore would not be classified as SIC code 42. The maintenance facility would be considered an **auxiliary operation** to the manufacturing facility. If the maintenance facility is located on the same site as the manufacturing operation, it would be included in the areas associated with industrial activity and must be addressed in an application.

### **FAQ #21: Can I discharge vehicle wash water along with stormwater from my facility?**

No. Vehicle wash water discharges are not an authorized non-stormwater discharge under PAG-03. Any permittee seeking to discharge vehicle wash water should obtain an individual permit. Applicants seeking General Permit coverage or NEC may remain eligible if the discharge can be completely separated from stormwater and recycled, reused or discharged to a sanitary sewer system in accordance with applicable industrial pretreatment requirements. Wash areas must be indoors to be eligible for NEC coverage.

### **FAQ #22: Do discharges from salt storage piles and distribution sites, regardless of tonnage, require coverage under PAG-03?**

Only existing salt storage or distribution facilities (with existing coverage under PAG-03) may be covered under PAG-03. New facilities with large stockpiles designed for storage of at least 3,000 tons of salt should apply for coverage under an Individual NPDES permit, unless such discharges enter an MS4 that is covered by an NPDES permit. New facilities with small stockpiles designed for storage of less than 3,000 tons of salt are not required to seek permit coverage under an individual NPDES permit if the BMPs specified in the PAG-03 General Permit (see Section IV of Appendix K) are implemented and maintained, unless otherwise notified by DEP in writing that permit coverage or another DEP approval is required.

### **FAQ #23: Does on-site storage and application of salt for deicing require coverage under PAG-03?**

If a facility stores salt for use on-site, this does not necessarily require coverage under PAG-03 or exclude the facility from eligibility for NEC coverage. As long as salt storage areas are located under cover or are appropriately tarped when not in use, and all appropriate good housekeeping BMPs are implemented in accordance with Section IV of Appendix K of PAG-03, the facility would not be subject to Appendix K monitoring requirements under their PAG-03 coverage, and may still qualify for NEC.

**FAQ #24: Does the PAG-03 offer coverage for hydrostatic test water discharges from my facility or must I obtain a separate permit?**

Appendix L of PAG-03 covers discharges of hydrostatic test water occurring on the site to a permitted outfall. Hydrostatic test water discharges are authorized only for Land Transportation facilities and Petroleum Bulk Stations and Terminals as identified by the following SIC Codes under Appendix L: 4011, 4013, 4111, 4173, 4212, 4231, 4311 and 5171. PAG-03 coverage may not be extended to off-site locations to outfalls not listed in the NOI. Off-site discharges, and facilities not categorized by Appendix L, require coverage under a PAG-10 General Permit or an individual permit.

**FAQ #25: Does my facility with an SIC code of 1389 (oil and gas field services) require permit coverage or NEC? Or, do federal exemptions for certain oil and gas field activities or operations apply to my facility?**

EPA's regulations at 40 CFR § 122.26(a)(2)(ii) exempt all field activities or operations associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, from needing to obtain NPDES permit coverage or NEC unless one or more of the considerations in 40 CFR § 122.26(c)(1)(iii) apply. Facilities with an SIC Code of 1389 that are ancillary to oil and gas exploration, production, processing, or treatment operations or transmission facilities, such as maintenance buildings and warehouses that support oil and gas field activities, do not meet the criteria for exemption under 40 CFR § 122.26(a)(2)(ii) and therefore require permit coverage or NEC. Even those oil and gas facilities that are exempt under federal regulations may be required by DEP to obtain permit coverage under the CSL if DEP determines stormwater discharges will be a contributor of pollution.

**FAQ #26: Is coverage required for a Direct to Locomotive (DTL) Fueling activity which is occurring alongside railway tracks away from a regular maintenance yard?**

Only non-transient vehicle and equipment cleaning / maintenance shops (which includes fueling) are included in the transportation category. Therefore, repairs or fueling conducted along the track system would not be subject to permit requirements. If there were persistent pollutant or water quality issues emanating from a known portion of tracks, DEP may designate the area for permitting.

**FAQ #27: If the primary SIC code of a facility is not covered under the regulations, but there is a hazardous waste treatment, storage or disposal facility (TSDF) on-site, is the TSDF subject to stormwater permitting requirements?**

Yes. If the hazardous waste TSDF is or should be operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA), regardless of the facility's primary activity, the stormwater discharges from that portion of the site are subject to the narrative definition of stormwater discharges associated with industrial activity. Even if a facility's SIC code is not included in the regulations, any activity described by one of the narrative categories of industrial activity that is occurring on-site would be regulated under the stormwater program.



**FAQ #28: At what point does an inactive, closed, or capped landfill cease being an industrial activity?**

An inactive, closed, or capped landfill is no longer subject to stormwater permit requirements when DEP determines that the land use has been altered such that there is no exposure of significant materials to stormwater at the site. For example, if an impervious surface now covers the closed landfill, DEP could determine that stormwater discharges from the area are no longer associated with the previous landfill activity. These determinations are made on a case-by-case basis.

**FAQ #29: If all vehicle maintenance and equipment cleaning operations occur indoors at a transportation facility, as defined at 40 CFR § 122.26(b)(14)(viii), is a permit required for discharges from the roofs of these buildings?**

If all industrial activity on a site, including vehicle maintenance and equipment cleaning operations, occur indoors, and the industrial activity is identified at 40 CFR § 122.26(b)(14)(viii), the facility should qualify for NEC, and stormwater from roofs would not specifically need permit coverage. If some industrial activity occurs outdoors, such as storage of materials or vehicles awaiting maintenance, the facility would not be eligible for NEC, and stormwater discharges associated with the roofs of buildings where industrial activity occurs would need to be authorized under permit coverage along with other discharges associated with industrial activity.

**FAQ #30: For a facility classified under SIC code 5171 (bulk petroleum storage), is the transfer of petroleum products from the storage tanks to the distribution truck considered “fueling,” and therefore an industrial activity as defined by the regulations?**

The transfer of petroleum products from storage tanks to a tanker truck is not considered fueling and would not require a permit. However, fueling of the tanker truck itself at the facility with an SIC code of 5171 is considered part of routine vehicle maintenance, and stormwater discharges from these areas must be covered under a permit or NEC.

**FAQ #31: Is a retail fueling operation that occurs at an SIC code 5171 petroleum bulk storage facility regulated?**

No. The provisions of 40 CFR § 122.26(b)(14)(viii) apply to fueling operations conducted at petroleum bulk storage facilities where the vehicles being fueled are involved with the petroleum bulk storage operation. Retail fueling of vehicles at such sites does not constitute “vehicle maintenance,” and a stormwater permit is not required for the discharges from that area. Only those portions of the SIC code 5171 facility where vehicle maintenance operations (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) and equipment cleaning take place are required to be covered under a stormwater permit.

**FAQ #32: If an airport does not conduct deicing operations, is permit coverage or NEC required?**

If the airport is a transportation facility that can be classified under one or more of the following SIC codes and has a vehicle maintenance shop or equipment cleaning operations, permit coverage or NEC is required, regardless of whether deicing operations occur: 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171.

**FAQ #33: Can asphalt emulsion plants that are subject to the federal Effluent Limitation Guideline (ELG) at 40 CFR 443 qualify for General Permit coverage under Appendix M if their monitoring shows compliance with the ELG?**

No. The provisions of 40 CFR 443 Subpart A, Asphalt Emulsion Subcategory, apply to both wastewater and stormwater, and require an effluent limit to be established in the NPDES permit. Because the General Permit only contains benchmark monitoring requirements, an individual NPDES permit is needed to establish ongoing effluent limits, regardless of compliance history.

**2023 PAG-03 GENERAL PERMIT**

**FAQ #34: Do I need to renew my permit coverage under the PAG-03?**

Yes, under the current PAG-03 permit, the submission of a Notice of Intent (NOI) to renew PAG-03 General Permit coverage is required. Permittees seeking to renew coverage may continue to discharge under this permit upon the submission of a timely and complete NOI.

**FAQ #35: When must I submit the General Information Form (GIF) form and Act 14 requirements?**

Applicants seeking new coverage under PAG-03 or an individual permit should submit the GIF and comply with Act 14 requirements. The GIF Form is required applicants seeking new NEC.

**FAQ #36: Can multiple appendices be applicable to one facility's site?**

Yes, if multiple industrial activities requiring coverage are present at one site the requirements of each corresponding appendix will be applicable at that site.

**STORMWATER SAMPLING AND REPORTING**

**FAQ #37: What sampling is required for a PAG-03 NOI?**

Sampling of pollutant parameters identified in the applicable PAG-03 appendix should be analyzed, and sampling information for the past two years should be provided as required by the PAG-03 NOI. Additionally, results must be provided for any pollutants that are considered the cause of impairment to the receiving stream. Pollutants that have not been sampled for but are suspected to be in the discharge should be identified.

**NOTE** – Existing facilities applying for new or renewed PAG-03 coverage or NEC must provide stormwater quality information. New facilities applying for new PAG-03 coverage or NEC do not need to provide anticipated stormwater quality information.

**FAQ #38: What sampling is required for an individual permit for industrial stormwater?**

Sampling of pollutant parameters identified in the [Individual NPDES Permit Application for Industrial Stormwater](#) form (3800-PM-BCW0403b), pollutants contained within Effluent Limitation Guidelines (ELG) applicable to the facility’s activity, any pollutants that are considered the cause of impairment to the receiving stream, and other pollutants known or suspected by the applicant to be present in Groups 1 through 7 should be analyzed and reported in the application form.

**FAQ #39: How frequently must I conduct stormwater sampling?**

All facilities covered under PAG-03 are required to conduct semi-annual monitoring (see note regarding potential reduced monitoring for salt storage piles and airports). Facilities covered by an individual permit must conduct sampling at the frequency listed in Part A of their permit for each pollutant.

**NOTE** – Salt storage piles less than 3,000 tons can potentially reduce monitoring from semi-annual to annual sampling. See Appendix K of PAG-03. Similarly, small airports using less than 100,000 gallons of pure glycol or less than 100 tons of urea on an average annual basis can potentially reduce monitoring from semi-annual to annual sampling. See Appendix G of PAG-03.

**FAQ #40: What is considered a “storm event” for sampling purposes?**

For the purpose of the stormwater sampling requirement, any storm that produces precipitation greater than 0.1 inch, resulting in a stormwater discharge and is separated by 72 hours from the previous storm, is considered a storm event.

**FAQ #41: Stormwater is defined as the runoff from precipitation, snow melt runoff, and surface runoff and drainage. Can snow melt be sampled? Or does it have to be a rainfall event?**

If a discharge is caused from snowmelt equivalent to 0.1 inch of rainfall, it may be sampled to meet stormwater sampling requirements. However, DEP’s preference is for facilities to sample following storm (rainfall) events.

**FAQ #42: The minimum monitoring frequency in the General Permit for each parameter is one sampling event every six months. Can I collect more samples to report an average value in eDMR?**

No. PAG-03 permittees are expected to report the Maximum Daily stormwater concentration for each pollutant during the reporting period. However, permittees may perform more than one sampling event every six months. The collection of multiple samples, particularly when a benchmark concentration is

exceeded, will allow the permittee to better characterize runoff quality and may assist the permittee in developing strategies to eliminate benchmark exceedances.

**FAQ #43: Do I need to install a system or device to collect sampling if there is non-point source (sheet flow) discharge from my facility?**

You may be required to install inlets, pipes, and/or other structures or devices to conduct representative stormwater sampling, in accordance with a schedule provided upon written notice from DEP. However, other sampling techniques for sheet flow may also be utilized, such as the technique demonstrated by the [Minnesota Pollution Control Agency](#).

**FAQ #44: Are on-site test results for grab samples acceptable for parameters with laboratory holding time requirements less than 24 hours?**

Yes. On-site testing is acceptable provided equipment is available for the parameters and the equipment uses a method approved under 40 CFR Part 136 or is otherwise approved by DEP.

**FAQ #45: If my facility received New PAG-03 Coverage during the calendar year, what is my obligation for submitting sample results? For example, if NOI Coverage is approved May 1, do I need to sample for the 1st sampling period (Jan 1 through June 30) or only for the 2nd sampling period (Jul 1 through Dec 31)?**

The expectation to submit Discharge Monitoring Reports (DMRs) begins immediately upon the effective date of new coverage under PAG-03 (or an individual permit). This means that if new coverage was approved on June 1, for example, submission of a DMR for the reporting period of January 1 – June 30 is required, due by July 28. However, DEP understands that it may be difficult to coordinate stormwater sampling in such a short amount of time if there is no qualifying event. Therefore, DEP allows permittees to report a No Data Indicator (NODI) Code for the first DMR due if there is no qualifying event. The NODI Code that would typically be used is “GG” (Conditional Monitoring). This code would be reported in lieu of sample results for each pollutant.

**FAQ #46: How can I change representative outfalls?**

Facilities may group outfalls based on industrial activities occurring within the drainage areas of those outfalls and, if it is determined by the facility that the drainage areas and quality of stormwater discharges are substantially identical, select one outfall (i.e., a representative outfall) to represent others in the group. To change a representative outfall during the permit term, permittees must submit an NOI or application along with the appropriate fee to DEP and receive approval prior to conducting sampling at the new representative outfall.

**FAQ #47: Where can I find information about my registration for eDMR?**

DEP's eDMR system must be used by all industrial stormwater permittees. The [eDMR website](#) provides information on the eDMR system. If you have submitted eDMR registration paperwork to DEP and would like to know the status of registration, contact DEP's Bureau of Clean Water at (717) 787-5017.

**FAQ #48: What if I was unable to collect samples during the first 30 minutes of a storm event due to the distance between outfalls?**

If sampling during the first 30 minutes is not possible, grab samples must be collected as soon as possible after the first 30 minutes of a discharge and you should explain why samples could not be collected within the first 30 minutes as a comment on the DMR. For example, collection of samples during the first 30 minutes of a storm event may not be possible due to the distance between outfalls, overflows only occurring during large storm events, discharges from a retention basin being controlled manually rather than during a storm event, or stormwater being held in secondary containment prior to discharge. It is noted that you may need multiple sample collectors to address issues concerning distance between outfalls.

**FAQ #49: Are NEC sampling requirements limited to only those parameters in the NEC form? Does the SIC code and associated PAG-03 Appendix impact the sampling protocol for NEC facilities?**

Industrial sites applying for NEC are only required to sample for the eight parameters listed in the NEC instructions. Additional sampling based on SIC code is not required for NEC facilities.

**NO EXPOSURE CERTIFICATION**

**FAQ #50: How long is my permit coverage or NEC valid?**

Individual permits and NEC are generally valid for 5 years from the date of issuance. The PAG-03 General Permit is issued for a 5 year period, and coverage is valid from the date of issuance to the expiration date listed in the General Permit.

**NOTE** – If conditions at a facility with NEC change at any time during the period of NEC coverage, such that the facility is no longer eligible for NEC, the facility must notify DEP immediately and submit an NOI or application for permit coverage.

**FAQ #51: Do I need to apply and obtain new NEC after the PAG-03 General Permit is reissued or is my NEC still valid until it's expiration date?**

Your NEC is valid until the expiration date identified on the approval from DEP. Submission of an application to renew the NEC is not required until (no later than) 180 days prior to the expiration date of your NEC.

## **FAQ #52: What documents are required to apply for NEC?**

When applying for NEC, the following items must be submitted:

- [No Exposure Certification Form](#) (3800-PM-BCW0083e);
- [PAG-03 NOI Form](#) (3800-PM-BCW0083b);
- General Information Form (0210-PM-PIO0001) (new NEC applications only);
- Topographic map showing facility and discharge point(s);
- Facility or site map (or sketch) identifying structures, discharge point(s), and drainage characteristics;
- Preparedness, Prevention, and Contingency (PPC) Plan (if applicable);
- PAG-03 NOI Filing Fee;
- Evidence of notification to the MS4, if applicable; and,
- For existing discharges only (including existing facilities without prior permit or NEC coverage), the results of analytical tests for all parameters listed in the NEC form.

The Act 14 notices are not required for NEC application or renewal.

## **FAQ #53: Is sampling data required to receive NEC coverage?**

Sampling data is required for all existing facilities, including existing facilities that have no prior NEC or permit coverage.

## **FAQ #54: What is a storm-resistant shelter?**

A storm-resistant shelter can be:

- A completely roofed and walled building or structure;
- A structure with only a top cover but no side walls, as long as stormwater cannot flow through the structure and rain or snow that are blown in by the wind are prevented from running out, such as by a curb or berm; or
- Cover materials including, but not limited to, tarpaulin, polyethylene, polyurethane, polypropylene or Hypalon with sufficient strength to prevent tearing can be used as a temporary measure.

## **FAQ #55: What are the materials and activities that do not require a storm-resistant shelter to qualify for NEC?**

The following materials and activities do not require a storm-resistant shelter to qualify for NEC:

- Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak (“sealed” means banded or otherwise secured and without operational taps or valves);
- Dumpsters or roll-off boxes that are covered, in good condition, and not allowed to drain or leak;
- Adequately maintained vehicles used in material handling; and
- Final products, other than products that would be mobilized in storm water discharge.

**FAQ #56: Do dumpsters or roll-off boxes without lids qualify for NEC?**

If the dumpsters or roll-off boxes without lids are under cover of a storm-resistant shelter, they may qualify for NEC. However, if they are not under cover of a storm-resistant shelter, they will not qualify for NEC.

**FAQ #57: When evaluating a NEC for fueling stations, what does DEP consider?**

An on-site fueling station with no roof, canopy or cover to protect the fueling area is ineligible for NEC. A fueling station with above-ground storage tanks may or may not be eligible for NEC:

- Where secondary containment is exposed to blowing snow or rainfall, the site is ineligible for NEC.
- Where secondary containment is protected from blowing snow or rainfall, the site remains eligible for NEC.

A fueling station with **fully buried** storage tanks is eligible for NEC when the fueling area is protected from exposure by placement indoors or under roof.

**FAQ #58: How does the DEP evaluate flexible coverings, such as tarps, when evaluating for NEC?**

Flexible covers like tarpaulin, polyethylene, polyurethane, polypropylene, or Hypalon generally cannot be used to claim no exposure over a permanent installation unless otherwise approved by DEP. Flexible materials of sufficient strength to prevent tearing may be used as cover over temporary installations, such as dumpsters.

**FAQ #59: Can mobile fueling stations at facilities qualify for NEC?**

Mobile fueling stations that meet the storm-resistant shelter criteria may qualify for NEC.

**FAQ #60: If I am using wooden pallets for transportation or receipt of materials that are piled outside when not in use, would I be eligible for NEC if all other activities are occurring indoors?**

Wooden pallets in good condition that do not contaminate stormwater may be eligible for NEC.

**FAQ #61: My facility is located in a Special Protection watershed. Am I eligible for NEC?**

No. If a facility discharges to a surface water classified with an existing or designated use of HQ or EV water under 25 Pa. Code Chapter 93, the facility is not eligible to use NEC in lieu of permit coverage. The facility must apply for an individual NPDES permit. However, such individual permits would include limited or no stormwater monitoring.

**FAQ #62: My facility includes two industrial areas. One area meets the eligibility requirements for NEC, and one does not. Is a portion of my facility eligible for NEC?**

No. All industrial areas at a site that are subject to permit requirements must meet the no exposure requirements in order for the facility to qualify for NEC. The DEP will not approve no exposure for only a portion of a site. However, portions of the facility that have no exposure may have limited or no stormwater monitoring.

**FAQ #63: Does the use of deicing agents in parking areas or walkways make my facility ineligible for NEC?**

No. The use of deicing agents for safety in parking areas or walkways does not disqualify the facility from NEC. If all other NEC requirements are met, and the agents are stored or stockpiled on site in a way that is consistent with the NEC requirements, then the facility may qualify for NEC.

**COMPLIANCE**

**FAQ #64: Where can I find BMPs applicable to all permittees?**

BMPs applicable to all permittees can be found in Part C II of the PAG-03 General Permit. Individual permits will require BMPs specific to the facility.

**FAQ #65: Where can I find a list of additional BMPs applicable to my sector?**

Sector-specific BMPs may be found in each of the appendices, i.e., from Appendix A through Appendix U of the PAG-03 General Permit. The Stormwater BMPs Checklist (3800-PM-BCW00831) also contains sector-specific BMPs that must be considered when developing a Corrective Action Plan after four (4) consecutive exceedances, as discussed in FAQ #67 below.

**FAQ #66: Two consecutive sampling event exceedances of a benchmark value triggers a corrective action plan (CAP) submission to DEP. Are these exceedances outfall specific?**

Submission of a CAP to DEP is only required if exceedances of benchmark values for the same pollutant at the same discharge point or outfall for two or more consecutive monitoring periods.

**FAQ #67: What should my Corrective Action Plan look like and what items do I need to include in the CAP?**

Corrective Action Plan (CAP) means a **document or correspondence submitted to DEP** after two (2) or more consecutive exceedances of benchmark values that evaluates alternatives and identifies additional pollutant control measures or BMPs that will be implemented by the permittee in order to reduce the



concentration of pollutants in stormwater discharges to levels at or below benchmark values specified in sector-specific appendices of the PAG-03, along with an implementation schedule.

You should include information about your efforts to control the pollutant(s) and as appropriate propose additional BMP(s) or other control measures you believe would be adequate to meet benchmark values, unless you can demonstrate in the plan that (1) the exceedances are solely attributable to natural background sources; (2) no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practices; or (3) further pollutant reductions are not necessary to prevent stormwater discharges from causing or contributing to an exceedance of applicable water quality standards.

Any CAP submitted after four (4) or more consecutive exceedances of benchmark values should include consideration of all additional stormwater BMPs outlined in the Stormwater BMPs Checklist (3800-PM-BCW00831) under the applicable appendix(ces). For each BMP that is not implemented, the permittee should demonstrate that (1) the BMP is infeasible for the facility; or (2) the exceedances are solely attributable to natural background sources or to run-on from off-site; or (3) the exceedances were due to some aberration or extraordinary circumstances; or (4) further pollutant reductions are not necessary to prevent stormwater discharges from causing or contributing to an exceedance of applicable water quality standards.

The CAP should be submitted to DEP within 90 days of the end of the monitoring period triggering the need for the plan, and the plan should be implemented immediately upon submission or in accordance with a schedule proposed in the CAP, unless otherwise notified by DEP in writing. Consistent failure to maintain pollutant concentrations below the benchmark levels could result in revocation of general permit coverage and the requirement to apply for an individual permit or other measures.

**FAQ #68: Will it be considered non-compliance when a waste hauler does not close the lid on a dumpster?**

You should request that the hauling company close the dumpsters after waste removal. Incidental failure to close a lid would generally not constitute non-compliance under the PAG-03 General Permit. However, if there were discharges from the dumpsters through drains/ports and there was no containment or treatment prior to entering surface waters, this would constitute non-compliance with the General Permit.

**FEES AND ANNUAL REPORTS**

**FAQ #69: Is there an annual fee for NEC?**

There are no annual fees for NECs. A fee in the amount of \$500 is due every five years with the NOI and NEC application.

**FAQ #70: Can I submit my annual NOI installment or annual fee electronically?**

Yes, if you have received an invoice from DEP you can pay electronically through DEP's Greenport (visit [www.depgreenport.state.pa.us/NPDESpay](http://www.depgreenport.state.pa.us/NPDESpay)).

**FAQ #71: When will my first Annual Installment of the NOI Fee be due? Is my NOI fee for new coverage applied to my first annual installment?**

For new permittees, the first annual installment of the NOI fee (annual NOI fee) is due on the first instance of March 23 following one full year of coverage under the PAG-03 General Permit. Thereafter, the annual NOI fee is due on March 23 each year the permittee wishes to remain covered under PAG-03. For example, a permittee who receives PAG-03 coverage for the first time on July 1, 2023 must pay their first annual NOI fee by March 1, 2025. A permittee who receives PAG-03 coverage for the first time on February 25, 2024 must pay their first annual NOI fee by March 23, 2025. The NOI filing fee that is paid up front for new coverage under PAG-03 is separate from the annual NOI fee.

**FAQ #72: Can I pay annual NOI installments at separate times since I have multiple facilities permitted under PAG-03?**

No. All annual NOI fees for the General Permit are due May 1, 2023 for existing permittees and thereafter March 23<sup>rd</sup> of each year (starting March 23, 2024). The fee is due regardless of the receipt of an invoice from DEP. Fees may be paid online at:

[www.depgreenport.state.pa.us/NPDESpay](http://www.depgreenport.state.pa.us/NPDESpay)

**FAQ #73: What is an Annual Report, and when do I need to submit one?**

The Annual Report addresses activities under the permit for the previous calendar year. Annual Reports for existing PAG-03 permittees should be completed and submitted to the DEP office that issued the permit coverage by May 1, 2023. Thereafter, Annual Reports should be submitted by March 23<sup>rd</sup> each year on the Annual Report template (3800-PM-BCW0083h). Annual reports for new PAG-03 permittees are due by March 23 following the first full year of permit coverage. For individual permits, the Annual Report should be submitted by the due date identified in the permit using the Annual Report template (3800-PM-BCW0083h) or the template attached to the permit. If the discharge is to an MS4, a copy of the Annual Report should be submitted to the operator of the MS4.

**FAQ #74: Can I submit Annual Reports to DEP electronically?**

Permittees may submit annual reports electronically through DEP's [OnBase Electronic Forms Upload](#) tool.

**FAQ #75: If the situation at my permitted facility has changed and we now qualify for NEC, will DEP allow the annual NOI fee I pay as the fee used to request NEC?**

Yes. If the annual NOI fee is paid and the NEC request is submitted along with 1) an annual report that requests termination of PAG-03 coverage and 2) a complete Notice of Termination (NOT) form, the fee that is due for NEC can be waived. Please be aware that if your request for NEC is denied, you will be required to continue permit coverage.

**FAQ #76: What are the procedures for notifying DEP of new outfalls or new representative outfalls?**

If a facility with PAG-03 coverage has made physical changes to the site resulting in either 1) a new outfall, or 2) increased stormwater flows or pollutant loads to an existing outfall (e.g., from additional impervious surfaces), or 3) if a facility discovers an outfall on-site that was not previously reported to DEP in an NOI, the permittee should first ensure that discharges from the outfall are eligible under the PAG-03 General Permit. If eligible, the permittee may submit an NOI with a \$500 filing fee to amend the original NOI so that DEP may authorize the new or increased discharges. For a facility with an individual permit proposing new or increased discharges, or otherwise requesting to add another outfall, [DEP's NPDES Application for Permit Amendment](#) should be submitted along with the appropriate fee for a major amendment.

If, following PAG-03 permit issuance, a facility decides to change representative outfalls for sampling purposes, the permittee should submit an NOI with a \$500 filing fee to amend the original NOI. Facilities with individual permits must submit [DEP's NPDES Application for Permit Amendment](#) along with the appropriate fee for a major amendment. DEP expects that permittees will not change representative outfalls on a frequent basis. The permittee must provide adequate justification with the NOI, which may be subject to DEP review and comment. Due to DEP's internal processes and electronic data systems and other considerations such as workload, implementing permit amendments takes time and may not be done in time for sampling during the next reporting period. Therefore, permittees must continue monitoring existing representative outfalls until DEP provides notification of the approved amendment.

**TRANSFER AND TERMINATION**

**FAQ #77: What procedure should I follow to transfer the permit coverage to a new owner/operator?**

The [Application for NPDES or WQM Permit Transfer](#) form (3800-PM-BCW0041b) may be used to transfer the permit to the new owner. If the transfer involves a change in the permittee's name only for a facility covered under an individual permit or a general permit, the permittee should use the [Application for NPDES or WQM Permittee Name Change](#) form (3800-PM-BCW0021b).

**FAQ #78: Is there a form to request for the termination of permit coverage or NEC? Where do I need to submit the form?**

The [Notice of Termination \(NOT\) for Permits Issued Under Chapter 92a](#) form (3800-PM-BCW0410) may be submitted to request termination of permit coverage or NEC. The NOT form should be sent to the regional DEP office that issued/approved the permit coverage or NEC. The submission of the NOT form does not stay any applicable permit requirements, and you must comply with the permit until DEP approves the NOT and terminates the permit.

### Version History

Date	Version	Revision Reason
4/20/2023	1.3	Clarified how to update representative outfalls in FAQ #46. Clarified the Annual Report due date for individual permittees in FAQ #73. Clarified that an amendment application must be submitted by individual permittees to change representative outfalls in FAQ #76.
1/12/2023	1.2	Removed previous language detailing extension of PAG-03 and updated to reflect changes to reissued PAG-03 permit, including renewal NOI, sampling and reporting, CAP requirements, changes to representative outfalls. Added link to electronic upload tool for annual reports. Added reference and link to name change form. Added clarification for on-lot storage and use of deicing salt.
9/17/2021	1.1	Updated to include guidance on administrative extension of the PAG-03 and expected NOI requirements; added FAQ #31 regarding asphalt emulsion ELG.
9/3/2019	1.0	Original