

Tennessee Storm Water Multi-Sector
 General Permit for Industrial Activities (TMSP)
Sector I

Sector I - Stormwater Discharges Associated With Industrial Activity From Oil and Gas Extraction Facilities

1. Discharges Covered Under This Section

The requirements listed under this section shall apply to stormwater discharges associated with industrial activity from a facility engaged in manufacturing the following products and generally described by the SIC codes shown below:

| SIC Code | Sector I: Oil or Gas Extraction Facilities | Sampling Required? | Table Number |
|-----------------|---|---------------------------|---------------------|
| 1311 | Crude Petroleum and Natural Gas | No | |
| 1321 | Natural Gas Liquids | No | |
| 1381 | Drilling Oil and Gas Wells | No | |
| 1382 | Oil and Gas Field Exploration Services | No | |
| 1389 | Oil and Gas Field Services, NEC | No | |
| 2911 | Oil Refining | Yes | I-1 |

When an industrial facility, described by the above coverage provisions of this section, has industrial activities being conducted onsite that meet the description(s) of industrial activities in another section(s), that industrial facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to all applicable requirements in this section. The monitoring and pollution prevention plan terms and conditions of this multi-sector permit are additive for industrial activities being conducted at the same industrial facility (co-located industrial activities). The operator of the facility shall determine which other monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

Limitations. Storm water discharges associated with industrial activity from inactive oil and gas operations occurring on Federal lands where an operator cannot be identified are not covered by this permit.

2. Special Conditions

There are no additional requirements beyond those listed in part 3 of the TMSP.

3. Stormwater Pollution Prevention Plan Requirements

3.1 Deadlines for Plan Preparation and Compliance. There are no additional deadlines for plan preparation and compliance, other than those stated in part **Error! Reference source not found.**

3.2 Contents of Plan. The plan shall include, at a minimum, the following items:

3.2.1 Pollution Prevention Team. Each plan shall identify a specific individual or individuals within the facility organization as members of a stormwater Pollution Prevention Team that are responsible for developing the stormwater pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall

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clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's stormwater pollution prevention plan.

3.2.2 Description of Potential Pollutant Sources. Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to stormwater discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

3.2.2.1 Drainage. A site map indicating an outline of the portions of the drainage area of each stormwater outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in stormwater runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Paragraph 11.I.3.a.(1)(c) of this sector (Spills and Leaks) have occurred, location of any areas where Reportable Quantity (RQ) releases have occurred; and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas, chemical mixing areas, construction and drilling areas. The site map will indicate all areas subject to the effluent guidelines requirement of "No Discharge" in accordance with 40 CFR 435.32 and the existing structural controls to achieve compliance with the "No Discharge" requirement. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls.

For each area of the facility that generates stormwater discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, the plan should include a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in stormwater discharges associated with industrial activity. Factors to consider include the toxicity of chemical; quantity of chemicals used, produced or discharged; the likelihood of contact with stormwater; and history of significant leaks or spills of toxic or hazardous pollutants. The permittee should consider the cause of RQ releases, the materials used to contain and remediate releases and any other aspect of releases or clean-up which could potentially contribute pollutants to a stormwater discharge. Flows with a significant potential for causing erosion shall be identified.

3.2.2.2 Inventory of Exposed Materials - An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to stormwater between the time of 3 years prior to the date of the submission of an NOI to be covered under this permit and the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with stormwater runoff between the time of 3 years prior to the date of the submission of an NOI to be covered under this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in stormwater runoff; and a description of any treatment the stormwater receives.

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- 3.2.2.3 Spills and Leaks - A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a stormwater conveyance at the facility after the date of 3 years prior to the date of the submission of an NOI to be covered under this permit. Such list shall be updated as appropriate during the term of the permit.
- 3.2.2.4 Sampling Data - A summary of existing discharge sampling data describing pollutants in stormwater discharges from the facility, including a summary of sampling data collected during the term of this permit.
- 3.2.2.5 Risk Identification and Summary of Potential Pollutant Sources - A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; chemical, cement, mud or gel mixing activities; outdoor manufacturing or processing activities; drilling or mining activities; significant dust or particulate generating processes; and onsite waste disposal practices, equipment cleaning and rehabilitation activities. List any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

In its description of potential pollutant sources, a facility must include information about the RQ release which triggered the permit application requirements. Such information must include: the nature of the release (e.g., spill of oil from a drum storage area); the amount of oil or hazardous substance released; amount of substance recovered; date of the release; cause of the release (e.g., poor handling techniques as well as lack of containment in area); area affected by release, including land and waters; procedure to cleanup release; actions or procedures implemented to prevent or better respond to a release; and remaining potential contamination of stormwater from release. The analysis shall take into account human health risks, the control of drinking water intakes, and the designated uses of the receiving stream.

- 3.2.3 Measures and Controls. Each facility covered by this permit shall develop and implement stormwater management controls appropriate for the facility. The controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of stormwater management controls shall address the following minimum components, including a schedule for implementing such measures:
 - 3.2.3.1 Good Housekeeping - Good housekeeping requires the maintenance of areas which may contribute pollutants to stormwater discharges in a clean, orderly manner.
 - 3.2.3.2 Preventive Maintenance - A preventive maintenance program shall involve timely inspection and maintenance of stormwater management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems. The preventative maintenance program shall also include the inspection of all on site and off site mixing tanks and equipment, and all vehicles which carry supplies and chemicals to oil field activities.

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3.2.3.3 Spill Prevention and Response Procedures - Areas where potential spills which can contribute pollutants to stormwater discharges can occur, and their accompanying drainage points shall be identified clearly in the stormwater pollution prevention plan. Materials shall be stored indoors where possible, and drainage systems designed to discharge downstream from drinking water intakes. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean-up should be available to personnel.

3.2.3.4 Inspections - In addition to or as part of the comprehensive site evaluation, qualified facility or plant personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the SWPPP. All equipment and areas addressed in the pollution prevention plan shall be inspected at a minimum of 6-month intervals. Areas where equipment and vehicles which store, mix or transport hazardous materials will be inspected routinely, but not less than quarterly. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained as part of the SWPPP. The use of a checklist developed by the facility is encouraged.

Note that additional Stormwater Pollution Prevention Plan (SWPPP) requirements for discharges into waters with unavailable parameters or Exceptional Tennessee waters, as described in the subpart 4.6 of this permit may be applicable to your facility.

3.2.3.5 Employee Training - Employee training programs shall inform personnel responsible for implementing activities identified in the stormwater pollution prevention plan or otherwise responsible for stormwater management at all levels of responsibility of the components and goals of the stormwater pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify periodic dates for such training.

3.2.3.6 Recordkeeping and Internal Reporting Procedures - A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of stormwater discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan. All records shall be kept for a period of not less than 3 years.

3.2.3.7 Non-stormwater Discharges

The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-stormwater discharges. The certification shall include the identification of potential significant sources of non-stormwater at the site, a description of the results of any test and/or evaluation for the presence of non-stormwater discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the onsite drainage points that were directly observed during the test. Certifications shall be signed in accordance with subpart 7.7 of this permit. Such certification may not be feasible if the facility operating the stormwater discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In

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such cases, the source identification section of the stormwater pollution prevention plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-stormwater at the site. A discharger that is unable to provide the certification required by this paragraph must notify the Division of Water Resources in accordance with paragraph “Failure to Certify” (below).

Sources of non-stormwater that are combined with stormwater discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Any non-stormwater discharges that are not authorized under this permit or another NPDES permit should be brought to the attention of the division’s local Environmental Field Office (see list of EFOs on page 14).

- 3.2.3.8 Failure to Certify - Any facility that is unable to provide the certification required (testing for non-stormwater discharges), must notify the Division of Water Resources by not later than 180 days after submitting an NOI to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of non-stormwater discharges; the results of such test or other relevant observations; potential sources of non-stormwater discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible. Non-stormwater discharges to waters of the state which are not authorized by an NPDES permit are unlawful, and must be terminated.
- 3.2.3.9 Sediment and Erosion Control - The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion. Unless covered by the General Permit for Construction Activity, the additional erosion control requirement for well drillings oil, sand, and shale mining areas are as follows:
- 3.2.3.9.1 Site Description - Each plan shall provide a description of the following: 1) a description of the nature of the exploration activity; 2) estimates of the total area of the site and the area of the site that is expected to be disturbed due to the exploration activity; 3) an estimate of the runoff coefficient of the site; 4) a site map indicating drainage patterns and approximate slopes, the location of major control structures identified in the plan, and surface waters; and 5) the name of the receiving water(s) and the ultimate receiving water(s) of the runoff.
- 3.2.3.9.2 Controls - The pollution prevention plan shall include a description of controls appropriate for the activity and implement such controls. The description of controls shall address the following minimum components:
- A description of vegetative practices designed to preserve existing vegetation where attainable and revegetate open areas as soon as practicable after grade drilling. Such practices may include: temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, or other equivalent measures. The operator shall initiate appropriate vegetative practices on all disturbed areas within 14 calendar days of the last activity at that area.
 - A description of structural practices that, to the degree attainable, divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas of the site. Such

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practices may include straw bale dikes, silt fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drain, pipe slope drain, level spreaders storm drain inlet protection, rock outlet protection, sediment traps, temporary sediment basins, or other equivalent measures.

- Offsite vehicle tracking of sediments shall be minimized.
- Procedures in a plan shall provide that all erosion controls on the site are inspected at least once every 7 calendar days. Weekly inspections are necessary to ensure erosion controls continue to effectively reduce the amount of sediment carried offsite. A silt fence or silt trap is no longer effective when filled with silt.

3.2.3.9.3 Management of Runoff - The plan shall contain a narrative consideration of the appropriateness of traditional stormwater management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage stormwater runoff in a manner that reduces pollutants in stormwater discharges from the site. The plan shall provide the measures that the permittee determines to be reasonable and appropriate which shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to stormwater discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected stormwater (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, wet detention/retention devices, or other equivalent measures.

3.2.3.9.4 Reportable Quantity (RQ) Release - The permittee must describe the measures taken to clean-up RQ releases or related spills of materials, as well as measures proposed to avoid future releases of RQs. Such measures may include, among others: improved handling or storage techniques; containment around handling areas of liquid materials; and use of improved spill cleanup materials and techniques.

3.2.3.9.5 Vehicle and Equipment Storage Areas - The storage of vehicles and equipment awaiting or having completed maintenance must be confined to designated areas (delineated on the site map). The plan must describe measures that prevent or minimize contamination of the stormwater runoff from these areas. The facility may consider the use of drip pans under vehicles and equipment, indoor storage of the vehicles and equipment, installation of berming and diking of this area, or other equivalent measures.

3.2.3.9.6 Vehicle and Equipment Cleaning and Maintenance Areas - The plan must describe measures that prevent or minimize contamination of the stormwater runoff from all areas used for vehicle and equipment cleaning. The facility may consider performing all cleaning operations indoors, covering the cleaning operation, ensuring that all washwaters drain to a sanitary sewer, and/or collecting the stormwater runoff from the cleaning area and providing treatment or recycling. The discharge of vehicle and equipment wash waters, including tank cleaning operations, are not authorized by this permit and must be authorized under a separate NPDES permit or discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.

The plan must describe measures that prevent or minimize contamination of the stormwater runoff from all areas used for vehicle and equipment maintenance and rehabilitation. The

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facility may consider performing all maintenance activities indoors, using drip pans, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting the practice of hosing down the shop floor where the practice would result in the exposure of pollutants to stormwater, using dry cleanup methods, collecting the stormwater runoff from the maintenance area and providing treatment or recycling, or other equivalent measures.

3.2.3.9.7 Materials and Chemical Storage Areas - Storage units of all chemicals and materials (e.g., fuels, oils, used filters, spent solvents, paint wastes, radiator fluids, transmission fluids, hydraulic fluids, detergents drilling mud components, acids, organic additives) must be maintained in good condition so as to prevent contamination of stormwater. Hazardous materials must be plainly labeled. The plan must describe measures that prevent or minimize contamination of the stormwater runoff from such storage areas. The facility may consider indoor storage of the materials and/or installation of berming and diking at the area.

3.2.3.9.8 Chemical Mixing Areas - The plan must describe measures that prevent or minimize contamination of the stormwater runoff from chemical mixing areas. The facility may consider covering the mixing area, using spill and overflow protection, minimizing run-on of stormwater to the mixing area, using dry cleanup methods, and/or collecting the stormwater runoff and providing treatment or recycling. The facility may consider installation of berming and diking of the area.

3.2.4 Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the SWPPP, but in no case less than once a year. Such evaluations shall provide:

Areas contributing to a stormwater discharge associated with industrial activity (e.g., materials and chemical storage areas, vehicle and equipment cleaning and maintenance areas, vehicle and equipment storage areas, chemical mixing areas, and areas of materials handling at the drill site areas) shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system (and potentially waters of the state). Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural stormwater management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

Based on the results of the evaluation, the description of potential pollutant sources identified in the plan and pollution prevention measures and controls identified in the plan shall be revised as appropriate within 2 weeks of such evaluation and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the evaluation.

A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation and major observations relating to the implementation of the stormwater pollution prevention plan the permit shall be made and retained as part of the stormwater pollution prevention plan for at least 3 years after the date of the evaluation. The

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report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the stormwater pollution prevention plan and this permit. The report shall be signed in accordance with subpart 7.7 (Signatory Requirements) of this permit.

Where compliance evaluation schedules overlap with inspections required, the compliance evaluation may be conducted in place of one such inspection.

4. Numeric Effluent Limitations

There are no additional numeric effluent limitations beyond those listed in subpart 5.2 (Coal Pile Runoff) of the TMSP.

5. Monitoring and Reporting Requirements

Permittees subject to Numeric Effluent Limitations described in subpart 5.2 above (Coal Pile Runoff) must submit to the division monitoring results annually on a signed copy of the Discharge Monitoring Report (DMR, see Addendum E).

Permittees subject to Analytical Monitoring Requirements as described in subpart 5.1 of this sector (see below) must submit the benchmark results using an Annual Stormwater Monitoring Report (see Addendum D) to the division.

5.1 Analytical Monitoring Requirements

During the term of this permit, permittees covered under this sector must monitor their stormwater discharges associated with industrial activity at least once per calendar year (annually), except as provided in paragraphs 5.1.3 (Sampling Waiver), 5.1.4 (Representative Discharge), and 5.1.5 (Alternative Certification). For SIC-specific breakdown of monitoring requirements and applicable Monitoring Requirements (listed below), see Table in part 1 of this industrial sector (1. Discharges Covered Under This Section). Facilities must report in accordance with 5.2 (Reporting). In addition to the parameters listed in Table I-1 and I-2 below, the permittee shall maintain a record of the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

Table I-1. Benchmark Monitoring Requirements for Oil Refining Facilities

| Pollutants of Concern | Benchmark |
|------------------------------|------------------|
| Oil and Grease | 15 |
| Total Suspended Solids | 150 mg/L |
| Total Recoverable Lead | 0.156 mg/L |
| Total Recoverable Nickel | 0.875 mg/L |
| Total Recoverable Zinc | 0.395 mg/L |
| Ammonia Nitrogen | 19 mg/L |
| Nitrate+Nitrite Nitrogen | 0.68 mg/L |

5.1.1 **Monitoring Periods.** Paperboard mills shall monitor samples collected during any period of a calendar year, as long as the samples are representative of the quantity and quality of the stormwater runoff being discharged from the facility.

5.1.2 **Sample Type.** A minimum of one grab sample shall be taken. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If stormwater discharges associated with industrial activity commingle with process or nonprocess water, then where practicable permittees must attempt to sample the stormwater discharge before it mixes with the non-stormwater discharge.

In addition, the permittee shall evaluate the results obtained from sampling and monitoring following the required annual sampling events to determine whether the facility is below, meets, or exceeds the monitoring benchmarks as shown in the table above. If the results of annual stormwater runoff monitoring demonstrate that the facility has exceeded the benchmark(s), the permittee must inform the division’s local Environmental Field Office in writing within 30 days from the time stormwater monitoring results were received, describing the likely cause of the exceedance(s). Furthermore, within 60 days from the time stormwater monitoring results were received, the facility must review its stormwater pollution prevention plan, make any modifications or additions to the plan which would assist in reducing effluent concentrations to less than the monitoring benchmarks for that facility, and submit to the division’s local Environmental Field Office a brief summary of the proposed SWPPP modifications (including a timetable for implementation). The modification or additions to the SWPPP should be implemented as soon as practicable.

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In the event of a repeated benchmark exceedance, the permittee can, in consultation with the division, make a determination that no further pollutant reduction is technologically available, economically practicable and achievable in light of best industry practices. The permittee must document the rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with the SWPPP.

5.1.3 Sampling Waiver

5.1.3.1 Adverse Conditions - When a discharger is unable to collect samples within a specified sampling period due to adverse climatic conditions, the discharger shall collect a substitute sample from a separate qualifying event in the next period and submit the data along with data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricanes, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

5.1.3.2 Low Concentration Waiver - When the average concentration for a pollutant calculated from monitoring data collected from first 4 calendar years of monitoring is less than the corresponding reporting value for that pollutant (Monitoring Benchmark); a facility may waive monitoring and reporting requirements in the last annual monitoring period. The facility must submit to the Division of Water Resources, in lieu of the monitoring data, a certification that there has not been a significant change in industrial activity or the pollution prevention measures in area of the facility that drains to the outfall for which sampling was waived.

5.1.3.3 When a discharger is unable to conduct annual chemical stormwater sampling at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirements as long as the facility remains inactive and unstaffed. The facility must submit to the Division of Water Resources, in lieu of monitoring data, a certification statement on the TMSP Stormwater Monitoring Report stating that the site is inactive and unstaffed so that collecting a sample during a qualifying event is not possible.

5.1.4 Representative Discharge. When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfall(s) provided that the permittee includes in the stormwater pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan. The permittee shall include the description of the location of the outfalls, explanation of why outfalls are expected to discharge substantially identical effluents, and estimate of the size of the drainage area and runoff coefficient with the TMSP Stormwater Monitoring Report.

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5.1.5 Alternative Certification. A discharger is not subject to the monitoring requirements of this section provided the discharger makes a certification for a given outfall or on a pollutant-by-pollutant basis in lieu of monitoring reports required under paragraph (b) below, under penalty of law, signed in accordance with subpart 7.7 (Signatory Requirements), that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity that are located in areas of the facility within the drainage area of the outfall are not presently exposed to stormwater and are not expected to be exposed to stormwater for the certification period. Such certification must be retained in the stormwater pollution prevention plan, and submitted to the Division of Water Resources in accordance with subpart 6.2 of this permit. In the case of certifying that a pollutant is not present, the permittee must submit the certification along with the monitoring reports required under paragraph (b) below. If the permittee cannot certify for an entire period, they must submit the date exposure was eliminated and any monitoring required up until that date. This certification option is not applicable to compliance monitoring requirements associated with effluent limitations.

5.2 Reporting

Permittees with analytical monitoring requirements shall submit monitoring results for each outfall associated with industrial activity [or a certification in accordance with Sections (3), (4), or (5) above] obtained during the annual reporting period on TMSP Stormwater Monitoring Report Form(s). **The form(s) shall be submitted 30 days after the sampling results are obtained, but no later than the March 31st of the following calendar year, whichever comes first.** For each outfall, one signed TMSP Stormwater Monitoring Report form must be submitted to the Division of Water Resources. Signed copies of TMSP Stormwater Monitoring Reports, or said certifications, shall be submitted to the division at the appropriate EFO for the county where the facility is located. A list of EFOs and their addresses are available in subpart 3.3 above.

5.3 Quarterly Visual Examination of Stormwater Quality. Facilities shall perform and document a visual examination of a stormwater discharge associated with industrial activity from each outfall, except discharges exempted below. The examination must be made at least once in each designated period [described below] during daylight hours unless there is insufficient rainfall or snow melt to produce a runoff event.

Examinations shall be conducted in each of the following periods for the purposes of visually inspecting stormwater quality associated with stormwater runoff or snow melt: January through March; April through June; July through September; and October through December.

5.3.1 Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) of when the runoff or snowmelt begins discharging. The examinations shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. The examination must be conducted in a well-lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and

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that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where practicable, the same individual will carry out the collection and examination of discharges for the life of the permit.

- 5.3.2 When a discharger is unable to collect samples over the course of the visual examination period as a result of adverse climatic conditions, the discharger must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examination. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricanes, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).
- 5.3.3 When a discharger is unable to conduct visual stormwater examinations at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirement as long as the facility remains inactive and unstaffed. The facility must maintain a certification with the pollution prevention plan stating that the site is inactive and unstaffed so that performing visual examinations during a qualifying event is not feasible.
- 5.3.4 Visual examination reports must be maintained onsite in the pollution prevention plan or with other compliance records. The report shall include the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination.
- 5.3.5 When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfalls provided that the permittee includes in the stormwater pollution prevention plan a description of the location of the outfalls and explaining in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan.