

Certificate of Entry Industrial Storm Water Program Guidance Document 2 of 4

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

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

The Michigan Department of Environmental Quality (DEQ) is offering a quick process for coming into compliance for dischargers who may be releasing wastewater or storm water to the ground or surface waters of the state without necessary permit coverage to resolve violations of law and avoid enforcement actions. The goal is to encourage facility owners to comply with state and federal water quality laws, especially Section 324.3112 of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended. Facilities that have never had a permit and are discharging wastewater or storm water without necessary permit coverage may address past violations as they voluntarily submit a Certificate of Entry of the General Administrative Consent Order for Unpermitted Discharges, pay the applicable permit fee and penalty, and meet all eligibility requirements for the permit selected. After an inspection by DEQ staff determines the facility is eligible, the facility owner must submit all of the following: a Certificate of Entry of the General Administrative Consent Order that resolves the past violations for discharging without a permit, the annual applicable permit fee, a monetary penalty equal to two times the applicable permit fee, and a complete permit application within sixty days of submission of the Certificate of Entry. This waiver of violation does not extend to any damage to surface water, storm water or groundwater quality that may have occurred as a result of current or past discharges. If the DEQ discovers a facility discharging without the necessary permit authorization, the facility owner or discharger will be subject to the enforcement provisions contained in the statute.

There are two types of general storm water permits available in Michigan: a baseline general permit and a general permit with monitoring requirements. Facilities may also receive coverage for industrial storm water discharges through a site-specific individual permit.

If your facility's storm water discharges to a separate storm sewer system, there is a two step process to determine if a storm water permit is necessary.

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

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

You can find your four digit SIC code, for comparison, in your corporate tax returns under Schedule K listed as either "Business Activity Code" or "Manufacturers Identity Code." You may also call Michigan's Unemployment Agency at (800) 638-3994 and provide your federal identification number to get your official SIC code. A more complete listing of SIC codes can be found on the industrial storm water

program page, from www.michigan.gov/deqwater, select “Surface Water” then “Storm Water” then “Industrial Program.”

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

If you are regulated by SIC and have a storm water discharge to surface waters of the state, then you can take one of two actions; namely you can certify that you have no exposure or you can obtain permit coverage. The action that you may take will be dependent upon exposure at the site. Guidance as to whether you have exposure can be found on the industrial storm water program web page (www.michigan.gov/deqwater, select “Surface Water” then “Storm Water” then “Industrial Program”), select the document entitled “No Exposure Certification Guidance.”

If after reviewing the “[No Exposure Certification Guidance](#)” form, you find that you do not have exposure at the site, then you can submit a “[No Exposure Certification](#)” form. This would be instead of obtaining coverage under the general permit. If you chose to operate your facility without exposure, then you may still want to have a team of storm water certified operators among your housekeeping team to help recognize practice changes that could cause you to need coverage (such as moving equipment outside).

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

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

To apply for coverage, submit the following:

A notarized Certificate of Entry form that states you agree with the General Administrative Consent Order.

A fee of \$260 and a monetary penalty equal to two times the applicable permit fee.

Under the general order, you are agreeing to apply for coverage within a 60-day period. To apply for permit coverage, you will need to submit a “[Notice of Intent \(NOI\)](#)” (Form EQP 4664). When submitting the application form (the NOI), and before obtaining a Certificate of Coverage, you must also:

Have a certified operator who has supervision over the control structures at the facility.

Have eliminated any unauthorized non-storm water discharges to the storm sewer system and waters of the state.

Existing facilities must have a Storm Water Pollution Prevention Plan (SWPPP) developed and implemented.

If coverage under the Storm Water from Industrial Activities General Permit is appropriate, a Certificate of Coverage will be issued.

Training materials for the certified operator program, guidance on how to identify non-storm water connections to the storm water system, and template SWPPP’s can be found online at www.michigan.gov/deqwater, select “Surface Water” then “Storm Water” and finally “Industrial Program.” Questions can be directed to your Storm Water Program staff in the district offices or you can contact the Environmental Assistance Center 1-800-662-9278 for referral to staff.

This document was produced by the MDEQ Water Bureau in conjunction with the Environmental Science and Services Division and is intended for guidance only. Reliance on information from this document is not usable as a defense in any enforcement action or litigation.