

JUNE 2015

The Environmental Protection Agency has released a new Multi-Sector General Permit (MSGP) regulating stormwater discharges associated with industrial activity. The MSGP is part of the EPA's National Pollutant Discharge Elimination System (NPDES), a permit program under the Clean Water Act to control water pollution by regulating point sources that discharge pollutants into Waters of the United States. This is a particularly significant development in Massachusetts and New Hampshire, two of the four states where the EPA is the NPDES permitting authority.

The 2015 MSGP adds these new requirements:

- Location information for each stormwater outfall;
- Electronic quarterly and annual reports;
- Water quality monitoring of 10 benchmark metals for discharges to saltwater;
- Wash water from surface cleaning is no longer an allowable discharge; and
- Stormwater Pollution Prevention Plans ("SWPPP") must be posted on-line.

To be covered under the 2015 MSGP, operators must file a Notice of Intent no later than **September 2, 2015**.

Although the EPA has enforcement jurisdiction, environmental organizations regularly file citizen-suits against industrial dischargers alleging violations of the MSGP to recover penalties and force compliance. They will now be able to easily investigate compliance electronically. Operators should be vigilant to obtain coverage, to comply with reporting requirements, and to evaluate monitoring data to determine if corrective actions are necessary.

Our law firm works with seasoned stormwater engineers on enforcement defense, auditing, and compliance strategies to assist facilities with a broad range of MSGP compliance issues.

For more information, contact Peter F. Durning, Esq.