



**State of Mississippi  
Mississippi Department of Environmental Quality  
Office of Pollution Control**



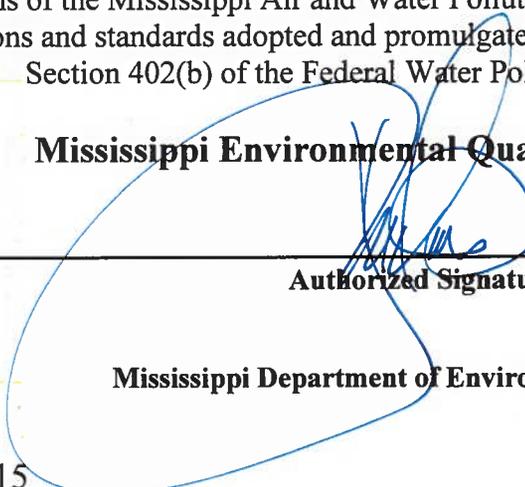
**BASELINE STORM WATER GENERAL PERMIT  
FOR INDUSTRIAL ACTIVITIES**

**THIS CERTIFIES THAT**

FACILITIES OR PROJECTS ISSUED A CERTIFICATE OF PERMIT COVERAGE UNDER THIS PERMIT ARE GRANTED PERMISSION TO DISCHARGE STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES INTO STATE WATERS IN ACCORDANCE WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

in accordance with effluent limitations, inspection requirements and other conditions set forth in herein. This permit is issued in accordance with the provisions of the Mississippi Air and Water Pollution Control Law (Section 49-17-1 et seq., Mississippi Code of 1972), and the regulations and standards adopted and promulgated thereunder, and under authority granted pursuant to Section 402(b) of the Federal Water Pollution Control Act.

**Mississippi Environmental Quality Permit Board**

  
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Authorized Signature

**Mississippi Department of Environmental Quality**

Issued: November 17, 2015  
Expires: October 31, 2020

Permit No. MSR00

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**ACT1 (Baseline GP) Introduction:**

T-1 INTRODUCTION:

This Baseline Storm Water General Permit authorizes storm water discharges associated with industrial activity. Discharges associated with industrial activities, listed in 40 CFR 122.26 (b) (14) (i - xi, except x) will require National Pollutant Discharge Elimination System (NPDES) storm water discharge permits if material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. Industrial operators claiming "no exposure" are required to submit written certification (see ACT 2, T-6 - No Exposure Provision). Storm water discharges that enter state waters or storm water conveyance systems leading to state waters are subject to regulation and compliance with the conditions set forth in this permit.

This permit also authorizes storm water discharges from other industrial activities, designated by the Executive Director based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to state waters. This permit replaces the previous Baseline Storm Water General Permit that expired on September 28, 2015.

[11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT2 (Baseline GP) Permit Applicability and Coverage:**

T-1 PERMIT AREA:

The Baseline Storm Water General Permit covers all areas of the State of Mississippi. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

T-2 ELIGIBILITY:

(1) Discharges composed entirely of storm water and allowable non-storm water discharges identified in T-3 of this ACT. Discharges associated with industrial activities may be commingled with non-regulated storm water and with industrial wastewaters covered under another permit. The discharges must not cause or contribute to violations of State Water Quality Standards.

(2) A facility is eligible for coverage under this general permit for discharges of pollutants of concern to water bodies for which there is an EPA-approved Total Maximum Daily Load (TMDL) if measures and controls are incorporated that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, the facility must incorporate in the Storm Water Pollution Prevention Plan (SWPPP) and/or effluent limitation any conditions applicable to any discharge(s) necessary for consistency with the assumptions and requirements of such TMDL. If a specific wasteload allocation is established that would apply to the facility's discharge subsequent to coverage issuance, the facility must implement steps necessary to meet that allocation.  
[11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT2 (continued):**

T-3 (3) Allowable non-storm water discharges (listed below) provided they do not cause or contribute to a violation of water quality standards.

- Discharges from actual fire-fighting activities
- Fire hydrant flushings
- Water used to control dust
- Potable water sources including uncontaminated water line flushing
- Routine external building wash down that does not use detergents
- Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used
- Uncontaminated air conditioning or compressor condensate
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains)
- Uncontaminated ground water or spring water
- Foundation or footing drains where flows are not contaminated with process materials such as solvents
- Uncontaminated excavation dewatering
- Landscape irrigation
- Water used to wash vehicles where detergents are not used

As noted in ACT5, T-9 (11), the above non-storm water discharges should be eliminated or reduced to the extent feasible. The Permit Board staff will review the above discharges on a case by case basis and may require the coverage recipient to apply for and obtain either an individual or an alternative general NPDES permit as provided in ACT3, S-2. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT2 (continued):**

T-4 THIS PERMIT DOES NOT AUTHORIZE:

(1) Storm water discharges from the following industrial activities are not eligible for coverage by this permit.

(A) Construction, land disposal units, mining, ready-mix or hot mix asphalt facilities or other activities requiring storm water coverage under a different general permit,

(B) Facilities with effluent guideline limitations for storm water. The following effluent guideline limitations address storm water: cement manufacturing (40 CFR Part 411); feedlots (40 CFR Part 412); fertilizer manufacturing (40 CFR Part 418); petroleum refining (40 CFR Part 419); phosphate manufacturing (40 CFR Part 422); coal mining (40 CFR Part 434); mineral mining and processing (40 CFR Part 436); ore mining and dressing (40 CFR Part 440); and paving and roofing materials (40 CFR Part 443),

(C) Facilities with an active individual or alternative general permit for storm water discharges,

(D) Facilities that MDEQ has shown to be or may reasonably be expected to be contributing to a water quality standard violation, and

(E) Inactive mining or inactive oil and gas operations occurring on federal lands where an operator cannot be identified.

(2) Discharges which result in violation of State Water Quality Standards. If a discharge authorized under this permit is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, MDEQ will notify the regulated entity of such water quality violation(s) in writing and will provide the information used by MDEQ to make this determination. The regulated entity must take all necessary actions required to ensure future discharges do not cause or contribute to the violation of a water quality standard. If such violations remain or re-occur, then additional measures, such as the addition of BMPs or the requirement to obtain an individual permit, may be required by the Permit Board. Compliance with this requirement does not preclude any enforcement activity as provided by the Clean Water Act for the underlying violation.

(3) Activities that affect waters of the State, including wetlands, without obtaining the necessary U.S. Army Corps of Engineers (COE) individual Section 404 permit or coverage under a COE nationwide or general permit. Appropriate documentation must be submitted with the Baseline Notice of Intent (BNOI). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT2 (continued):**

T-5 (4) Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that is listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA. Coverage under this permit is available only if the regulated entity's storm water discharges, allowable non-storm water discharges, and discharge-related activities are not likely to jeopardize the continued existence of any species that is listed as endangered or threatened ("listed") under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat"). Submission of a signed NOI will be deemed to constitute the regulated entity's certification of eligibility. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

T-6 NO EXPOSURE PROVISION:

Phase II of the Storm Water Regulations at 40 CFR 122.26(g) provides a conditional exemption applicable to all categories of industrial activity listed in 40 CFR 122.26(b)(14), except construction. Facilities with storm water discharges associated with industrial activity are not required to obtain coverage if there is no exposure of industrial materials and activities to rain and/or runoff. Industrial operators claiming no exposure are required to submit written certification that a condition of no exposure exists at their facility/site. To qualify for this exclusion, a No Exposure Certification Form (Baseline Forms Package) must be submitted. This certification form must be resubmitted every five (5) years.

In the event regulated activities become no longer exposed to storm water, the facility may request termination of the Baseline coverage in accordance with the provisions of ACT13 and submit a No Exposure Certification. Until receipt of written termination of coverage from MDEQ, the facility must continue to comply with the conditions of this permit.

The No Exposure Certification is non-transferable. In the event that ownership changes, the new owner must submit a new certification. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT3 (Baseline GP) Obtaining Coverage:**

**S-1 OBTAINING AUTHORIZATION:**

(1) Owners and/or operators desiring coverage for storm water discharges associated with industrial activity under this general permit must submit a Baseline Notice of Intent (BNOI) and other required submittals in accordance with the requirements of this permit.

(2) Upon review of the Baseline Notice of Intent (BNOI) and other required submittals, MDEQ staff may require additional information, recommend that coverage not be granted and/or that an alternate permit would be more appropriate. The MDEQ staff recommendations may be brought before the Mississippi Environmental Quality Permit Board (Permit Board) for review and consideration at a regularly scheduled meeting, or at a special meeting at its discretion.

(3) Coverage under this permit will not be granted until all other required MDEQ permits, certifications and approvals are satisfactorily addressed.

(4) Owners or operators are authorized to discharge storm water associated with industrial activity under the terms and conditions of this permit only upon receipt of written notification of approval of coverage by the Permit Board staff. Discharge of storm water without written notification of coverage under this permit, or issuance of an individual NPDES Storm Water Permit constitutes a violation of the Mississippi Air and Water Pollution Control Law 49-17-29(2)(b). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**S-2 REQUIRING AN INDIVIDUAL PERMIT OR ALTERNATIVE GENERAL PERMIT:**

(1) The Permit Board may require any coverage recipient to apply for and obtain either an individual or an alternative general NPDES permit. Any interested person may petition the Permit Board to take action under this paragraph. The Permit Board may require any coverage recipient to apply for an individual NPDES permit only if the coverage recipient has been notified in writing. Such notice shall include reasons for the Permit Board's decision, an application form and a filing deadline. The Permit Board may grant additional time at its discretion, upon request. If a coverage recipient fails to submit a requested application in a timely manner, coverage under this permit is automatically terminated at the end of the day specified for application submittal.

(2) Any coverage recipient may request to be excluded from permit coverage by applying for an individual permit or coverage under another general permit. The applicant shall submit an individual application (EPA Forms 1 and 2F) or appropriate general permit Notice of Intent Form.

(3) Coverage under this permit is automatically terminated on the issuance date of the respective alternative individual or general permit. When the request for an alternative individual or general permit is denied, coverage under this permit continues unless terminated by the Permit Board. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT3 (continued):**

**S-3 HOW TO REQUEST SUBSEQUENT RECOVERY OF REISSUED PERMIT:**

Once the Baseline General Permit is reissued, active coverage recipients will receive a Letter of Instruction, outlining the process for obtaining coverage under the reissued permit. Failure to comply with the provisions of the Letter of Instruction may constitute a violation of the conditions of this permit. Unless specifically requested to do so, resubmittal of the Storm Water Pollution Prevention Plan (SWPPP) is not required if the SWPPP is on-site, current, adequately addresses the sources of pollution at the facility and is fully compliant with the terms and conditions of the reissued permit.

If this permit is not reissued prior to the expiration date, it will be administratively continued and remain in force and effect. Permit coverage will remain until the earliest of:

- (1) Recovery under the reissued general permit;
- (2) Submittal of a Request for Termination Form and receipt of written termination of coverage from MDEQ;
- (3) Issuance of an individual permit for the project's discharge; or
- (4) A formal permit decision by the Permit Board to not reissue the general permit, at which time the coverage recipient must seek coverage under an alternative general permit or an individual permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT4 (Baseline GP) Notice of Intent (BNOI):**

S-1 BNOI SUBMITTAL:

Facilities desiring coverage for storm water discharges associated with industrial activity under this permit should submit a BNOI Form at least 60 days prior to the commencement of the regulated industrial activity. Existing facilities that do not have coverage or are covered by an individual permit or another general permit and wish coverage under the Baseline General Permit shall allow for a 60 day review period by MDEQ staff. The BNOI Form can be found in the Baseline Forms Package, which can be obtained from MDEQ at the address given in T-2 of this ACT or from the MDEQ website at [http://www.deq.state.ms.us/MDEQ.nsf/page/epd\\_epdgeneral](http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

S-2 REQUIRED SUBMITTALS WITH THE BNOI:

Submittals required with a completed BNOI include:

- (1) A Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with ACT5 of this permit,
- (2) A United States Geological Survey (USGS) quad map, or photocopy, extending at least 1/2 mile beyond the facility property boundaries with the site location outlined or highlighted, and
- (3) A detailed site drawing prepared in accordance with ACT5, T-4 (6). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

S-3 EXPANSION AND/OR MODIFICATION NOTIFICATION:

The coverage recipient must notify the Permit Board at least 30 days before:

- (1) Any planned change in industrial processes that may affect storm water quality,
- (2) Any planned changes of ownership, or
- (3) Any changes in information previously submitted in the BNOI. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT4 (continued):**

**T-1 WHERE TO OBTAIN THE BNOI FORMS:**

BNOI Forms can be found in the Baseline Forms Package, which can be obtained from the MDEQ at the address shown below or by calling 601/961-5171. BNOI forms, as well as the general permit and guidance manual, may be found on the MDEQ web site at [http://www.deq.state.ms.us/MDEQ.nsf/page/epd\\_epdgeneral](http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**T-2 WHERE TO SUBMIT THE BNOI:**

Complete and appropriately signed BNOI Forms must be submitted to:

Chief, Environmental Permits Division  
Mississippi Department of Environmental Quality  
Office of Pollution Control  
P.O. Box 2261  
Jackson, Mississippi 39225

For priority or overnight deliveries, the physical address is:

515 East Amite Street  
Jackson, Mississippi 39201. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**T-3 FAILURE TO NOTIFY:**

Persons who discharge storm water associated with industrial activity to waters of the State without an NPDES permit are in violation of the Mississippi Air and Water Pollution Control Law 49-17-29(2)(b). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT5 (Baseline GP) Storm Water Pollution Prevention Plan (SWPPP) Development and Content:****T-1 STORM WATER POLLUTION PREVENTION PLAN (SWPPP) DEVELOPMENT:**

A SWPPP shall be developed and implemented for each facility subject to this permit. A SWPPP shall be prepared in accordance with sound engineering practices and shall identify potential sources of pollution, which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. The SWPPP shall describe and ensure the implementation of best management practices which will reduce pollutants in storm water discharges and assure compliance with the terms and conditions of this permit. For assistance in developing a SWPPP, applicants are encouraged to reference the Mississippi Storm Water Pollution Prevention Plan (SWPPP) Guidance Manual for Industrial Facilities or other recognized manual of design, such as EPA's "Developing Your Stormwater Pollution Prevention Plan" (February, 2009), which are available at: [http://www.deq.state.ms.us/MDEQ.nsf/page/epd\\_epdgeneral](http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**T-2 MINIMUM SWPPP COMPONENTS/DESCRIPTION OF POTENTIAL POLLUTANT SOURCES:**

Each plan shall identify all activities and significant materials which may potentially pollute storm water discharges, including:

- (1) A list of industrial activities exposed to storm water (e.g., storage; equipment fueling; maintenance and cleaning; loading/unloading; process areas, etc.);
- (2) A list of the materials and pollutants associated with each of the activities identified above (e.g., used oil, zinc, sulfuric acid, solvents, etc.);
- (3) A narrative description of the materials and pollutants identified above. The narrative shall include, but not be limited to:
  - (A) Method of storage or disposal,
  - (B) Management practices employed to minimize contact of these materials with storm water,
  - (C) Existing structural and non-structural control measures to reduce pollutants in storm water runoff, and
  - (D) Any treatment the storm water receives. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT5 (continued):**

- T-3 (4) A list of spills and leaks of toxic or hazardous pollutants that have occurred at the facility shall be documented on the Monthly Spill and Leak Log Sheet that is provided in the Baseline Forms Package, which can be found on the MDEQ website at [http://www.deq.state.ms.us/MDEQ.nsf/page/epd\\_epdgeneral](http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral). A separate form shall be completed for each month that the facility is covered under this general permit. If no spills have occurred, the form shall be completed by checking the available box and signing it as indicated. Coverage recipients may use an alternate form to record this information, so long as it includes all of the information on the above referenced form and it is updated monthly. The completed forms shall be filed on-site with the SWPPP and made available to MDEQ personnel for inspection upon request;
- (5) An updated summary of all storm water sampling data (if available), including a description of associated pollutants of concern (see Definitions).
- T-4 (6) The owner or operator shall prepare a detailed scaled site map showing the property layout with site boundaries and indicating the following features:
- (A) Surface water bodies,
  - (B) Drainage area of each storm water outfall identified by number,
  - (C) Direction of flow for each area (designated by arrow),
  - (D) Location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff,
  - (E) Location of any storm water treatment activities,
  - (F) Location of any storm drain inlets,
  - (G) Location of industrial activities, such as:
    - (i) Fuel storage and dispensing locations,
    - (ii) Vehicle/equipment repair, maintenance and cleaning areas,
    - (iii) Materials storage and handling areas,
    - (iv) Loading/unloading areas,
    - (v) Process or manufacturing areas,
  - (H) Location of housekeeping practices,
  - (I) Storm water conveyances (ditches, pipes, & swales), and

**ACT5 (continued):**

T-5 (J) Any post-construction control measures.

(7) A topographic map extending at least 1/2 mile beyond the facility property boundaries. This may be part of the above required site map; and

(8) A summary of the types of pollutants likely to be present for each area of the facility generating storm water discharges with a reasonable potential for containing significant amounts of pollutants. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

T-6 MINIMUM SWPPP COMPONENTS/DESCRIPTION OF STORM WATER MANAGEMENT CONTROLS:

The coverage recipient shall describe appropriate storm water management controls addressing identified potential pollution sources and implement such controls. The description shall include a schedule for implementing the following minimum components:

(1) Pollution Prevention Manager/Committee. The SWPPP shall specify individual(s) responsible for developing the SWPPP and assisting the facility manager in its implementation, maintenance, and revision.

(2) Risk Identification and Assessment/Material Inventory. The SWPPP shall assess the pollution potential of various sources at the facility including loading and unloading operations; outdoor storage, manufacturing or processing activities; significant dust or particulate generating processes and on-site waste disposal practices. Factors to consider include the toxicity and quantity of chemicals used, produced, or discharged, the likelihood of contact with storm water and history of significant leaks or spills of toxic or hazardous pollutants. The plan shall include an inventory of materials handled. Based on the Risk Identification and Material Inventory, the plan shall specify management controls, and, if necessary, structural controls to reduce or eliminate the potential for pollutants in the storm water discharges.

(3) Sediment and Erosion Prevention. The SWPPP shall identify areas with a high potential for soil erosion, and specify prevention measures to limit erosion.

(4) Preventive Maintenance. A preventive maintenance program shall involve inspection and maintenance of storm water management devices (cleaning oil/water separators, catch basins, etc.) and the inspecting and testing of equipment to preclude breakdowns or failures that may cause pollution.

**ACT5 (continued):**

- T-7 (5) Good Housekeeping. The owner or operator shall describe and list practices appropriate to prevent pollutants from entering storm water from industrial activities due to poor housekeeping. The owner or operator shall:
- (A) Designate areas for equipment maintenance and repair;
  - (B) Provide waste receptacles at convenient locations (outdoor waste receptacles must be covered).
  - (C) Provide regular collection of waste;
  - (D) Provide protected storage areas for chemicals, paints, solvents, fertilizers, and other potentially toxic materials;
  - (E) Provide adequately maintained sanitary facilities;
  - (F) Provide secondary containment around any on-site single fuel or chemical container with a capacity greater than 660 gallons or any combination of containers which has an above ground bulk storage capacity of more than 1,320 gallons; and
  - (G) Provide secondary containment for raw material stockpiles (if required to prevent material from entering waters of the State).
- (6) Spill Prevention and Response Procedures. The SWPPP shall clearly identify potential spill areas and their drainage points. The plan should specify material handling procedures and storage requirements. Procedures for cleaning up spills shall be identified and made available to the appropriate personnel. The necessary clean up equipment should be available to personnel.
- (7) Employee Training. The SWPPP shall specify periodic training for personnel that are responsible for implementing and/or complying with the requirements of the SWPPP (see ACT12).
- (8) Illicit Connections- Evaluation and Certification. The coverage recipient shall certify at least every five (5) years that storm water discharges have been evaluated for the presence of non-allowable, non-storm water discharges. The certification shall include method(s) of evaluation, date(s), observation point(s) and result(s). The evaluation method(s) may include, but not be limited to, one or more of the following dry weather screening methods: 1) visual inspection, 2) plant schematic review, and 3) dye testing. The certification shall be filed on-site with the SWPPP and made available to MDEQ personnel for inspection upon request.

This certification may not be feasible if the coverage recipient does not have access to the discharge before it enters the ultimate receiving conduit. In such cases, the SWPPP shall include why the certification required by this part was not feasible. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT5 (continued):**

T-8 (9) Routine Visual Site Inspections. The purpose of conducting visual site inspections is to make sure storm water discharges are free from objectionable characteristics (i.e., pollutants you can see, such as turbidity, color, sheen, etc.). The SWPPP shall describe the policy and procedures for routine visual site inspections, including frequencies and areas to be inspected. Areas to be inspected must include all industrial activities exposed to storm water identified in ACT5, T-2 (1). These areas must be checked for evidence of pollutants entering the storm water drainage system and also identify conditions which may give rise to contamination of storm water runoff.

The frequency of inspections shall be performed as often as needed but no less than once monthly. If feasible, the inspections should be conducted during or after storm events. As part of the inspection, storm water should be collected in a clean, clear jar and examined in a well lit area. The SWPPP should outline procedures consistent with the requirements of ACT8, S-1 to investigate, correct and document instances in which visible pollutants are observed.

T-9 (10) Storm Water Management. The SWPPP should provide for the management of storm water volume through its diversion, infiltration, storage or re-use.

(11) Non-Storm Water Discharge Management. The SWPPP must identify any allowable non-storm water discharges, identified in ACT 2, T-3, except for flows from actual firefighting activities, which are combined with storm water discharges associated with industrial activity at the site. Non-storm water discharges should be eliminated or reduced to the extent feasible. The SWPPP must identify and ensure the implementation of appropriate Best Management Practices (BMPs) for the non-storm water component of the discharge. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT6 (Baseline GP) Additional SWPPP Requirements for Facilities Subject to SARA Title III, Section 313:**

## T-1 NARRATIVE REQUIREMENTS:

(1) Section 313 Water Priority Chemicals (see Definitions). In areas where these chemicals are stored, processed or handled, appropriate containment, drainage control and/or diversionary structures shall be provided. The SWPPP shall identify preventive systems or its equivalent which are used. Preventative systems include:

(A) Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water run-on to contact significant sources of pollutants; and

(B) Roofs, covers or other appropriate means to protect storage piles from exposure to storm water and wind.

(2) Liquid Storage Areas Exposed to Storm Water. No tank or container shall be used for the storage of a Section 313 Water Priority Chemical unless its material and construction are compatible with the material stored and conditions of storage, such as pressure and temperature, etc. Appropriate measures shall be taken to minimize discharges of Section 313 Water Priority Chemicals, which may include secondary containment providing for at least the entire contents of the largest single tank and precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

T-2 (3) Non-Liquid Material Storage Areas. Material storage areas subject to runoff, leaching or wind shall incorporate drainage or other control features that will minimize the discharge of Section 313 Water Priority Chemicals. Drainage control shall minimize storm water contact with these chemicals.

(4) Truck and Rail Car Loading and Unloading Areas. Loading and unloading areas shall be operated to minimize discharges of liquid Section 313 Water Priority Chemicals. Overhangs or door skirts to enclose trailer ends at loading/unloading docks shall be provided as appropriate. Other controls may include the use and proper maintenance of drip pans where spillage may occur, such as when making or breaking hose connections, and/or strong spill contingency and integrity testing plan.

(5) Areas Where Section 313 Water Priority Chemicals are Transferred, Processed, or Otherwise Handled. Piping, processing and handling equipment shall be designed and operated so as to prevent discharges of Section 313 Water Priority Chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with Section 313 Water Priority Chemicals. Additional protection such as covers or guards to prevent exposure to wind, spraying or releases from pressure relief vents shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 Water Priority Chemicals without secondary containment. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT6 (continued):**

T-3 (6) Discharges from Areas Covered by Conditions (2), (3), (4) or (5) of this ACT.

(A) Drainage from these areas shall be restrained by valves or other means to prevent a spill or excessive leakage of Section 313 Water Priority Chemicals into the drainage system. Pumps or ejectors may empty containment areas; however, these must be manually activated.

(B) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas shall be of manual, open-and-close design.

(C) If plan drainage is not engineered as above, the final discharge of all facility storm sewers shall be equipped, in the event of an uncontrolled spill of Section 313 Water Priority Chemicals, to return the spilled material to the facility.

(7) Other Areas, Which May Contain Runoff of Section 313 Water Priority Chemicals. Drainage or other controls to prevent or mitigate polluted runoff or leachate shall be incorporated.

T-4 (8) Preventive Maintenance and Housekeeping. All areas of the facility shall be inspected at specific intervals for leaks or conditions that could lead to discharges of Section 313 Water Priority Chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage area shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 Water Priority Chemicals to the drainage system, corrective action shall be immediately taken or the unit or process shut down until corrective action can be taken. When a leak or noncontainment of a Section 313 Water Priority Chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed of in accordance with Federal, State, and local requirements and as described in the plan. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

(9) Facility Security. Facilities shall have the necessary security systems to prevent accidental or intentional entry that could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

(10) Training. Facility employees and contractor personnel shall be trained in preventive measures. Training shall be conducted at least annually on pollution control laws and regulations, the storm water pollution prevention plan and the particular features of the facility and its operation which are designed to prevent spills and discharges of Section 313 Water Priority Chemicals.

**ACT6 (continued):**

T-5 (11) Change of Applicability Status. If pollution prevention measures or process changes result in the requirements of SARA Title III, Section 313 no longer being applicable, then the facility is no longer subject to the additional requirements of this part. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT7 (Baseline GP) Storm Water Pollution Prevention Plan (SWPPP) Implementation Requirements:**

S-1 The coverage recipient shall:

- (1) Implement the SWPPP and retain a copy of the SWPPP at the permitted site. Failure to implement the SWPPP is a violation of permit requirements. A copy of the SWPPP must be made available to the MDEQ inspectors for review at the time of an on-site inspection.
- (2) Comply with the terms of the SWPPP upon commencement of the regulated activity.
- (3) If notified at any time by the Executive Director of the MDEQ that the SWPPP does not meet the minimum requirements, amend the SWPPP and certify in writing to the Executive Director that the requested changes have been made. Unless otherwise provided, the coverage recipient shall have 30 days to make the requested changes.
- (4) Amend the SWPPP whenever there is a change in design, construction, operation, or maintenance, which may increase the discharge of pollutants to waters of the State or the SWPPP proves to be ineffective in controlling storm water pollutants. The coverage recipient shall submit it to the MDEQ within 30 days of amendment.
- (5) If after coverage issuance, a specific wasteload allocation is established that would apply to the facility's discharge, the facility must implement steps necessary to meet that allocation.
- (6) Submit any new storm water sampling data within 90 days of sampling. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

S-2 SWPPP COMPLIANCE WITH LOCAL STORM WATER ORDINANCES:

- (1) The SWPPP shall be in compliance with all local storm water ordinances.
- (2) When storm water discharges into a Municipal Separate Storm Sewer System (MS4), the coverage recipient shall make the SWPPP available to the local authority upon request. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT8 (Baseline GP) Site Inspections and SWPPP Evaluation:****S-1 MONTHLY SITE INSPECTIONS:**

Routine visual site inspections shall be performed at a minimum of once per month to ensure the effectiveness of the SWPPP's design and implementation. If feasible, the inspections should be conducted during or after storm events. All areas contributing to storm water discharges associated with industrial activity (including, but not limited to, ground storage piles, tanks, hoppers, silos, dust containment/collection systems, cleaning and maintenance areas) must be visually inspected as often as needed, but no less than once monthly. The inspection must evaluate whether the SWPPP adequately minimizes pollutant loadings and is properly implemented in accordance with the terms of this permit or whether additional control measures are needed. This includes observing storm water discharges for obvious industrial storm water pollution such as color, lack of clarity, floating solids, settled solids, suspended solids, foam, odor and oil sheens. The results of all monthly site inspections shall be documented on the Industrial Storm Water Monthly Inspection Report Form that is provided in the Baseline Forms Package, which can be found on the MDEQ website at [http://www.deq.state.ms.us/MDEQ.nsf/page/epd\\_epdgeneral](http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral). Coverage recipients may use an alternate form to record this information, so long as it includes all of the information on the above referenced form. Completed forms shall be filed on-site with the SWPPP and made available to MDEQ personnel for inspection upon request.

As part of inspections conducted during or after storm events, a representative sample of storm water should be collected at each outfall in a clean, clear jar and examined in a well lit area. Should any of the objectionable characteristics described above be observed, coverage recipient shall investigate upstream from the sample location to identify the potential sources of pollution and implement corrective action. The results of all jar test inspections shall be documented on the Monthly Visual Jar Test Inspection Form that is provided in the Baseline Forms Package, which can be found on the MDEQ website at [http://www.deq.state.ms.us/MDEQ.nsf/page/epd\\_epdgeneral](http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral). Coverage recipients may use an alternate form to record this information, so long as it includes all of the information on the above referenced form. Completed forms shall be filed on-site with the SWPPP and made available to MDEQ personnel for inspection upon request. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**S-2 ANNUAL COMPREHENSIVE SWPPP EVALUATION FORM:**

Coverage recipients shall conduct a comprehensive evaluation of the facility's SWPPP by December 31, 2016, and annually thereafter by December 31<sup>st</sup> of each year. The evaluation shall assess the effectiveness and accuracy of the SWPPP and ensure that the SWPPP is current, up to date, and meets all the requirements of ACT5, T-1 through T-9. Should the SWPPP need to be amended based on the findings of any evaluation, a copy of the amended SWPPP must be submitted to MDEQ in accordance with Condition ACT7, S-1(4).

The results of all annual SWPPP evaluations shall be documented on the Annual Comprehensive SWPPP Evaluation Form, filed on-site with the SWPPP, and made available to MDEQ personnel for inspection upon request. The Annual Comprehensive SWPPP Evaluation Form is provided in the Baseline Forms Package, which can be found on the MDEQ website at [http://www.deq.state.ms.us/MDEQ.nsf/page/epd\\_epdgeneral](http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral). The form must be signed in accordance with the provisions outlined in

ACT14, T-9 or T-10. Coverage recipients may use an alternate form to record this information, so long as it includes all of the information on the above referenced form. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT9 (Baseline GP) Monitoring Requirements:**

**S-1 MONITORING REQUIREMENTS FOR FACILITIES DISCHARGING INTO A 303(d) LISTED IMPAIRED WATERBODY:**

Monitoring shall be required if:

- (1) The waterbody has a wasteload allocation for a specific parameter(s) established by a Total Maximum Daily Load (TMDL); and
- (2) MDEQ has reason to believe the specific parameter(s) is present at the facility and not subject to controls consistent with the implementation plan of the TMDL.

Monitoring is required to identify potential changes to the existing Storm Water Pollution Prevention Plan (SWPPP) that may need to be implemented, so that storm water discharges will not adversely impact impaired waters. If required, sampling shall be conducted at least quarterly and according to T-1 and T-2 of this ACT. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**S-2 MONITORING REQUIREMENTS FOR FACILITIES SUBJECT TO SARA TITLE III, SECTION 313:**

During coverage under this permit, storm water discharges associated with industrial activity under SARA Title III, Section 313 are subject to the following monitoring requirements only if an EPA Form R (EPA Form 9350-1) or if information gathered in completing a Form A (EPA Form 9350-2) will indicate a release of a Water Priority Chemical to storm water:

- (1) Parameters. The parameters to be measured include: pH; Total Suspended Solids (TSS mg/l); and any Section 313 Water Priority Chemical reported as being released to storm water. In addition: the date and duration (in hours) of the storm(s) sampled; rainfall measurements or estimates (in inches) of the storm which generated the sampled runoff; the duration between the storm sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm; and an estimate of total discharge (gal.) for the storm sampled shall be provided.
- (2) Frequency of Monitoring. Sampling shall be conducted as close to the time of the release as practicable.
- (3) Reporting. Submit any new storm water sampling data within 90 days of sampling. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT9 (continued):**

**S-3 MONITORING REQUIREMENTS FOR STORM WATER DISCHARGES FROM FACILITIES WITH COAL PILES:**

During coverage under this permit, storm water discharges associated with industrial activity from facilities with coal piles are subject to the following monitoring requirements:

(1) Parameters. The parameters to be measured include: pH; TSS (mg/l); total copper (mg/l); and total zinc (mg/l).

(2) Frequency of Monitoring. Sampling shall be conducted at least annually except as provided by (3) below. Sampling should be done early in the year to avoid weather conditions that may prevent sampling.

(3) Monitoring Exemptions. If two consecutive annual samplings show concentrations of copper and zinc are below the indicated value and pH is within the specified range, then monitoring for copper, zinc and pH may be discontinued. Monitoring must continue for parameters exceeding (falling outside for pH) these values. This exemption may not be granted if the following parameters can adversely impact impaired waters and/or are included in a wasteload allocation established by a TMDL. Note that there is no exemption from monitoring total suspended solids concentration, which must be conducted at least annually.

Total Copper.....0.01 mg/l

Total Zinc.....0.06 mg/l.

pH.....between 6.0 and 9.0 S.U. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

S-4 In addition: the date and duration (in hours) of the storm(s) sampled; rainfall measurements or estimates (in inches) of the storm which generated the sampled runoff; the duration between the storm sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm; and an estimate of total discharge (gal.) for the storm sampled shall be provided. The Permittee shall submit analytical results on an annual Discharge Monitoring Report (DMR): Due annually by the 28th of January. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

## EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

### Coal Pile Storm Water Runoff

Such discharges shall be limited and monitored by the permittee as specified below:

Parameter	Discharge Limitations							Monitoring Requirements		
	Quantity / Loading Average	Quantity / Loading Maximum	Quantity / Loading Units	Quality / Conc. Minimum	Quality / Conc. Average	Quality / Conc. Maximum	Quality / Conc. Units	Frequency	Sample Type	Which Months
<i>Copper (Total as CU) Effluent</i>	*****	*****	*****	*****	*****	Report Maximum	mg/L	Annually	Grab Sampling	Jan-Dec
<i>pH Effluent</i>	*****	*****	*****	Report Minimum	*****	Report Maximum	SU	Annually	Grab Sampling	Jan-Dec
<i>Solids (Total Suspended) Effluent</i>	*****	*****	*****	*****	*****	50 Maximum	mg/L	Annually	Grab Sampling	Jan-Dec
<i>Zinc (Total as ZN) Effluent</i>	*****	*****	*****	*****	*****	Report Maximum	mg/L	Annually	Grab Sampling	Jan-Dec

**ACT9 (continued):**

S-5 DMRs shall be submitted to MDEQ at the following address:

Chief, Environmental Compliance and Enforcement Division  
Mississippi Department of Environmental Quality  
Office of Pollution Control  
P.O. Box 2261  
Jackson, Mississippi 39225

DMRs submitted after December 20, 2016 shall be submitted electronically using the MDEQ NetDMR system (ref. NPDES Electronic Reporting Rule promulgated at 40 CFR 127 on October 22, 2015). Instructions for NetDMR registration can be found on MDEQ's website at: [http://www.deq.state.ms.us/MDEQ.nsf/page/NetDMR\\_NetDMRClassroomTraining](http://www.deq.state.ms.us/MDEQ.nsf/page/NetDMR_NetDMRClassroomTraining). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

T-1 SAMPLE TYPE (IF SAMPLING IS REQUIRED):

For discharges from impoundments with a retention period greater than 24 hours (estimated by dividing the volume of the impoundment by the estimated volume of water discharged during the 24 hours prior to sampling), only one grab sample need be taken. For other discharges, a grab sample during the first 30 minutes (or as soon thereafter as practicable) and a composite sample shall be taken. pH and other parameters requiring a grab sample should only be measured in the grab sample. When a grab sample during the first 30 minutes is impracticable an explanation shall be included with the Discharge Monitoring Report. The composite sample shall either be flow-weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of 3 sample aliquots taken in each hour for the first 3 hours or entire discharge, with each aliquot being separated by a minimum period of 15 minutes. The sampled discharge must result from a storm greater than 0.1 inches in magnitude and occurring at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm. Sampling test procedures shall be in accordance with the methods set forth in 40 CFR Part 136. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

T-2 REPRESENTATIVE DISCHARGE:

Samples shall be taken in the affected drainage area, downstream of the potential pollutant sources(s) and prior to leaving the property or mixing with receiving waters. For two or more outfalls that discharge substantially identical effluents, the coverage recipient may sample one of the outfalls and report that the quantitative data applies to the substantially identical outfall(s). In addition, please be advised that a violation of the representative sample means a violation at the other discharge locations represented by that sample. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT10 (Baseline GP) Limitation Requirements:**

**L-1 NON-NUMERIC LIMITATIONS:**

Storm water discharges shall be free from:

- (1) Debris, oil, scum, and other floating materials other than in trace amounts,
- (2) Eroded soils and other materials that will settle to form objectionable deposits in receiving waters,
- (3) Suspended solids, turbidity and color at levels inconsistent with the receiving waters,
- (4) Chemicals in concentrations that would cause violation of State Water Quality Criteria in the receiving waters. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**L-2 NUMERIC LIMITATIONS:**

Storm water runoff from coal piles shall meet the following limit:

Total Suspended Solids (TSS) shall not exceed 50 mg/l. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT11 (Baseline GP) Recordkeeping Requirements:**

**T-1 RETENTION OF RECORDS:**

All records, reports and information resulting from activities required by this permit shall be retained by the coverage recipient, on-site with the SWPPP, for a period of at least three years from the date of generation. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT12 (Baseline GP) Personnel Training Requirements:****S-1 TRAINING DOCUMENTATION:**

Personnel training conducted to meet the requirements of this ACT shall be documented. Training records shall include employee's name, worker identification number, date of training, contents of training, an indication whether it was initial or refresher training and the employee's signature acknowledging that training was received. All personnel training associated with this general permit shall be documented on the Employee Training Log Form that is provided in the Baseline Forms Package, which can be found on the MDEQ website at [http://www.deq.state.ms.us/MDEQ.nsf/page/epd\\_epdgeneral](http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral). Coverage recipients may use an alternate form to record this information, so long as it includes all of the information on the above referenced form. Completed forms and supporting training documentation shall be maintained on-site with the SWPPP and made available to MDEQ personnel for inspection upon request. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**S-2 TRAINING PROGRAM REQUIREMENTS:**

The coverage recipient shall develop and implement a program for initial and periodic refresher training of personnel that are responsible for implementing and/or complying with the requirements of this permit. Initial training for all personnel that are responsible for implementing and/or complying with the requirements of this permit shall be performed within twelve (12) months of issuance of coverage or recoverage under this permit. Newly hired employees responsible for implementing and/or complying with the requirements of this permit shall receive initial training prior to performing such responsibilities. All employees responsible for implementing and/or complying with the requirements of this permit shall receive refresher training by December 31<sup>st</sup> of each calendar year.

Training shall at a minimum address, but not be limited to, the following elements:

(1) SWPPP goals and plan components identified in ACTs 5 through 8 of this permit, including:

(A) Housekeeping and pollution prevention requirements,

(B) Spill prevention and response procedures,

(C) Identification and elimination of non-allowable, non-storm water discharges,

(D) Installation, maintenance and inspection of erosion and sediment controls for construction activities, and

(E) Installation, maintenance and inspection of Best Management Practices (BMPs) for industrial storm water and/or post-construction storm water. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT12 (continued):**

TRAINING PROGRAM REQUIREMENTS (Continued):

- (2) Procedures for monitoring compliance with non-numeric and numeric limitations prescribed in ACTs 9 and 10 of this permit;
- (3) Recordkeeping, reporting and record retention requirements (includes understanding the records filing system and being able to produce the required permit documentation during an MDEQ on-site inspection);
- (4) Release reporting and non-compliance notification and reporting requirements; and
- (5) Applicable standard requirements contained in ACT14. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT13 (Baseline GP) Termination of Permit Requirements:****S-1 CLOSURE REQUIREMENTS:**

Should the coverage recipient decide to permanently cease its regulated industrial activity and/or abandon the premises upon which it operates or wish to terminate Baseline coverage and submit a No Exposure Certification, a closure plan shall be submitted to the MDEQ no later than 30 days prior to doing so. A closure plan required by another MDEQ permit will be deemed adequate to satisfy the requirements of this section if storm water is specifically addressed. The plan shall include, but not be limited to, addressing:

- (1) How and when all industrial machinery, material handling equipment, manufactured products, by-products, raw materials, stored chemicals, and solid and liquid waste and residues will be removed from the premises so that storm water discharges associated with industrial activity have been eliminated
- (2) For facilities wishing to make a certification of no exposure, the plan shall outline the steps taken to prevent storm water from being exposed to regulated industrial activities, and
- (3) Final stabilization of the entire site, whereby exposed areas must be stabilized using structural and/or non-structural control measures. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**S-2 REQUEST FOR TERMINATION REQUIREMENTS:**

Facilities that are out of business, are no longer an industrial activity as defined in storm water regulations 40 CFR 122.26(b)(14), or wish to make a certification of no exposure shall submit a Request for Termination (RFT) Form found in the Baseline Forms Package, which can be found on the MDEQ website at [http://www.deq.state.ms.us/MDEQ.nsf/page/epd\\_epdgeneral](http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral). The coverage recipient is bound by the conditions of this permit until MDEQ issues a written termination of coverage. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT14 (Baseline GP) Standard Requirements Applicable to All Water Permits:**

**T-1 DUTY TO COMPLY:**

The coverage recipient must comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action, coverage termination, revocation and reissuance, or modifications; or denial of a renewal application.

**T-2 DUTY TO REAPPLY:**

If the coverage recipient wishes to continue an activity regulated by this permit after the expiration date of this permit, coverage recipient must apply for and obtain authorization as required by the new permit.

**T-3 DUTY TO MITIGATE:**

The coverage recipient shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which is likely to adversely affect human health or the environment.

**T-4 DUTY TO PROVIDE INFORMATION:**

The coverage recipient shall furnish to the Permit Board, within a reasonable time, any relevant information which the Permit Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage, or to determine compliance with this permit. The coverage recipient shall also furnish to the Permit Board, upon request, copies of records required to be kept by this permit.

**T-5 PROPERTY RIGHTS:**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

**T-6 SEVERABILITY:**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**ACT14 (continued):**

**T-7 OIL AND HAZARDOUS SUBSTANCE LIABILITY:**

Nothing in this permit shall relieve the coverage recipient from responsibilities, liabilities, or penalties under Section 311 of the CWA (33 U.S.C. Section 1321).

**T-8 PROPER OPERATION AND MAINTENANCE:**

The coverage recipient shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the coverage recipient to achieve compliance with the conditions of this permit, including the Storm Water Pollution Prevention Plan. Proper operation and maintenance includes adequate laboratory controls with appropriate quality assurance procedures and requires the operation of backup or auxiliary facilities when necessary to achieve compliance with permit conditions.

**T-9 SIGNATORY REQUIREMENTS:**

All BNOIs, Re-Coverage Forms, Requests for Termination and No Exposure Certifications shall be signed as follows:

(1) For a corporation by a responsible corporate officer. For this permit, a responsible corporate officer means:

(A) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(B) The manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

Note: MDEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in paragraph (1)(A) above. The Department will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Permit Board to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under paragraph (1)(B) above rather than to specific individuals.

**ACT14 (continued):**

(2) For a partnership or sole proprietorship by a general partner or the proprietor, respectively; or

(3) For a municipal, State, Federal, or other public agency by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(A) The chief executive officer of the agency, or

(B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

**T-10 DULY AUTHORIZED REPRESENTATIVE:**

Discharge Monitoring Reports, Annual Comprehensive SWPPP Evaluation Forms, and information the Permit Board requests to be submitted shall be signed by a person described in T-9 above, or by a duly authorized representative of that person. A person is a duly authorized representative when:

(1) The authorization is made in writing and submitted to the Permit Board by a person described in T-9 above.

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity, such as: manager, operator of a well or well field, superintendent, person of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a specified individual or position).

**T-11 CHANGES IN AUTHORIZATION:**

If an authorization is no longer accurate because a different individual or position has permit responsibility, a new authorization satisfying the requirements of T-9 and T-10 above must be submitted to the Permit Board prior to or together with any reports, information or applications signed by the representative.

**ACT14 (continued):**

**T-12 CERTIFICATION:**

Any person signing documents under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**T-13 BYPASS PROHIBITION:**

Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against a coverage recipient for a bypass, unless:

- (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the coverage recipient should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- 3) The coverage recipient submitted notices per T-18 of this ACT.

**T-14 UPSET CONDITIONS:**

An upset (see 40 CFR 122.41(n)) constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if a coverage recipient demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- (1) An upset occurred and the coverage recipient can identify the specific cause(s) of the upset;
- (2) The permitted facility was, at the time, being properly operated at the time of the upset;
- (3) The coverage recipient submitted notices per T-18 of this ACT; and

**ACT14 (continued):**

(4) The coverage recipient took remedial measures as required under T-3 of this ACT.

In any enforcement proceeding, the coverage recipient has the burden of proof that an upset occurred. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance is initiated, will be considered a final administrative action subject to judicial review.

**T-15 RELEASE REPORTING:**

Releases into the environment of hazardous substances, oil, and pollutants or contaminants, which pose a threat to applicable water quality standards or causes a film, sheen or discoloration of waters of the State, shall be reported to the:

- (1) Mississippi Emergency Management Agency (601) 933-6362 or (800) 222-6362; or
- (2) National Response Center (800) 424-8802.

**T-16 INSPECTION AND ENTRY:**

The coverage recipient shall allow the Permit Board staff or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the coverage recipient's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit;
- (2) Have access to and copy at reasonable times any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**ACT14 (continued):****T-17 PERMIT ACTIONS:**

This permit may be modified, revoked and reissued, or terminated for cause. A request by the coverage recipient for permit or coverage modification, revocation and reissuance, or termination, or a certification of planned changes or anticipated noncompliance does not stay any permit condition.

**T-18 NONCOMPLIANCE REPORTING:**

(1) Anticipated Noncompliance. The coverage recipient shall give at least 10 days advance notice, if possible, before any planned noncompliance with permit requirements. Giving notice of planned or anticipated noncompliance does not immunize the coverage recipient from enforcement action for that noncompliance.

(2) Unanticipated Noncompliance. The coverage recipient shall notify the MDEQ orally within 24 hours from the time he or she becomes aware of unanticipated noncompliance, which may endanger health or the environment. A written report shall be provided to the MDEQ within five (5) working days of the time he or she becomes aware of the circumstances leading to the unanticipated noncompliance. The report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent reoccurrence and, if the noncompliance has not ceased, the anticipated time for correction.

(3) Other Noncompliance: The coverage recipient shall report all instances of noncompliance not reported under paragraph (2) above, within 30 days from the end of the month in which the noncompliance occurs. The report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent reoccurrence and, if the noncompliance has not ceased, the anticipated time for correction.

**T-19 REOPENER CLAUSE:**

If there is evidence indicating potential or realized impacts on water quality due to storm water discharge(s) from industrial activities covered by this permit, the coverage recipient may be required to obtain an individual permit or an alternative general permit in accordance with ACT3, S-2 or the permit may be modified to include different limitations and/or requirements.

**T-20 PERMIT MODIFICATION:**

Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

**ACT14 (continued):**

## T-21 TRANSFERS:

Coverage under this permit is not transferable to any person except after notice to and approval by the Permit Board. The Permit Board may require the coverage recipient to obtain another NPDES permit as stated in ACT 3, S-2. Transfer of coverage requests shall be submitted to the Permit Board using the form provided in the Baseline Forms Package, which can be found on the MDEQ website at [http://www.deq.state.ms.us/MDEQ.nsf/page/epd\\_epdgeneral](http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral).

## T-22 CONTINUATION OF EXPIRED GENERAL PERMIT:

If this permit is not reissued prior to the expiration date, it will be administratively continued and remain in force and effect. Permit coverage will remain until the earliest of:

- (1) Recoverage under the reissued general permit;
- (2) Submittal of a Request for Termination and receipt of written termination of coverage from MDEQ;
- (3) Issuance of an individual permit for the project's discharge; or
- (4) A formal permit decision by the Permit Board to not reissue the general permit, at which time the coverage recipient must seek coverage under an alternative general permit or an individual permit.

## T-23 MONITORING AND RECORDS:

- (1) Monitoring. Samples and measurements shall be representative of the monitored activity and must be conducted according to test procedures approved under 40 CFR Part 136.
- (2) Retention of Records. The owner or operator shall retain records of all monitoring information for a period of at least three years from the date of the measurement, report, or application. This information includes all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit. This period may be extended by request of the Permit Board or its designee.
- (3) Record Contents. Records of monitoring information shall include:
  - (A) The date, exact location, and time of sampling or measurements,

**ACT14 (continued):**

(B) The initials or names of the individuals who performed the sampling or measurements,

(C) The date(s) and time(s) analyses were performed,

(D) The initials or names of the individuals who performed the analyses,

(E) References and written procedures, when available, for the analytical techniques or methods used, and

(F) The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

**T-24 SPILL PREVENTION AND BEST MANAGEMENT PLANS:**

Any facility which has above ground bulk storage capacity of more than 1,320 gallons or any single container with a capacity greater than 660 gallons of materials and/or liquids (including but not limited to, all raw, finished and/or waste material) with chronic or acute potential for pollution impact on waters of the State, and not subject to Mississippi Hazardous Waste Management Regulations or 40 CFR 112 (Oil Pollution Prevention) regulations, shall provide secondary containment as found in 40 CFR 112 or equivalent protective measures such as trenches or waterways which would conduct any tank releases to a permitted treatment system or sufficient equalization or treatment capacity needed to prevent chronic/acute pollution impact.

**T-25 TOXIC POLLUTANTS NOTIFICATION REQUIREMENTS:**

The coverage recipient shall comply with the applicable provisions of 40 CFR 122.42.

**T-26 FALSIFYING REPORTS:**

Any coverage recipient who falsifies any written report required by or in response to a permit condition shall be deemed to have violated a permit condition and shall be subject to the penalties provided for a violation of a permit condition pursuant to Section 49-17-43 of the Mississippi Water Pollution Control Law (Mississippi Code Ann. Sections 49-17-1 et seq.).

**ACT14 (continued):**

T-27 CIVIL AND CRIMINAL LIABILITY:

- (1) Any person who violates a term, condition or schedule of compliance contained within this permit or the Mississippi Air and Water Pollution Control Law is subject to the actions defined by the Mississippi Air and Water Pollution Control Law (Miss. Code Ann. Sections 49-17-1 through 49-17-43).
- (2) Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the coverage recipient from civil or criminal penalties for noncompliance.
- (3) It shall not be the defense of the coverage recipient in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

**ACT15 (Baseline GP) Definitions:**

- T-1 BEST MANAGEMENT PRACTICES (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- T-2 CFR means the Code of Federal Regulations.
- T-3 CLEAN WATER ACT (CWA) refers to the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.
- T-4 COMMISSION means the Mississippi Commission on Environmental Quality.
- T-5 CONTROL MEASURE as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.
- T-6 EXECUTIVE DIRECTOR means the Executive Director of the Department of Environmental Quality.
- T-7 FACILITY OR ACTIVITY means any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.
- T-8 INDUSTRIAL ACTIVITY means the ten (10) categories of industrial activities included in the definition of "storm water discharges associated with industrial activity" as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).
- T-9 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) is the division of the Clean Water Act which prohibits discharge of pollutants into waters of the United States unless a special permit is issued.
- T-10 NO EXPOSURE means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.

**ACT15 (continued):**

- T-11 NOTICE OF INTENT (NOI) is the mechanism used to apply for coverage under a general permit.
- T-12 OWNER or OPERATOR for the purpose of this permit and in the context of storm water associated with industrial activity, means any party associated with a construction project that meets either of the following two criteria:
- (1) The entity has operational control over industrial activities, including the ability to modify those activities; or
  - (2) The entity has day-to-day operational control of activities at the facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).
- T-13 PERMIT BOARD means the Mississippi Environmental Quality Permit Board established pursuant to Miss. Code Ann. 49-17-28.
- T-14 POLLUTANT is defined at 40 CFR 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, sediment, silt, cellar dirt, and industrial or municipal waste.
- T-15 POLLUTANT OF CONCERN means a pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a state's 303(d) list.
- T-16 SARA (Superfund Amendments and Reauthorization Act) of 1986, (40 CFR 355) are amendments of the Superfund legislation. It not only reauthorized the Superfund program but greatly expanded the provisions and funding of the initial Act. Title III of the act is concerned with emergency planning.
- T-17 SECTION 313 WATER PRIORITY CHEMICALS are specific chemicals, listed at 40 CFR 372.65, subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313.

**ACT15 (continued):**

- T-18 **SIGNIFICANT MATERIALS** includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
- T-19 **STATE LAW** means The Mississippi Air and Water Pollution Control Law, specifically, Miss. Code Ann 49-17-1 through 49-17-43, and any subsequent amendments.
- T-20 **STORM WATER** means rainfall runoff, snowmelt runoff, and surface runoff.
- T-21 **STORM WATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY** means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage at an industrial plant. The categories considered to be engaging in "industrial activity" are in 40 CFR 122.26 (b) (14) (i - xi).
- T-22 **STORM WATER POLLUTION PREVENTION PLAN (SWPPP)** means a plan that includes site map(s), an identification of industrial activities that could cause the discharge of pollutants to storm water, and a description of measures or practices to control these pollutants.
- T-23 **TOTAL MAXIMUM DAILY LOAD (TMDL)** means the maximum daily amount of a pollutant that can enter a water body so that the water body will meet and continue to meet state water quality standards.

**ACT15 (continued):**

- T-24 UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the coverage recipient. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- T-25 WATERS OF THE STATE means all waters within the jurisdiction of this State, including all streams, lakes, ponds, wetlands, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering upon the State, and such coastal waters as are within the jurisdiction of the State, except lakes, ponds, or other surface waters which are wholly landlocked and privately owned, and which are not regulated under the Federal Clean Water Act (33 U.S.C.1251 et seq.).
- T-26 11 Miss. Admin. Code Pt. 6, Ch. 1. means the State of Mississippi's Wastewater Regulations for National Pollutant Discharge Elimination System (NPDES) Permits, Underground Injection Control (UIC) Permits, State Permits, Water Quality Based Effluent Limitations and Water Quality Certifications. [11 Miss. Admin. Code Pt. 6, Ch. 1.]