



NPDES Storm Water Program

Question And Answer Document Volume 2

STORM WATER QUESTIONS AND ANSWERS PART II

I. General Applicability

1. **What kinds of storm water discharges are required to obtain a NPDES permit under Phase I of the storm water program?**
 - A. The National Pollutant Discharge Elimination System (NPDES) storm water permit application regulations, promulgated by the U.S. Environmental Protection Agency (EPA), require that the following storm water discharges apply for a NPDES permit: (1) A discharge associated with industrial activity; (2) A discharge from a large or medium municipal separate storm sewer system; or (3) A discharge which EPA or the State determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States. The permit application deadlines are specified in EPA's regulations.

2. **What is a "storm water discharge associated with industrial activity?"**
 - A. The term "storm water discharge associated with industrial activity" means a storm water discharge from one of the eleven categories of industrial activity defined at 40 Code of Federal Regulations (CFR) 122.26(b)(14)(i) through (xi). Six of these categories are identified by Standard Industrial Classification (SIC) code and the other five categories provide narrative descriptions of the industrial activity. The complete definition is included in Section XIII of this document.

If any activity at a facility is covered by one of the five categories which provide narrative descriptions, storm water discharges from that area are subject to storm water permit application requirements. If the primary SIC code of the facility is identified in one of the remaining six categories, the facility is subject to the storm water permit application requirements. Note that only those facilities/activities described above having point source discharges of storm water to waters of the United States or through a municipal separate storm sewer system or other conveyance are required to submit a storm water permit application. The definition of "point source" is provided at 40 CFR 122.2. The definition is included in Section XIII of this document.

3. **What are SIC codes and how can a facility find out its proper SIC code?**
 - A. SIC codes are four-digit industry codes that were originally created by the Office of Management and Budget (OMB) for statistical purposes. Other

22. If construction of cells at a landfill disturbs greater than five acres of land, is coverage under EPA's construction general permits required?
- A. No. EPA considers construction of new cells to be routine landfill operations that are covered by the landfill's industrial storm water general permit. However, the storm water pollution prevention plan for the landfill must incorporate best management practices (BMPs) that address sediment and erosion control. Where a new landfill is being constructed and five or more acres of land is being disturbed, such activity would need to be covered under EPA's construction general permit until the time that initial construction is completed and industrial waste is received. Please note that NPDES authorized States may address this situation differently.

Category (viii): Transportation facilities

23. If all vehicle maintenance and equipment cleaning operations occur indoors at a transportation facility, as defined at 40 CFR 122.26(b)(14)(viii), is a permit application required for discharges from the roofs of these buildings?
- A. Yes. Storm water discharges from all areas that are "associated with industrial activity," described at 40 CFR 122.26(b)(14), are subject to the storm water permit application requirements. This would include discharges from roofs of buildings that are within areas associated with industrial activity. In addition, storage areas of materials used in vehicle maintenance or equipment cleaning operations and holding yards or parking lots used to store vehicles awaiting maintenance are also considered areas associated with industrial activity.
24. For a facility classified as SIC code 5171 (bulk petroleum storage), is the transfer of petroleum product from the storage tanks to the distribution truck considered "fueling", and therefore an industrial activity as defined by the regulations?
- A. No. The transfer of petroleum product from the storage tanks to the tanker truck is not considered fueling and would not require a storm water permit. However, fueling of the tanker truck itself at the 5171 facility is considered to be part of routine vehicle maintenance, and storm water discharges from these areas must be covered under a storm water permit application.