

ASK THE INSPECTOR WORKSHOP

Clean Water Act (CWA)

Garth Connor & Jim Kline,
Region III CWA Inspectors
January 27, 2021

Agenda

- CWA Background
- Brief Overview of Federal Facilities Responsibilities
- Different Sections of the CWA
 - Storm water
 - Wastewater
 - SPCC (Oil Spill)
 - Wetlands



CWA Background

- Establishes the basic structure for regulating discharges of **pollutants** into waters of the United States and regulating quality standards for surface waters.
- The original basis of the CWA was first enacted in 1948 and was called the Federal Water Pollution Control Act.
- The Clean Water Act was passed in October, 1972. Led to major improvements in America's rivers & streams.

CWA Background

- The CWA made it unlawful to discharge any **pollutant** from a point source into navigable waters, unless a permit was obtained.
- The National Pollutant Discharge Elimination System (NPDES) permit program controls discharges.
- Under the NPDES program, the permit limits the amount of pollution a facility can discharge to a nearby stream.

CWA Background

➤ What is a **Pollutant**?

- The term **pollutant** is defined very broadly in the Clean Water Act because it has been through 25 years of litigation. It includes any type of industrial, municipal, and agricultural waste discharged into water.
- Some examples: dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, discarded equipment, rock, sand, and industrial, municipal and agricultural waste.
- By law, a pollutant is not sewage incidental to the normal operation of an Armed Forces vessel, or water, gas, or other material injected into an oil and gas production well.

✓ CWA Background

In the late 70's and 80's, growing research indicated that stormwater discharges (non-point sources) were a significant cause of water quality impairment.

Congress responded by amending the Act in 1986 and developed the Water Quality Act of 1987 by requiring industrial stormwater discharges and municipal separate storm sewer systems (MS4) to obtain NPDES permits.





✓ Various Sections of the CWA

- 308- Inspections Monitoring and Entry
- 309- Federal Enforcement Authority
- 401- State Certification of Water Quality
- 402- **NPDES**
- 404- Discharge of dredged and fill materials into waters of the US (including wetlands)

NPDES Overview

- The EPA has authorized many states and tribes to administer the NPDES storm water permitting program.
- Most industrial facilities need to obtain permit coverage through their state.
- The EPA remains the permitting authority in a few states, most territories, most Indian country and with some Federal Facilities.
 - For industrial facilities located in those areas, permit coverage is available under the 2015 MSGP

Stormwater

- Discharges generated by runoff from land and impervious areas during rainfall events
- Have the potential to adversely affect water quality through discharge of pollutants into surface waters of the U.S.
- 3 types of regulated stormwater discharges:
 1. Construction activities
 2. Municipal separate storm sewer systems
 3. Industrial activities

Construction Stormwater (cont.)



Stormwater (cont.)

➤ Construction activities

- Requires operators of construction sites 1 acre or larger to obtain a permit to discharge

➤ Municipal separate storm sewer systems

- Otherwise called MS4s
- Small operators have choice between individual or general permit
- Medium and large operators required to submit permit applications and are issued individual permits



Drains to Bay!

Construction Stormwater (cont.)

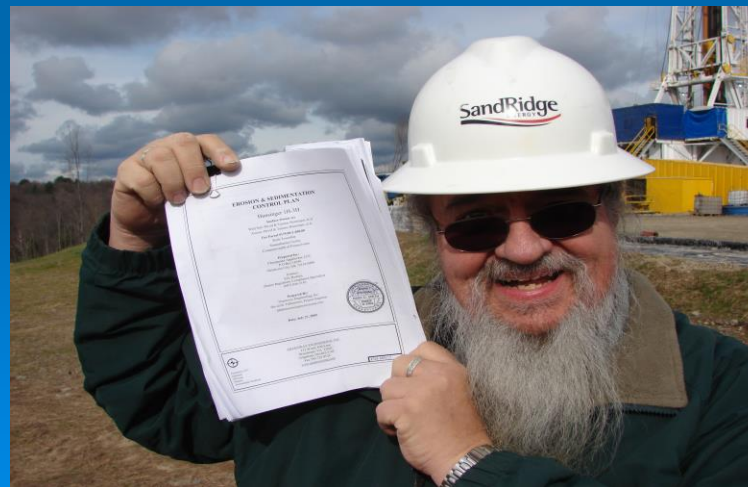
What will the
Inspectors be
looking for while
inspecting your
construction
sites?



Storm Water Discharges Associated with Construction Activities

➤ Storm Water Pollution Prevention Plan:

The SWPPP (as required by the EPA or state-issued CGP) must be prepared prior to submission of the NOI. The construction project should follow the provisions of the SWPPP throughout the construction period, as the SWPPP represents what the operator plans to do to meet the effluent limits in the permit. Under EPA's 2017 CGP, the SWPPP must be signed by a responsible official such as the president, vice president or general partner.



Construction Stormwater (When Inspectors Attack!)

An Inspector will *always* review the SWPPP

- **Site/Project Description**
- **Pollutant Potential Sources**
- **Number of Acres (Disturbed Acres)**
- **General Location of Receiving Waters**
- **Site map**
- **Copy of your permit**

Storm Water Pollution Prevention Plan:

The construction facility must keep the SWPPP on-site throughout the entire construction period, or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA.



Construction Stormwater (cont.)

Are the Best Management Practices (BMPs) Effective?

- **Erosion and Sediment Controls must be designed to retain sediment and process by-products on-site**
- **Must be adequately fit for your Facility's needs**
- **Must be properly maintained**



18 12:26 PM

Site-Specific Construction Stormwater Control Measures

- E&S Controls (silt fence) must be properly located or installed (e.g., bottom edge buried), not allowed to fall over
- Maintain and remove excessive amount of accumulated sediment (e.g., before accumulations reach one-half of the above-ground height of the perimeter control)
- Ripped or fallen fence does not function properly.

Site-Specific Construction Stormwater Control Measures

- Maintain and practice good housekeeping, such as no oil stains on the soil
- No overturned drums; uncovered pails containing liquids
- Equipment storage areas; not cluttered or equipment is not leaking fluids
- Fuel tanks and refueling done on containment

The 11 categories of regulated industrial activities are:

- Category Seven (vii): Steam electric power generating plants
- Category Eight (viii): Transportation facilities that have vehicle maintenance, equipment cleaning, or airport deicing operations
- Category Nine (ix): Treatment works treating domestic sewage with a design flow of 1 million gallons a day or more

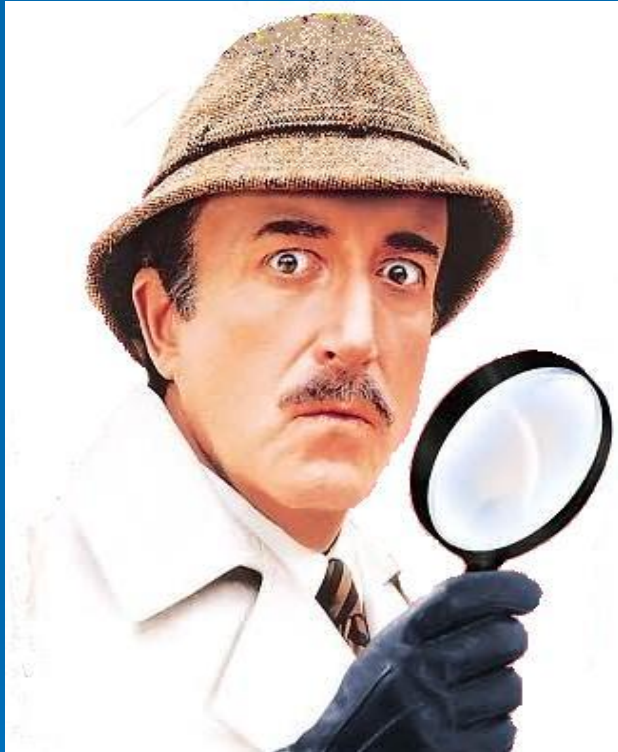
The 11 categories of regulated industrial activities are:

- Category Ten (x): Construction sites that disturb 5 acres or more (permitted separately)
- Category Eleven (xi): Light manufacturing (e.g., food processing, printing and publishing, electronic and other electrical equipment manufacturing, public warehousing and storage)

Multi–Sector General Permit

- EPA's 1990 stormwater regulations established NPDES permit requirements for industrial stormwater discharges.
- The Agency issued the first Multi-Sector General Permit (MSGP) for those facilities in 1995.
- The current MSGP went into effect on June 4, 2015.

ASK THE INSPECTORS



Any Questions or Comments?
connor.garth@epa.gov