



## Determining if a Facility is Required to Obtain Permit Coverage

### *State of Michigan Industrial Storm Water Program*

Water Resources Division (WRD)

EGLE Environmental Assistance Center 800-662-9278

[Michigan.gov/EGLE](https://Michigan.gov/EGLE)

Federal and state industrial storm water regulations require regulated facilities to obtain industrial storm water permit coverage if storm water runoff exposed to industrial materials and/or industrial activities discharges to surface waters of the state. These regulations also apply to facilities that discharge storm water runoff to private or municipal separate storm sewer systems that convey storm water to surface waters of the state. Surface waters of the state include rivers, lakes, streams, and wetlands. This document is intended to explain the three (3) steps a facility should go through to determine if they are regulated by the federal and state industrial storm water regulations. This document and other compliance assistance tools can be found on the EGLE WRD Industrial Storm Water (ISW) webpage: [Michigan.gov/IndustrialStormWater](https://Michigan.gov/IndustrialStormWater).

#### **Step 1: Is your facility's primary industrial activity regulated?**

Standard Industrial Classification (SIC) codes or narrative descriptions are used to categorize a facility's primary industrial activity and to determine if the ISW regulations apply. For the purposes of the ISW Program, a facility must determine its primary SIC code or best fit narrative description based on their primary industrial activity. The operation that generates the most revenue or employs the most personnel should be identified as the primary activity. In general, the following industrial activity categories are regulated:

- Mining (SIC 10— through 14—)
- Manufacturing (SIC 20— through 39—)
- Warehousing and Storage (SIC 422-)
- Transportation (SIC 40— through 45— & SIC 5171)
- Landfills
- Steam Electric Power Plants
- Recycling Facilities and Automobile Salvage Yards (SIC 5093 & 5015)
- Wastewater Treatment Facilities
- Hazardous Waste Treatment, Storage, and/or Disposal Facilities

Your facility's four (4) digit SIC code can be found, for comparison, in the company's federal tax returns under Schedule K listed as either "Business Activity Code" or "Manufacturers Identity Code". However, please be aware that the SIC code identified in your facility's federal tax returns may not always be considered the primary industrial activity as it relates to the ISW Program. A complete list of regulated SIC codes can be found on the ISW webpage. If a facility uses a North American

Industry Classification System (NAICS) code instead of a SIC code, a website link to assist with the conversion is available on the ISW webpage.

**Step 2:** Does storm water discharge to surface waters of the state through a point source?

Storm water consists of rain, snow or any other form of precipitation. In regard to the storm water program, a point source discharge to surface waters of the state is any discernable, confined, and discrete conveyance that directs storm water to surface waters of the state. A point source discharge includes but is not limited to pipes, ditches, channels, tunnels, conduits, and grading which channelizes and conveys storm water.

If storm water from your facility is discharged into a combined sewer system that leads to a wastewater treatment plant, the storm water discharges are not regulated by this program. Combined sewers are common in several municipalities in Michigan and are designed to handle storm water runoff and sanitary wastewater. Contact personnel at your municipality's department of public works to determine if your facility is served by combined or separate storm sewers. If storm water from your facility discharges to a separate storm sewer system, the storm water discharge is regulated by this program.

**Step 3:** Are industrial materials and/or activities exposed to precipitation?

Generally, if you store or handle anything related to your industrial activity outside without a storm-resistant shelter your facility is considered to have exposure. Exceptions are explained in the No Exposure Certification (NEC) compliance assistance document located on the ISW webpage. The term exposure is used in the storm water program to describe the potential for precipitation to come in contact with your industrial materials and/or industrial activities. Industrial materials include but are not limited to material handling equipment (bins, boxes, pallets, racking, etc.), industrial machinery, raw materials, intermediate products, by-products, final products, and waste products. Industrial activities include but are not limited to storage of industrial materials, vehicle maintenance (including fueling), loading and unloading, transportation or conveyance of raw, intermediate, final, or waste products.

**Summary and ISW Permit Evaluation Scenarios**

**Scenario 1:**

If Step 1 does not apply, then a **ISW PERMIT IS NOT REQUIRED**.

**Scenario 2:**

If Step 1 applies but not Step 2, then a **ISW PERMIT IS NOT REQUIRED**.

**Scenario 3:**

If Step 1 and Step 2 apply, but not Step 3, then a **NEC IS REQUIRED**. The NEC compliance assistance document located on the ISW webpage needs to be reviewed to ensure all conditions are understood. If an NEC is still applicable after the NEC compliance assistance document is reviewed, complete and submit the NEC Form via MiWaters.

**Scenario 4:**

If all three steps above are applicable, then a **ISW PERMIT IS REQUIRED**. A new facility that has not discharged yet can obtain permit coverage by submitted a complete Notice of Intent (NOI) to the EGLE-WRD. An existing facility that has been operating and discharging without an ISW permit can obtain coverage by submitting a complete NOI / Certificate of Entry (COE). Both applications must be submitted via MiWaters.

In order to submit a complete NOI or NOI/COE the facility must first:

- Obtain the services of an ISW Certified Operator. This can be an employee at the facility or a consultant who has completed the EGLE WRD ISW Certified Operator Training and has received a certification number.
  - Develop a Storm Water Pollution Prevention Plan (SWPPP), preferably using the SWPPP template available at the ISW webpage.
  - Implement the nonstructural controls as described in the SWPPP.
  - Complete construction and put into operation all structural controls as described in the SWPPP or have a schedule of when the structural controls will be constructed and become operational.
  - Certify the facility has no unauthorized discharges.
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**Frequently Asked Questions**

1. **What is storm water?** Storm water refers to rain, snow melt, or any other form of precipitation.
2. **I have storm drains at my facility, but I do not know where they go. Where can I find this information?** Contact your city’s department of public works or the water and sewer division.
3. **I do not add anything to storm water or put anything in the storm drains. Do I still need a permit?** Yes, this is a pollution prevention permit. It requires that pollution prevention procedures and controls are used to prevent the contamination of the storm water that is discharged from the facility.
4. **What is the purpose of the Industrial Storm Water Program?** The goal of the program is to reduce the amount of pollutants that are washed into Michigan’s rivers, lakes streams, and wetlands, by implementing pollution prevention controls at industrial facilities.
5. **How long have storm water permits been required?** EGLE WRD started implementing the ISW permit program in 1994.
6. **Do other states have this requirement?** Yes, the federal Clean Water Act requires that industrial facilities in all states obtain permit coverage if they meet the conditions specified in the rules.
7. **Are there any fees associated with the permit?** Yes, the annual fee is \$260.
8. **What is a SWPPP?** The SWPPP is a written plan that describes the control measures an industrial facility will take to reduce or eliminate pollutants in storm water. In General, these measures include preventative maintenance, good housekeeping and material handling practices, as well as proper spill response procedures.
9. **What if I lease my facility?** The company engaged in the regulated industrial activity must obtain ISW discharge authorization rather than the property owner.
10. **Are there any exceptions?** Yes, a NEC is a conditional exemption for those facilities that operate without any exposure of industrial materials or activities to storm water. More information about the NEC can be found on the ISW webpage.

*For information or assistance on this publication, please contact the Water Resources Division through EGLE Environmental Assistance Center at 800 662 9278. This publication is available in alternative formats upon request.*

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