

Advocacy Comments on EPA’s Proposed Industrial Stormwater Multi-Sector General Permit

On March 2, 2020, EPA announced a public comment period for its proposed 2020 National Pollutant Discharge Elimination System general permit for stormwater discharges associated with industrial activity, also referred to as the “2020 Multi-Sector General Permit (MSGP)”.¹ This general permit gives conditional permission for the discharge of pollutants in stormwater runoff into the waters of the United States. The 2020 MSGP is an update of the existing 2015 MSGP.

EPA has proposed increasing the obligations on MSGP permittees. These proposals include the following.

- EPA proposes quarterly benchmark monitoring for pH, Total Suspended Solids, and Chemical Oxygen Demand for all permittees, with uniform benchmark thresholds.
 - EPA would eliminate the off-ramp for permittees with consecutive tests below the benchmark thresholds.
- EPA proposes a system of Additional Implementation Measures (AIM), progressively more stringent requirements based on the frequency and severity of benchmark exceedances.
- EPA proposes new sector-specific benchmarks for Oil and Gas Extraction, Land Transportation and Warehousing, and Ship and Boat building and Repair Yards.

Advocacy comments that the EPA must fully comply with the Regulatory Flexibility Act when promulgating the MSGP and better evaluate the economic impacts of the proposed revisions to the MSGP on small entities. To move forward without conducting a SBREFA panel or Initial Regulatory Flexibility Act, EPA should reconsider the elements of the proposed 2020 MSGP that create new burdens for small entities. Advocacy recommends the EPA adopt a tiered approach to benchmark monitoring, with a focus on gathering high quality data for future rulemakings rather than burdensome regulatory requirements.

A complete copy of Advocacy’s letter to EPA is available [here](#). For more information please contact Assistant Chief Counsel David Rostker, david.rostker@sba.gov, 202-205-6966.

¹ 85 Fed. Reg. 12288 (March 2, 2020).