

L Sector L - Storm Water Discharges Associated With Industrial Activity From Landfills and Land Application Sites

1. Discharges Covered Under This Section.

a) Coverage. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from waste disposal at landfills and land application sites that receive or have received industrial wastes. Landfill and land application operators that have storm water discharges from other types of industrial activities such as vehicle maintenance, truck washing, and/or recycling may be subject to additional requirements specified elsewhere in this permit:

SIC Code	Sector L: Landfills and Land Application Sites	Sampling Required?	Table Number
4953	Refuse Systems	Yes	L-1 or L-2

When an industrial facility, described by the above coverage provisions of this section, has industrial activities being conducted onsite that meet the description(s) of industrial activities in another section(s), that industrial facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to all applicable requirements in this section. The monitoring and pollution prevention plan terms and conditions of this multi-sector permit are additive for industrial activities being conducted at the same industrial facility (co-located industrial activities). The operator of the facility shall determine which other monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

b) Limitations. Storm water discharges associated with industrial activities from inactive landfills and land application sites occurring on Federal lands where an operator cannot be identified are ineligible for coverage under this permit.

2. Special Conditions

Prohibition of Non-storm Water Discharges. Except for those allowable non-storm water discharges included in Part IIIA2 (Allowable Non-Storm Water Discharges) of this permit, there are no other non-storm water discharges authorized in this Sector.

3. Storm Water Pollution Prevention Plan Requirements

Contents of Plan. The plan shall include, at a minimum, the following items:

Pollution Prevention Team. Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

Description of Potential Pollutant Sources. Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutant to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm

sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include, at a minimum:

Drainage. A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations of active and closed landfill cells or trenches, locations of active and closed land application areas, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, locations of any leachate collection and handling systems, locations where major spills or leaks identified under Part XL.L.3.a.(2)(c) (Spills and Leaks) of this permit have occurred, and locations of the following activities where such activities are exposed to precipitation: fueling station, vehicle and equipment maintenance and/or cleaning areas, and waste and other significant material loading/unloading and storage areas. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls.

For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of chemicals; quantities of chemicals used, produced or discharged; the likelihood of contact with storm water; and the history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

Inventory of Exposed Materials—An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, or disposed of in a manner to allow exposure to storm water between the time of 3 years prior to the date of the submission of a Notice of Intent (NOI) to be covered under this permit and the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of 3 years prior to the date of submission of a Notice of Intent (NOI) to be covered under this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives. The inventory of exposed materials shall include, but shall not be limited to the significant material management practices employed.

Spills and Leaks—A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of 3 years prior to the date of the submission of a Notice of Intent (NOI) to be covered under this permit. Such list shall be updated as appropriate during the term of the permit.

Sampling Data—A summary of existing discharge sampling data describing pollutants in storm water of sampling data collected during the term of this permit. Permittees shall also provide all available sampling data for leachate generated at the site.

Risk Identification and Summary of Potential Pollutant Sources—Include a narrative description of potential pollutant sources associated with any of the following, providing they occur at the facility: fertilizer, herbicide and pesticide application; earth/soil moving; waste hauling and loading/unloading; outdoor storage of significant materials including daily, interim and final cover material stockpiles as well

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as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; failure or leaks from leachate collection and treatment systems; haul roads; and vehicle tracking of sediments. The description shall specifically list any significant potential sources of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

Measures and Controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

Good Housekeeping—Good housekeeping requires the maintenance of areas which may contribute pollutants to storm water discharges in a clean, orderly manner. Permittees shall consider providing protected materials storage areas for pesticides, herbicides, fertilizers, and other significant materials.

Preventive Maintenance—A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

Where applicable, permittees addressed by this section shall also: 1) maintain containers used for outdoor chemical and significant materials storage to prevent leaking or rupture; 2) maintain all elements of leachate collection and treatment systems to prevent commingling of leachate with storm water; and 3) maintain the integrity and effectiveness of any intermediate or final cover, including making repairs to the cover as necessary to minimize the effects of settlement, sinking, and erosion.

Spill Prevention and Response Procedures—Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

Inspections—Qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan.

For operating landfills and land application sites, inspections shall be conducted at least once every 7 days. Qualified personnel shall inspect areas of landfills that have not yet been finally stabilized, active land application areas, areas used for storage of materials/wastes that are exposed to precipitation, stabilization and structural control measures, leachate collection and treatment systems, and locations where equipment and waste trucks enter and exit the site. Where landfill areas have been finally stabilized and where land application has been completed, or during seasonal arid periods in arid areas (areas with an average annual rainfall of 0 to 10 inches) and semiarid areas (areas with an average annual

rainfall of 10 to 20 inches), inspections will be conducted at least once every month. Erosion and sediment control measures shall be observed to ensure they are operating correctly.

For inactive landfills and land application sites, inspections shall be conducted at least quarterly, and qualified personnel shall inspect: landfill stabilization and structural erosion control measures and leachate collection and treatment systems, and all closed land application areas.

A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. The pollution prevention plan shall be revised to address any problems found during inspections. Records of inspections shall be maintained.

Employee Training—Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as conducting inspections, spill response, good housekeeping, conducting inspections and material management practices. The pollution prevention plan shall identify periodic dates for such training.

Recordkeeping and Internal Reporting Procedures—A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan. Landfill operators shall provide for a tracking system for the types of wastes disposed of in each cell or trench of a landfill. Land application site operators shall track the types and quantities of wastes applied in specific areas.

Non-storm Water Discharges

The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges including leachate and vehicle wash waters. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the onsite drainage points that were directly observed during the test. Certifications shall be signed in accordance with Part VII.G. of this permit. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution prevention plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at the site. A discharger that is unable to provide the certification required by this paragraph must notify the Division of Water Pollution Control in accordance with paragraph “Failure to Certify” (below).

Sources of non-storm water that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge. Any non-storm water discharges that are not permitted under an individual NPDES permit should be brought to the attention of the Division’s local Environmental Assistance Center (see list of EACs on page 15).

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Failure to Certify—Any facility that is unable to provide the certification required (testing for non-storm water discharges), must notify the Division of Water Pollution Control by not later than 180 days after submitting an NOI to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of non-storm water discharges; the results of such test or other relevant observations; potential sources of non-storm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible. Non-storm water discharges to waters of the State which are not authorized by an NPDES permit are unlawful, and must be terminated.

Sediment and Erosion Control—The plan shall identify areas which, due to topography activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

Landfill operators shall provide for temporary stabilization of materials stockpiled for daily, intermediate and final cover. Stabilization practices to consider include, but are not limited to, temporary seeding, mulching, and placing geotextiles on the inactive portions of the stockpiles.

Landfill operators shall provide for temporary stabilization of inactive areas of the landfill which have an intermediate cover but no final cover.

Landfill operators shall provide for temporary stabilization of any landfill areas which have received a final cover until vegetation has established itself. Land application site operators shall also stabilize areas where waste application has been completed until vegetation has been established.

Management of Runoff—The plan shall also contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity [see paragraph XI.L.3.a.(2) of this section (Description of Potential Pollutant Sources)] shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: silt fences, earth dikes, gradient terraces, drainage swales, sediment traps, check dams, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions and temporary or permanent sediment basins, or other equivalent measures. Structural practices should be placed on upland soils as practicable.

Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but in no case less than once a year. Such evaluations shall provide:

Areas contributing to a storm water discharge associated with industrial activity at landfill and land application sites shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to

ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with paragraph XI.L.3.a.(2) of this section (Description of Potential Pollutant Sources) and pollution prevention measures and controls identified in the plan in accordance with paragraph XI.L.3.a.(3) of this section (Measures and Controls) shall be revised as appropriate within 2 weeks of such evaluation and shall provide for implementation of any changes to the plan in timely manner, but in no case more than 12 weeks after the evaluation.

A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan for at least 3 years from the date of the evaluation. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part VII.G. (Signatory Requirements) of this permit.

Where compliance evaluation schedules overlap with inspections required under 3.a.(3)(d), the compliance evaluation may be conducted in place of one such inspection.

4. Numeric Effluent Limitations

a) In addition to the numeric effluent limitations described by Part V.B. of this permit, the following effluent limitations shown in Table L-1 below shall be met by existing and new contaminated storm water discharges from landfills which are subject to the requirements of 40 CFR Part 445 Subpart B.

As set forth at 40 CFR Part 445 Subpart B, these numeric limitations apply to contaminated storm water discharges from Municipal Solid Waste Landfills (MSWLFs) which have not been closed in accordance with 40 CFR 258.60, and contaminated storm water discharges from those landfills which are subject to the provisions of 40 CFR Part 257 except for discharges from any of facilities described in (a) through (d) below:

- (i) landfills operated in conjunction with other industrial or commercial operations when the landfill only receives wastes generated by the industrial or commercial operation directly associated with the landfill;
- (ii) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes provided the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation or the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
- (iii) landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR Part 437 so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
- (iv) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

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b) The concentration of pollutants in storm water discharges from landfills subject to the requirements of 40 CFR Part 445 Subpart B (except the 4 types of landfills specifically exempted, as shown above in 4.a)(i), (ii), (iii), and (iv) above) shall not exceed the effluent limitations in Table L-1. For the 4 types of landfills specified in 4.a)(i), (ii), (iii), and (iv), the permittee shall monitor its storm water for the parameters listed in Table L-2 as required in 5.a) below.

Table L-1. Numeric Effluent Limitations for Landfills and Land Application Sites

Effluent Characteristics	Effluent Limitations (mg/L)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Biochemical Oxygen Demand (BOD ₅)	140	37
Total Suspended Solids (TSS)	88	27
Ammonia	10	4.9
Alpha Terpineol	0.033	0.016
Benzoic Acid	0.12	0.071
p-Cresol	0.025	0.014
Phenol	0.026	0.015
Zinc (Total)	0.20	0.11
pH	Within the range of 6.0 to 9.0	

5. Monitoring and Reporting Requirements

a) Analytical Monitoring Requirements

During the term of this permit, permittees covered under this sector must monitor their storm water discharges associated with industrial activity at least once per calendar year (annually), except as provided in paragraphs 5.a.(3) (Sampling Waiver), 5.a.(4) (Representative Discharge), and 5.a.(5) (Alternative Certification). For the breakdown of applicable monitoring requirements for different types of landfills, see Paragraph 4 – Numeric Effluent Limitations. Facilities must report in accordance with 5.b. (Reporting). In addition to the applicable parameters listed in Table L-1 above and Table L-2 below (depending on the type of landfill, as determined in Paragraph 4 – Numeric Effluent Limitations), the permittee shall maintain a record of the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

Table L-2. Monitoring Requirements for Landfills and Land Application Sites

Pollutants of Concern	Cut-Off Concentration	Sector Median Value * [mg/L]
Total Suspended Solids (TSS) ⁱ	200 mg/L	47
Total Recoverable Iron ⁱⁱ	5.0 mg/L	2.2
Total Recoverable Aluminum ⁱⁱⁱ	0.75	1.37
Total Recoverable Magnesium ⁱⁱⁱ	0.0636	5.35

* Sector Median Value is a pollutant concentration calculated from all sampling results provided from facilities classified in this sector during the previous permit term. By definition, a median is a statistical term identifying a number that divides numerically ordered data into two equal halves. In easier terms, the median is the middle piece of data when those data are placed in numerical order, or the average of the middle two if there is an even number of items. Therefore, median concentration(s) listed above represent a concentration value typical for and achieved by industries in this sector.

i) Applicable to all landfill and land application sites.

ii) Applicable to all facilities except Municipal Solid Waste Landfill areas closed in accordance with 40 CFR 258.60 requirements.

iii) Applicable only to Municipal Solid Waste Landfill areas closed in accordance with 40 CFR 258.60 requirements.

(1) Monitoring Periods. Landfill/land application sites shall monitor samples collected during any period of a calendar year, as long as the samples are representative of the quantity and quality of the storm water runoff being discharged from the facility.

(2) Sample Type. A minimum of one grab sample shall be taken. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or nonprocess water, then where practicable, permittees must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.

In addition, the permittee shall evaluate the results obtained from sampling and monitoring following the required annual sampling events to determine whether the facility is below, meets, or exceeds the monitoring cut-off concentrations as shown in the table above. If the results of annual storm water runoff monitoring demonstrate that the facility has exceeded the cut-off concentration(s), the permittee must inform the Division's local Environmental Assistance Center in writing within 30 days from the time storm water monitoring results were received, describing the likely cause of the exceedance(s). Furthermore, within 60 days from the time storm water monitoring results were received, the facility

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must review its storm water pollution prevention plan, make any modifications or additions to the plan which would assist in reducing effluent concentrations to less than the monitoring cut-off concentrations for that facility, and submit to the Division's local Environmental Assistance Center a brief summary of the proposed SWPPP modifications (including a timetable for implementation).

(3) Sampling Waiver

(a) Adverse Conditions—When a discharger is unable to collect samples within a specified sampling period due to adverse climatic conditions, the discharger shall collect a substitute sample from a separate qualifying event in the next period and submit the data along with data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (e.g., drought, extended frozen conditions, etc.).

(b) Low Concentration Waiver—When the average concentration for a pollutant calculated from monitoring data collected from first 4 calendar years of monitoring is less than the corresponding reporting value for that pollutant (Monitoring Cut-Off Concentration), a facility may waive monitoring and reporting requirements in the last annual monitoring period. The facility must submit to the Division of Water Pollution Control, in lieu of the monitoring data, a certification that there has not been a significant change in industrial activity or the pollution prevention measures in area of the facility which drains to the outfall for which sampling was waived.

(c) When a discharger is unable to conduct annual chemical storm water sampling at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirements as long as the facility remains inactive and unstaffed. The facility must submit to the Division of Water Pollution Control, in lieu of monitoring data, a certification statement on the TMSP Storm Water Monitoring Report stating that the site is inactive and unstaffed so that collecting a sample during a qualifying event is not possible.

(4) Representative Discharge. When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan. The permittee shall include the description of the location of the outfalls, explanation of why outfalls are expected to discharge substantially identical effluents, and estimate of the size of the drainage area and runoff coefficient with the TMSP Storm Water Monitoring Report.

(5) Alternative Certification. A discharger is not subject to the monitoring requirements of this section provided the discharger makes a certification for a given outfall or on a pollutant-by-pollutant basis in lieu of monitoring reports required under paragraph (b) below, under penalty of law, signed in accordance with Part VII.G. (Signatory Requirements), that material handling equipment or activities, raw

materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity, that are located in areas of the facility within the drainage area of the outfall are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Such certification must be retained in the storm water pollution prevention plan, and submitted to the Division of Water Pollution Control in accordance with Part VI.B. of the fact sheet to this permit. In the case of certifying that a pollutant is not present, the permittee must submit the certification along with the monitoring reports required under paragraph (b) below. If the permittee cannot certify for an entire period, they must submit the date exposure was eliminated and any monitoring required up until that date. This certification option is not applicable to compliance monitoring requirements associated with effluent limitations.

d) Reporting

Permittees with analytical monitoring requirements shall submit monitoring results for each outfall associated with industrial activity [or a certification in accordance with Sections (3), (4), or (5) above] obtained during the annual reporting period on TMSP Storm Water Monitoring Report Form(s) postmarked **no later than the March 31st of the following calendar year**. For each outfall, one signed TMSP Storm Water Monitoring Report form must be submitted to the Division of Water Pollution Control. Signed copies of TMSP Storm Water Monitoring Reports, or said certifications, shall be submitted to the following address:

**Enforcement and Compliance Section
Tennessee Division of Water Pollution Control
6th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1534**

e) Quarterly Visual Examination of Storm Water Quality. Facilities shall perform and document a visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. The examination must be made at least once in each designated period [described in (1) below] during daylight hours unless there is insufficient rainfall or snow melt to produce a runoff event.

(1) Examinations shall be conducted in each of the following periods for the purposes of visually inspecting storm water quality associated with storm water runoff or snow melt: January through March; April through June; July through September; October through December.

(2) Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging. The examinations shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term.

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(3) Visual examination reports must be maintained onsite in the pollution prevention plan or with other compliance records or with other compliance records. The report shall include the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

(4) When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan.

(5) When a discharger is unable to conduct a visual examination as a result of adverse climatic conditions, the discharger must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examination. Adverse weather conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

(6) When a discharger is unable to conduct visual storm water examinations at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirement as long as the facility remains inactive and unstaffed. The facility must maintain a certification with the pollution prevention plan stating that the site is inactive and unstaffed so that performing visual examinations during a qualifying event is not feasible.

Definitions

"Inactive Landfill" —For the purposes of this permit, a landfill is considered inactive when, on a permanent basis, it will no longer receive waste and has completed closure in accordance with any applicable Federal, State, and/or local requirements.