

Who is subject to the NPDES Storm Water Program?

The term "Storm Water Discharges Associated with Industrial Activity," defined in federal regulations 40 CFR 122.26(b)(14)(i)-(xi), determines which industrial facilities are potentially subject to the NPDES stormwater program. The definition uses either SIC (Standard Industrial Classification) codes or narrative descriptions to characterize the activities, *and requires a point source discharge*. The definition's 11 categories ((i)-(xi)) are listed below. Please note categories iii, viii, and xi have special conditions, or exceptions (described) which may make a facility NOT subject to the program, and therefore not required to apply, even though the facility's activity matches an SIC code.

Category (i)

Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi)). These types of facilities include the following:



40 CFR Subchapter N

- \$405 Dairy products processing
- \$406 Grain mills
- \$407 Canned & preserved fruits & veg. processing *
- \$408 Canned & preserved seafood processing
- \$409 Beet, crystalline & liquid cane sugar refining
- \$410 Textile mills
- \$411 Cement manufacturing
- \$412 Feedlots
- \$414 Organic Chemicals plastics and synthetic fibers
- \$415 Inorganic chemical manufacturing *
- \$417 Soap and detergent manufacturing
- \$418 Fertilizer manufacturing
- \$419 Petroleum refining
- \$420 Iron and steel manufacturing
- \$421 Nonferrous metal manufacturing
- \$422 Phosphate manufacturing *
- \$423 Steam electric power
- \$424 Ferroalloy manufacturing *
- \$425 Leather tanning and finishing
- \$426 Glass manufacturing *
- \$427 Asbestos manufacturing
- \$428 Rubber manufacturing
- \$429 Timber products processing
- \$430 Pulp, paper, and paperboard *
- \$431 Builder's paper and board mills
- \$432 Meat products
- \$433 Metal finishing
- \$434 Coal Mining *
- \$436 Mineral mining & processing *
- \$439 Pharmaceutical manufacturing *
- \$440 Ore mining & dressing *
- \$443 Paving and roofing materials
- \$446 Paint formulating
- \$447 Ink formulating
- \$455 Pesticide Chemicals *
- \$458 Carbon Black manufacturing
- \$461 Battery manufacturing
- \$463 Plastics molding and forming
- \$464 Metal molding and casting
- \$465 Coil coating
- \$466 Porcelain enameling
- \$467 Aluminum forming
- \$468 Copper forming *
- \$469 Electrical & electronic component
- \$471 Nonferrous metal forming & powders

*some facilities in group do not have limits or standards, see 40 CFR subchapter N to verify.

Category (ii)

Facilities classified by the following SIC codes:

SIC Code for Category (ii)

- 24 lumber and wood products (except 2434 wood kitchen cabinets, see (xi))
- 26 paper & allied products (except 265 paperboard containers, 267 converted paper, see (xi))
- 28 chemicals & allied products (except 283 drugs, see (xi))
- 29 petroleum & coal products
- 311 leather tanning & finishing
- 32 stone, clay & glass production (except 323 products of purchased glass, see (xi))
- 33 primary metal industry
- 3441 fabricated structural metal
- 373 ship and boat building and repair

Category (iii) Mineral Industry

Facilities classified as SIC codes 10-14 including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990), and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim).



SIC Code for Category (iii)

- 10 metal mining (metallic mineral/ores)
- 12 coal mining
- 13 oil and gas extraction
- 14 non-metallic minerals except fuels

Oil and gas operations that discharge contaminated stormwater at any time between November 16, 1987 and October 1, 1992, and that are currently not authorized by an NPDES permit, must apply for a permit. Operators of oil and gas exploration, production, processing, or treatment operations or transmission facilities, that are not required to submit a permit application as of October 1, 1992 in accordance with 40 CFR 122.26(c)(1)(iii), but that after October 1, 1992 have a discharge of a reportable quantity of oil or a hazardous substance (in a storm water discharge) for which notification is required pursuant to either 40 CFR 110.6, 117.21, or 302.6, must apply for a permit.

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Category (iv) Hazardous Waste

Hazardous waste treatment, storage, or disposal facilities including those that are operating under interim status or a permit under Subtitle C of RCRA.



MGD or more, or required to have an approved pretreatment program under 40 CFR 403.

Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Clean Water Act.

Category (v) Landfills

Landfills, land application sites, and open dumps that receive or have received any industrial waste (waste that is received from any of the facilities described under categories (i) - (xi)) including those that are subject to regulations under Subtitle D of RCRA.



Category (x) Construction

Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than **1 acre** of total land area which are not part of a larger common plan of development or sale. (Phase II changed threshold from 5 acres to 1 acre.)



Category (vi)

Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as SIC 5015 (used motor vehicle parts) and 5093 (scrap and waste materials).



Category (xi) Light Industry

Facilities classified by the following SIC codes:

SIC Code	Description
20	food and kindred product
21	tobacco products
22	textile mill products
23	apparel and other textile product
2434	wood kitchen cabinets
25	furniture and fixtures
265	paperboard containers and boxes
267	miscellaneous converted paper products
27	printing and publishing
283	drugs
285	paints and allied products
30	rubber and miscellaneous plastic
31	leather and products (except 311)
323	products of purchased glass
34	fabricated metal products (except 3441)
35	industrial machinery and equipment
36	electronic and other electric equipment
37	transportation equipment (except 373)
38	instruments and related products
39	miscellaneous manufacturing
4221	farm product storage
4222	refrigerated storage
4225	general warehouse and storage

Category (vii) Steam Electric Plants

Steam electric power generating facilities, including coal handling sites.



Category (viii) Transportation

Transportation facilities classified by the SIC codes listed below which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under categories (i)-(vii) or (ix)-(xi) are associated with industrial activity, and need permit coverage.



SIC Code for Category (viii)

40 railroad transportation
 41 local and interurban passenger transit
 42 trucking & warehousing (except 4221-25, see (xi))
 43 US postal service
 44 water transportation
 45 transportation by air
 5171 petroleum bulk stations and terminals

(and which are not otherwise included in categories (ii) -(x)) with storm water discharges from all areas (except access roads and rail lines) where material handling equipment, or activities, raw materials, immediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate produce, finished product, by-product, or waste product.

With Phase II, activities in any of the above categories (except Construction) are eligible for No Exposure Certification—not just "Light Industries" as was the case under Phase I.

Category (ix) Treatment Works

Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a **design flow of 1.0**

