



ACORN
ENVIROCOMPLY

**Stormwater Training and
Consultant Firm**

we train, support and
guide stormwater and
environmental professionals



ACORN ENVIROCOMPLY

CONFIDENT IN OUR WORK

At Acorn EnviroComply, we view our role as **risk analysts**—empowering professionals to see their work in stormwater management as a vital safety net for their organization and the surrounding community.

Specializing in industrial, MS4, and construction stormwater, **our mission is we train, support and guide stormwater and environmental professionals while striving for a future aligned with nature.**

We're not just helping you meet requirements; we're helping you protect water quality, reduce liability, and safeguard your company's reputation while building a lasting positive impact on your local community.

Who Needs a Stormwater Permit?

NPDES coverage for industrial, construction, and MS4 sites and
How to make a determination you can defend.

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WHY THIS MATTERS

Most compliance failures begin before the first sample is ever taken.

The expensive mistakes usually aren't bad practices or missed monitoring. They're facilities that never correctly answered one prior question: **am I regulated at all?**





OBJECTIVES

Four Key Points

01

NPDES Requirements

The Clean Water Act chain that turns a discharge into a permit requirement.

02

Three Coverage Triggers

What actually pulls industrial, construction, and MS4 sites into permitting.

03

Possible Exclusions

No-exposure, sub-threshold, and the edge cases that flip the answer.

04

Defendable Determination

A repeatable framework you can document and stand behind.

QUICK POLL

For every site you're responsible for, do you know whether it needs coverage?

Yes — all of
them

Most, not
all

Honestly, not
sure

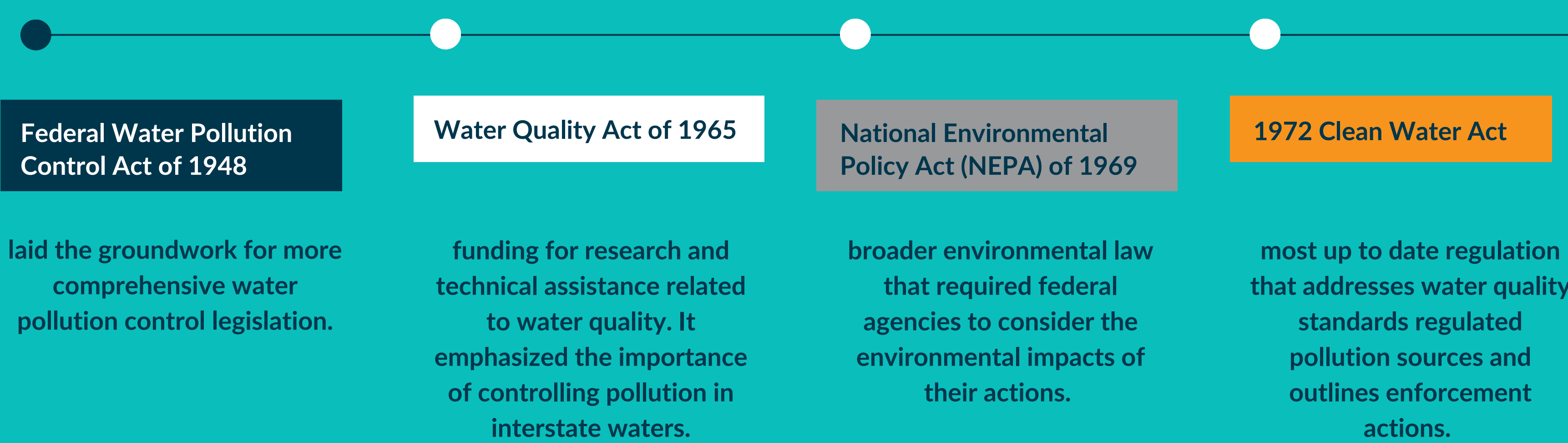
Answer in the poll panel — we'll come back to this at the end and see if it moved.



Stormwater Regulations and Laws



Background and Development of Regulations



Who Needs a Stormwater Permit?

A close-up photograph of numerous water droplets of various sizes on a dark green, textured surface, possibly a leaf. The droplets are bright and reflective, creating a pattern of light and dark green.

Why is Rain A Regulated Discharge?

On its own, rain isn't the target

Precipitation that soaks in, evaporates, and never picks up pollutants isn't a regulated discharge.

Contact plus conveyance makes it one

When stormwater touches industrial materials, disturbed soil, or an urban storm sewer and reaches a waterbody through a conveyance, it's a point-source discharge.



Three Regulated Worlds

INDUSTRIAL

Multi-Sector General Permit

Industrial sites, from manufacturing plants to recycling facilities, can be significant sources of stormwater pollution when exposed materials or activities interact with rainfall.

CONSTRUCTION

Construction General Permit

Construction activities disturb soil and alter land surfaces, increasing the potential for sediment, debris, and pollutants to wash into nearby waterways.

MUNICIPAL

MS4 Permit

Urban areas funnel stormwater through separate drainage systems known as MS4s, which discharge directly to surface waters without treatment. T



How Coverage Works



General Permit

One permit pre-written for many similar sites. You opt in by filing a Notice of Intent (NOI). This is how most stormwater coverage happens.



Individual Permit

A permit written for one facility. Slower and more involved, used when a general permit doesn't fit the site.





Industrial Stormwater

The Regulatory Focus

"Stormwater associated with industrial activity," defined at 40 CFR 122.26(b)(14): eleven categories keyed largely to SIC and NAICS codes. The MSGP sorts these into roughly 30 industrial sectors.

Two Questions

1. Is your activity one of the listed categories?
2. Are industrial materials or operations exposed to stormwater?

Both yes → you likely need coverage.

Who Needs a Stormwater Permit?



Industrial Regulation - Blind Spots

01

Primary SIC only

The main code looks non-industrial while a regulated activity runs on site.

02

"Only light industrial"

Still covered when materials are exposed to precipitation.

03

Support activities count

Material handling, storage, and fueling can trigger coverage on their own.

04

No Exposure can excuse

Shelter everything industrial and you may certify out — if you file it.





Construction Stormwater

The 1 Acre Trigger

Disturb one acre or more of land, and you need construction stormwater coverage.

Under an acre **still counts** if it's part of a larger common plan of development or sale that totals an acre or more.

The old **five-acre** threshold is Phase I history, a frequent source of outdated memory.



Construction Regulation - Blind Spot



Aggregation is the catch

Coverage looks at the whole planned development, not just your parcel.

Operator, not just owner

Whoever controls the plans or the day-to-day work carries the permit duty.

Runs to final stabilization

Coverage and liability continue until the site is stabilized — not the ribbon-cutting.



Municipal Stormwater

Unlike industrial and construction, MS4 status is about **who and where**, not what you discharge.

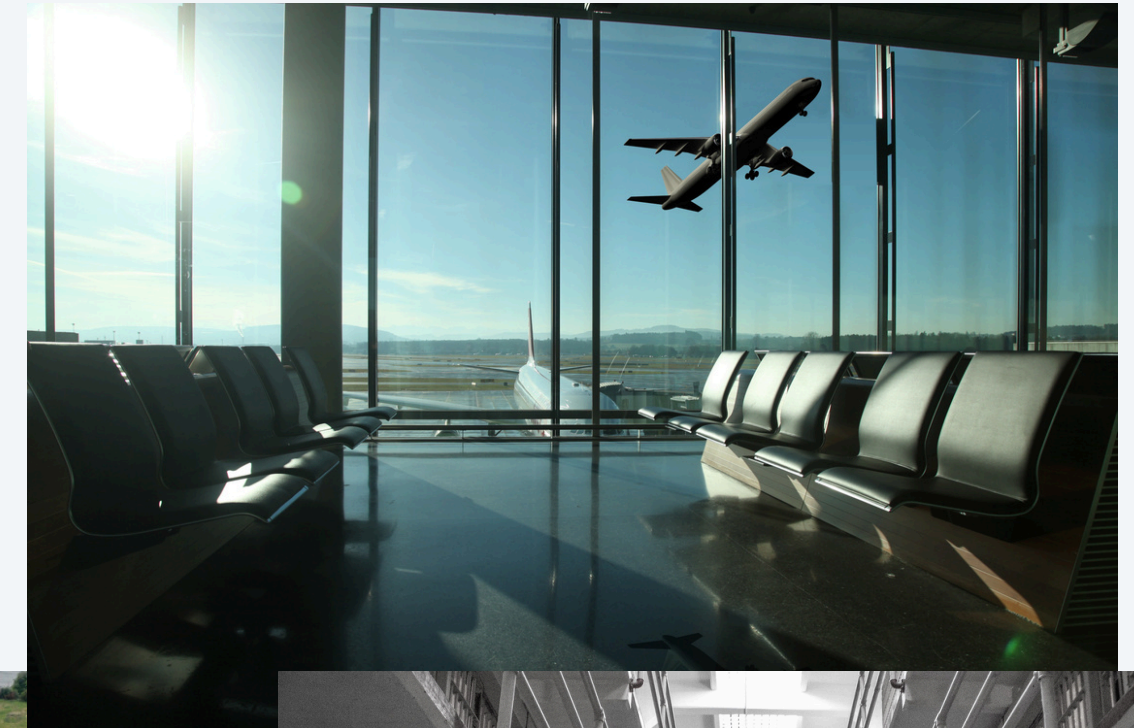
Municipal stormwater regulations depend on the population size.

Regulations for major cities and MS4s (Phase 1) began first and later the regulations were updated to include small MS4s (Phase 2)

Small MS4s in **Census Urbanized Areas**, plus others the permitting authority designates determine regulations, phases and levels for MS4 requirements



Municipal Blind Spot



These "non-traditional" MS4s carry the six minimum control measures, a program obligation, not a discharge-monitoring one.

Who Needs a Stormwater Permit?



The first question isn't "**Am I Regulated.**"

It's whose jurisdiction am I in?

Most states run their own NPDES program. This mean having their own permits, thresholds, forms, and portals.

EPA's MSGP and CGP apply directly only where **EPA** is the permitting authority: a few states, D.C., most territories, and much of Indian country.



Permitting LifeCycle

STEP 1

File the NOI

Request coverage



STEP 2

Get authorized

Coverage begins



STEP 3

Implement

SWPPP, BMPs, monitoring,
inspections



STEP 4

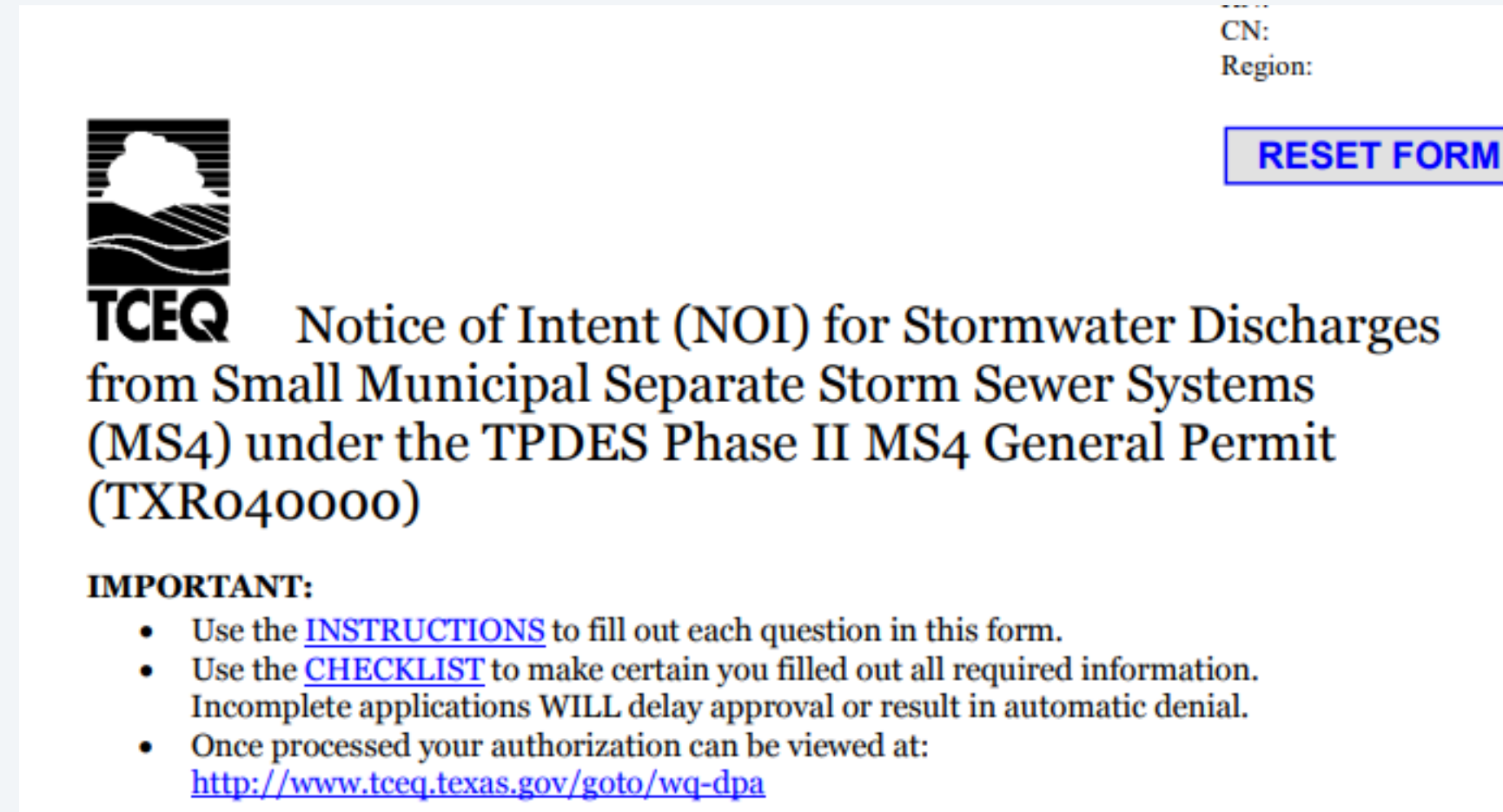
File the NOT

End coverage cleanly

Who Needs a Stormwater Permit?



The Notice of Intent



Form header: CN: Region:

TCEQ Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXRo40000)

IMPORTANT:

- Use the [INSTRUCTIONS](#) to fill out each question in this form.
- Use the [CHECKLIST](#) to make certain you filled out all required information. Incomplete applications WILL delay approval or result in automatic denial.
- Once processed your authorization can be viewed at: <http://www.tceq.texas.gov/goto/wq-dpa>

What Is It?

Your certification that you qualify, requesting coverage under a general permit.

SWPPP

Most permits expect your pollution prevention plan ready at or before filing.

Eligibility Screens

Endangered-species and historic-properties checks can gate your eligibility.

Filing isn't Coverage

Authorization isn't always automatic. Identify the waiting period before you discharge.





The Notice of Termination



Notice of Termination (NOT) for Authorizations under TPDES General Permit TXR150000

When Can You Terminate

- Construction site reaches final stabilization
- Facility or activity permanently ceases
- Coverage transfers to a new operator
- You move to an individual permit

The Trap

Stopping operations does **not** end your obligations. Coverage and liability, continues until a valid NOT is filed and accepted.

Un-terminated permits are a classic audit finding.

Conditional Exclusions

No Exposure Certification

If all industrial materials and activities are sheltered from precipitation, an industrial site can certify "no exposure" and be excluded from permitting.

Sub-acre construction

Disturbing less than an acre, and not part of a larger common plan, generally isn't covered.

These are **determinations, not assumptions**. If you can't document why the exclusion applies, you don't have it.



Stormwater Discharges from Industrial Activities – EPA's Proposed 2026 MSGP

- The 2021 federal industrial permit (MSGP) expired **February 28, 2026**.
- EPA did not finalize the 2026 replacement in time.
- Existing permittees were **administratively continued** under the 2021 permit.
- New facilities in EPA-authority areas couldn't file an NOI – so EPA issued a **No Action Assurance** to bridge the gap.
- The coming 2026 permit is also set to add first-time **PFAS** monitoring.

"Do I need coverage?" and "Can I get it right now, under which permit?" are **different questions**.



A Framework for Defensible Determinations

Identify your permitting authority. EPA or your state.

Screen all three categories, not just the obvious one.

Classify by activity and SIC/NAICS, then check exposure.

Test the thresholds and aggregation rules.

Evaluate every exclusion, no exposure, sub-threshold.

Document the reasoning. Write down why you're covered or excluded.



Where Determinations Go Wrong

- 01 Relying on the primary SIC code alone.
- 02 Forgetting the common-plan aggregation rule.
- 03 Assuming federal thresholds in a state that runs its own program.
- 04 Treating "we stopped operating" as "we terminated coverage."
- 05 Never revisiting the determination after a site or process change.



Key Takeaways

- 1 Coverage is decided by **activity, exposure, and authority**
- 2 The safest facilities can show, **on paper**, why they're covered or excluded.
- 3 Re-run the determination whenever the site, process, or permit **changes**.

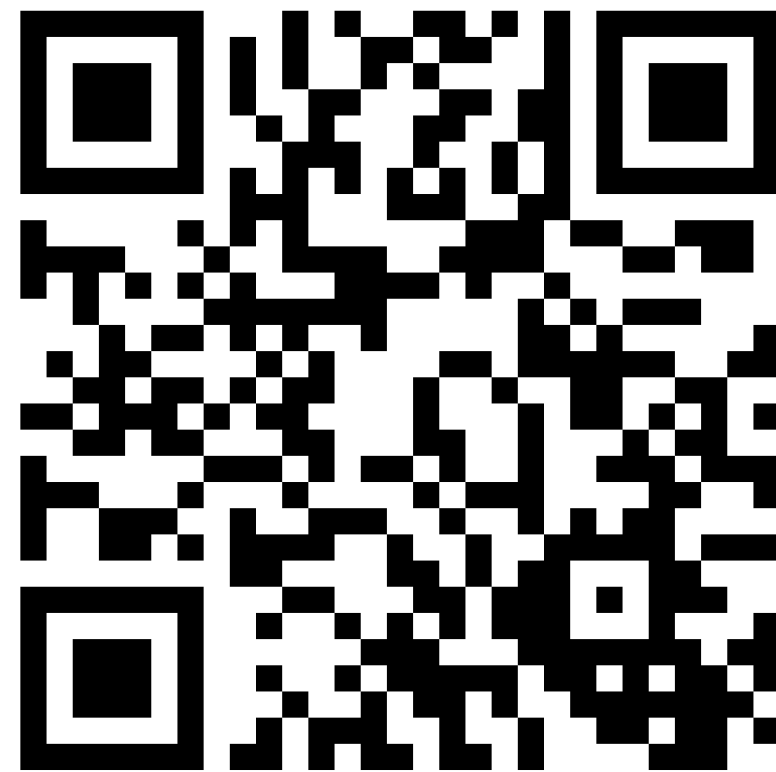


Questions

Drop them in the chat or Q&A panel. Unsure which category a site is in, whether a No Exposure Certificate fits, or who your permitting authority is? Let's work it.



Global Stormwater Competency Model Survey



CONTACT US

LOOKING FOR STORMWATER TRAINING, CUSTOM PROGRAMS, SWPPP DEVELOPMENT, OR MS4 CONSULTING?

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