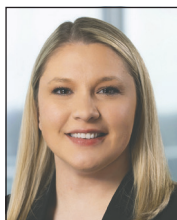


New Multi-Sector General Stormwater Permit Now in Effect — Facilities Need to Act to Remain Covered

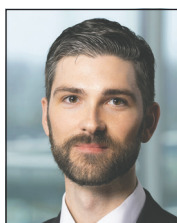
By **Kimberly R. Nason and Sean M. Donahue**
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Under the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (CWA), certain industrial facilities require a discharge permit for stormwater runoff. Here in New York State, such discharges are covered by the Multi-Sector General Permit (MSGP), which is issued every five years by the New York State Department of Environmental Conservation (NYSDEC).

On March 8, 2023, a new five-year MSGP (GP-0-23-001) became effective and replaces the last MSGP (GP-0-17-004), which expired on February 28, 2023. Under the terms of the new MSGP, every business that had coverage under GP-0-17-004 must act promptly to keep coverage for stormwater runoff from their facilities.



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BMPs. Rather, the MSGP requires that the consideration of such BMPs, whether determined to be appropriate or not, must be documented in facility SWPPPs.

It is somewhat unclear how industrial operators are supposed to determine whether their facilities have the potential to be impacted by future physical climate risks or how far into the future industrial operators should look. Nevertheless, every business

that had coverage under GP-0-17-004 should amend their existing SWPPPs to document consideration of each of the seven enhanced BMPs even if facility operators do not anticipate any climate risks. Updated SWPPPs along with a new NOI must be filed with NYSDEC by June 28, 2023.

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