

Stormwater Inspection Program

*Commercial, Industrial
and Institutional*



What are industrial stormwater inspections?

The MSD Industrial Facility Inspection Program will identify potential sources of stormwater pollution from industrial facilities. Site inspections—as part of the Municipal Separate Storm Sewer System (MS4) Program—include examining outfalls (discharge points) into local waterways, or Waters of the Commonwealth. Site inspections ensure that any discharges at these locations are comprised only of stormwater or permitted discharges. Inspections focus on what a facility is storing, and how and where it is stored in relation to nearby creeks, streams or lakes.

Releasing stormwater into a receiving waterway is considered to be a direct discharge to the Waters of the Commonwealth. You may be required to obtain a Kentucky Pollutant Discharge Elimination System (KPDES) stormwater permit from the Kentucky Division of Water (KDOW).

If your facility is determined to be a direct discharger, and does not possess a current KPDES permit, MSD will refer it to KDOW for possible KPDES permitting. Additionally, if your facility has a KPDES permit, and MSD identifies a problem during the inspection, MSD will refer it to KDOW for follow-up. MSD also requires you to correct problems, identified during the inspection, that negatively impact the MS4.

How often will my facility be inspected?

- A High-Risk Industrial Facility (HRIF) will be inspected at least every three years.
- A Moderate-Risk Industrial Facility (MRIF) will be inspected a minimum of every five years.
- A Low-Risk Industrial Facility (LRIF) will be inspected at MSD's discretion.



What is the MS4?

“A conveyance or system of conveyances, including roads with drainage systems, storm drains, gutters and ditches under the jurisdiction of a city, county, state or other public body.”

The formal regulatory definition of a Municipal Separate Storm Sewer System (MS4) can be found at 40CFR122.26 (b)(8).

A more simplified definition:

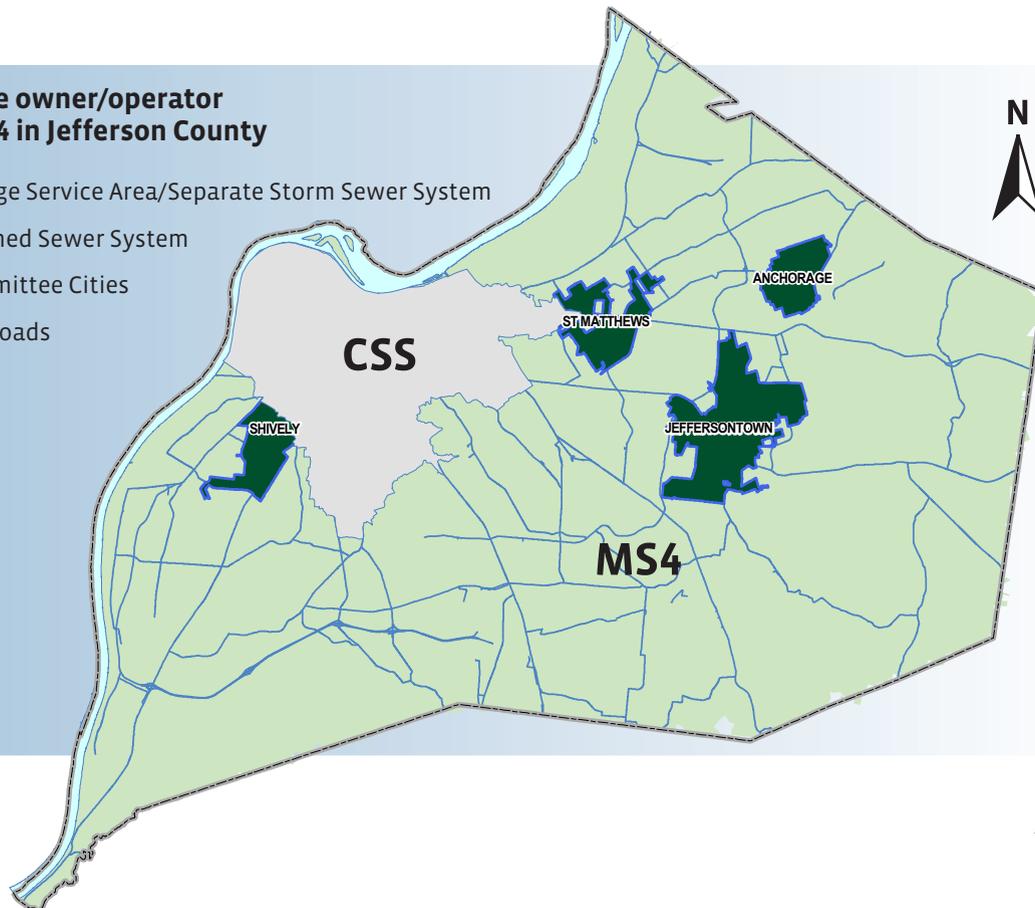
The MS4 conveys stormwater runoff; it does not include the sanitary sewer or combined sanitary storm sewer system.

How can my facility impact the MS4?

- Sediment can cloud the water in creeks and lakes, making aquatic plant growth difficult.
- Bacteria and other pathogens can flow into swimming or wading areas, which can make such areas unsafe and affect human health.
- Debris in waterways can disable aquatic life, such as ducks, fish, turtles and birds.
- Excess nutrients from lawn chemicals and chemical waste can poison aquatic life, as well as the animals that eat fish and aquatic plants.
- Polluted stormwater can affect water supplies, compromise human health and increase treatment costs for drinking water.

MSD is the owner/operator of the MS4 in Jefferson County

- Drainage Service Area/Separate Storm Sewer System
- Combined Sewer System
- Co-Permittee Cities
- State Roads



Why is MSD conducting a stormwater inspection at my facility?

MSD's MS4 permit, which is issued and regulated by the Kentucky Division of Water (KDOW), requires that MSD perform the following actions:

- Develop and implement an industrial stormwater program for controlling discharges of pollution from industrial and commercial facilities to local waterways.
- Develop an inventory of all potential industrial and commercial sites/sources that could contribute substantial pollutant loads to local waterways.
- Identify risk factors to define facilities as a High-Risk Industrial Facility (HRIF), Moderate-Risk Industrial Facility (MRIF) and Low-Risk Industrial Facility (LRIF), with respect to potential pollutant discharges to the MS4.
- Update the HRIF list at least twice during the MS4 permit (five years), with the goal of establishing a tiered list of industries to support priorities in MSD's Industrial Facility Inspection Program.
- Inspect HRIFs a minimum of once every three years and MRIFs at least once every five years.
- Mandate that HRIFs select, install, implement and maintain control measures that promote prevention and source control for the discharge of applicable Pollutants of Concern (POC).

What is MSD's authority to conduct stormwater inspections and require me to implement stormwater controls?

Chapter 76 of the Kentucky Revised Statutes (KRS) requires that MSD adopt the Wastewater/Stormwater Discharge Regulations (WDR), which "affect the use of public and private sewers and drains, regulate the discharge of waters and wastes into the public sewer system, provide for wastewater discharge permits and provide for abatement of liabilities and penalties for violations of provisions thereof."

Public Sewer is defined in the WDR as "a sewer owned or operated by MSD. Public Sewers are further classified as sanitary, storm, or combined sanitary and storm sewers."

Article 5 of the WDR regulates stormwater discharges into the public sewer, and Article 7 of the WDR concerns enforcement of violations of the provisions contained in Article 5. The Louisville and Jefferson County Hazardous Materials Ordinance (HMO) directs MSD to administer and enforce the program.



What do inspectors typically look for during an inspection?

The inspector will examine facility storm drains and outfalls to local waterways; any installed stormwater Best Management Practices; and Standard Operating Procedures associated with activities that could negatively affect the MS4.

In addition, the inspector will examine areas where hazardous materials are stored if your facility has a Hazardous Materials Use and Spill Prevention Control (HMPC) Plan. This includes secondary containment and outdoor materials storage areas.



The inspector will search for the following sources of potential stormwater pollution:

- Discharges from commercial vehicle and equipment washing to the storm drainage system
- Evidence of dumping materials and wastes into the storm drainage system
- Evidence that work areas, such as vehicle maintenance service bays, are being hosed out and discharged into the storm drainage system
- Leakage from dumpsters, barrels and other outdoor containers
- Raw and finished materials stored uncovered outside
- Power washing discharges to the storm drainage system
- Discharges to the storm drainage system of such materials as concrete, paint and automotive fluids
- Mismanagement of hazardous materials
- Oily, dirty items, like engine parts, that are left outdoors and exposed to rainfall
- Poor housekeeping practices that result in the exposure of pollutants to stormwater
- Exposure of process activities and equipment to rainfall that is likely to result in pollutant wash-off
- Open containers of liquids and other materials that are left outdoors
- Tracking process materials, waste or sediment from facilities onto roadways; and from indoor areas to outdoor areas
- Evidence of failure to maintain grease traps and interceptors
- Failure to properly manage leaks and spills
- Poorly maintained Best Management Practices

What will happen if violations are identified at my facility?

MSD's progressive enforcement and referral policy—which ensures that enforcement actions match the severity of violations—includes distinct, progressive steps required to correct problems detected during an inspection.

The inspector will issue your facility a Field Correction Notice (FCN) at the time the problem is found, which allows 10 days to correct the problem(s), or submit a plan to MSD that outlines the actions you will take, including the implementation time frame. If you do not correct the problem(s) or respond to MSD within that time frame, MSD will escalate enforcement according to our approved Enforcement Response Plan (ERP).

Will I be charged for the inspection?

Not at this time.

How can I prepare for the inspection?

Familiarize yourself with potential and actual sources of pollutants at your facility, and the locations of storm drains and nearby waterways that could receive drainage from your facility. Determine whether pollutants are being intentionally or accidentally discharged from your facility into the storm drainage system or local waterways. Consider what will happen to exposed pollutants at your facility—such as oil, grease, cement, sediment, chemicals or food waste—during rain events.

Identify changes that you could make to prevent pollutants from entering the storm drainage system and local waters. This can be as simple as cleaning outdoor areas, moving wastes to a covered storage area or keeping dumpsters closed.





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For more information on MSD's stormwater
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