2026 NPDES Multi-Sector General Permit for Stormwater Discharges: Steel Manufacturers Association Comments on Proposed Federal Renewal

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The Steel Manufacturers Association ("SMA") submitted May 19th comments to the United States Environmental Protection Agency ("EPA") addressing:

Proposed 2026 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP").

See EPA–HQ–OW–2024–0481; 89 Fed. Reg. 101,000.

SMA describes itself as the primary trade association for scrap-based electric arc furnace ("EAF") carbon steelmakers, often referred to as "minimills," that the organization states comprise the nation's largest recyclers and account for 70% of the steel producing capacity of the United States.

The MSGP is a general permit (as opposed to an individual permit) utilized by EPA to address stormwater discharges associated with many different types of facilities in the United States. It applies to any number of businesses in multiple industrial sectors. Examples might include cement mixing, scrap metal, trucking, food processing, printing and publishing, oil and gas extraction, and asphalt paving and roofing materials.

A separate general permit is used for construction activities.

EPA's MSGP is used in states that do not have primacy for the Clean Water Act permitting program.

Note that Arkansas has been authorized to administer the Clean Water Act NPDES stormwater permitting program for many years. As a result, EPA 2026 MSGP will not be applicable in this state when finalized. Nevertheless, states with primacy often take into account to some extent EPA's choices (i.e., in terms of permit conditions and limitations) in revising or reissuing their general stormwater permits.

SMA's comments initially express concern that the MSGP would:

…needlessly impose complex and burdensome new or expanded monitoring, control, and response requirements and considerations that will make MSGP implementation costlier and more complex, but not more protective of receiving waters.

Further, it also addresses provisions in the 2021 MSGP and asks that certain provisions be removed. Therefore, its comments address both the proposed 2026 MSGP and the 2021 MSGP.

From a procedural standpoint, SMA argues that EPA failed to:

- Submit its draft proposal to the Office of Management and Budget's Office of Information and Regulatory Affairs as the Agency has done for previous MSGP proposals
- Failed to provide stakeholders a variety of important data and records necessary to understand and comment on the proposed MSGP (referencing monitoring analyses, cost assessments, and discharge reporting data no provided until more than a month after publishing the proposal in the Federal Register).

Substantive concerns include:

- EPA Should not Amend the MSGP to Require Indicator Monitoring or Benchmark Monitoring for PFAS.
- Opposes Proposed Changes to Benchmark Monitoring Requirements.
- Proposed Changes to Benchmark Monitoring Schedule.
- Benchmark Monitoring Parameters.
- Iron and Magnesium.
- PFAS.
- Opposes Proposed Changes to Impaired Waters Monitoring.
- Opposes Proposed Changes to Requirements for Additional Implementation Measures.
- Opposes Revised Stormwater Control Measures.
- EPA Does Not Provide Sufficient Information to Meaningfully Apprise Operators of Regulatory Requirements.
- Existing and Proposed New SCM Requirements are Infeasible and Unnecessary.
- Opposes Revised Water Quality-Based Effluent Limitations.
- Proposed Elimination of Vague Requirement that Permittees' Control Discharges as Necessary for Receiving Waters to Meet Applicable WQS.
- MSGP 2.2.1's Mandate to Take "Additional Control Measures" to Meet WQS is Impermissible Under United States Supreme Court San Francisco Decision.
- EPA's Proposed New MSGP 2.2 and 2.2.1 "Visual Inspection" Requirements are Improperly Vague.
- Request that EPA Reconsider and Revise Certain Notification Requirements in Current MSGP.
- Requirement to Post Sign of Permit Coverage.
- Stormwater Pollution Prevention Plan Preparation and Public Availability
- Ask that Certain Sector F Good Housekeeping Provisions in the Current MSGP be Addressed.
- Ask that the Current Benchmark for Aluminum and Copper be Addressed.

A copy of the SMA comments can be downloaded here.