May 19, 2025

Filed electronically through www.regulations.gov
Docket number EPA-HQ-OW-2024-0481-0001

Ms. Peggy Browne
Acting Assistant Administrator for the Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Comments on the Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) 2026 Issuance of the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity

Dear Acting Assistant Administrator Browne:

On behalf of the members of Airports Council International – North America (ACI-NA), I appreciate the opportunity to submit these comments regarding the Environmental Protection Agency's (EPA) Proposed Multi-Sector General Permit (Proposed MSGP) for Stormwater Discharges Associated with Industrial Activity; Docket ID No. EPA-HQ-OW-2024-0481.

I. AIRPORTS COUNCIL INTERNATIONAL – NORTH AMERICA

ACI-NA represents local, regional and state governing bodies that own and operate commercial airports in the United States and Canada. ACI-NA's members operate over 300 airports in the United States, accounting for over 95 percent of the domestic passenger traffic and virtually all of the international airline passenger and cargo traffic in the U.S. Over 400 aviation-related businesses are also members of ACI-NA, providing goods and services to airports.

Most of ACI-NA's member airports, and certainly all of our members with regularly scheduled commercial air service, are subject to National Pollutant Discharge Elimination System (NPDES) regulations and require permits for the discharge of stormwater from airport property. Therefore our membership will be impacted by EPA's Proposed MSGP requirements.

The comments provided in the following paragraphs include those provided by members of ACI-NA's Environmental Affairs Committee as well as those prepared by ACI-NA staff. Additionally, ACI-NA is a member of two groups also submitting comments: the Federal StormWater Association (FSWA) and the PFAS Regulatory Coalition. The FSWA is submitting extensive comments on issues related to EPA's specific requests for comments, including in particular benchmark monitoring, corrective actions, and proposed improvements. ACI-NA supports the FSWA comments. ACI-NA similarly supports and incorporates the PFAS Regulatory Coalition comments regarding to the PFAS-related requirements in the Proposed MSGP.

We appreciate the opportunity to provide comments on this Proposed MSGP, however we agree with the FSWA comments that the draft MSGP permit adds a great deal of regulatory burden and costs, and we find that the potential environmental benefits are absolutely not in-line with those costs. Further we agree with the FSWA recommendation that the draft permit be withdrawn and restarted. ACI-NA notes that EPA was very engaged in 2013 after ACI-NA submitted comments to the Agency's proposed MSGP and met with the industry to address major concerns unique to the aviation industry. We very much appreciated that; however, many of the fixes in the 2015 MSGP were undermined in the 2021 MSGP, and many of those problematic changes continue to be carried forwarded. Hence, ACI-NA hopes that EPA will work closely once again with the industry to address these comments and consider the proposed solutions.

The airport industry's environmental record stands for itself and we are not advocating for ignoring environmental risk. At the same time, EPA continues to propose significant expansions of the MSGP mandates that will impact airports and that we do not believe will provide any additional environmental benefits. The state and local governments that operate U.S. airports cannot afford investing in regulatory compliance that is not directly tied to, or focused on, specific environmental risk.

II. MAJOR CONCERNS WITH THE PROPOSED MSGP – PFAS Monitoring Requirements

We are extremely concerned about the PFAS monitoring requirements that this Proposed Permit places on all airport operators. We must continually emphasize that the MSGP is limited to industrial activities. These industrial activities are defined in 40 C.F.R. §122.26(b)(14), which explicitly limits airport-related industrial activities to vehicle maintenance, equipment cleaning, and airport deicing operations. Specifically, 40 C.F.R. §122.26(b)(14)(viii) states that "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 paragraphs (b)(14)(i)-(vii) or (ix)-(xi) of this section are associated with industrial activity."

Aircraft Rescue and Firefighting (ARFF) activities required of airports certificated under 14 CFR Part 139 are NOT industrial activities, nor are a number of the "potential PFAS pollutant sources for Sector S", such as "laydown, loading/unloading of shipping packages or materials," "exposure of cardboard and paper shipping products," and "waste management" ex and therefore should not be included in the industrial activities considered by the Proposed Permit. As the FSWA states in its letter, "[i]f PFAS is not associated with industrial activity – as it is not for many of the targeted sectors – then its mere presence is insufficient justification for EPA to

pursue mandatory monitoring. PFAS is present in rainwater and air deposition, but that does not justify EPA's monitoring proposal."

Further, we support both the FSWA and the PFAS Regulatory Coalition's comments regarding the questions and costs related to Method 1633 and 1621 testing. Of equal concern is the fact that EPA's Destruction & Disposal Guidance document provides little useful information for addressing or remediating most potential PFAS sources, bringing the value of this quarterly testing and reporting all the more into question.

Finally the estimated costs per facility are dramatically understated. The FSWA and the PFAS Regulatory Coalition's comments detail the complexity of sampling and testing for PFAS. Given the increased demand that this requirement would put on the existing labs that are not able to keep up with current demand, it is hard to estimate the costs. However the stated $4,670 per facility, is less than what one round of testing would cost each airport, much less the quarterly testing required across the length of the permit.

III. AIRPORT BACKGROUND INFORMATION

The airport industry has been engaged with EPA on stormwater matters dating back to the original "group stormwater permit application" process in 1992 and was actively engaged in negotiating Sector S in the first MSGP in 1995, and in each subsequent MSGP promulgated by EPA. During the 1990s and early 2000s, EPA conducted several studies of aircraft deicing operations during various Effluent Limitations Guidelines (ELG) rulemakings pursuant to Clean Water Act Section 304(m). All of EPA's research and engagement with ACI-NA and the airport industry resulted in the final Deicing ELGs promulgated in 2012 (77 Fed. Reg. 29,168, May 16, 2012) and represents significant information on stormwater management and control practices that should inform EPA's MSGP Fact Sheets promulgated in the early 2000s. In fact, EPA recognized the highly variable site conditions at airports across the country and need for site-specific flexibility in its final Deicing ELGs.

In 2012, ACI-NA, in collaboration with the Air Transport Association of America, dba Airlines for America, the Regional Airline Association, and the American Association of Airport Executives, announced the launch of an aviation industry Voluntary Pollution Reduction Program (VPRP or Program) to build on the aviation industry's long-standing work to reduce the environmental impacts associated with the use of specialized deicing and anti-icing fluids, collectively referred to as aircraft deicing fluid (ADF), which is necessary to ensure safe aircraft operations in winter conditions. The VPRP was created to supplement EPA's Deicing ELGs and EPA endorsed the VPRP plan and approach in its final Deicing Effluent Limitations Guidelines *Federal Register* notice. 77 Fed. Reg. 29,168, 29,175 (May 16, 2012).

The VPRP was a five-year effort undertaken by the Program Partners, running from September 2012 to September 2017. The Program documented and tracked the industry's progress towards reducing pollution associated with the use of ADF at 42 airports (the Defined Set) over a Defined Period of January 1, 2005 to September 30, 2017. The Defined Set of airports represents approximately 83 percent of total national ADF usage.

The Program Partners developed the concept of "Biological Oxygen Demand (BOD) Management Capacity" and a corresponding metric, the "BOD Management Capacity Index" to accurately and fully reflect the aviation industry's deployment of pollution reduction technologies related to aircraft deicing activities. The Program Partners then set the following goal for the

Program:

> *For any given deicing season, Pollution Reduction Technologies (PRTs) deployed between January 1, 2005 and September 30, 2017 will increase the BOD Management Capacity of the National PRT Complex relative to the BOD Management Capacity in the absence of those PRTs.*
>
> *The BOD Management Capacity of the National PRT Complex will be evaluated using the BOD Management Capacity Index developed for this Program. The Program Partners target a 20 percent improvement in the BOD Management Capacity Index value at the end of the [Defined[1]] Period (2017) as compared to the 2005 BOD Management Capacity Index value.*

With the conclusion of our Program in September 2017, we issued our final report on the Program on November 17, 2017[2], which provides the final documentation of Program Partner activities under the VPRP. Most centrally, the report provides a final assessment of our industry's progress in reducing pollution associated with aircraft deicing activities as reflected by the BOD Management Capacity Index. The Program Partners are particularly pleased to report that the industry improved its BOD Management Capacity Index value by 36% over the 2005-2017 Program Period, exceeding our 20% improvement goal.

The VPRP is a tangible demonstration of the airport industry's commitment to proactive implementation of practical and effective stormwater controls to achieve meaningful reductions in pollutants from deicing operations. At the core of this program is the philosophy of applying deicing pollution reduction technologies that are best suited to the unique combination of operational, meteorological, and environmental conditions that exist at each airport.

ACI-NA believes that EPA's Proposed MSPG requirements should not constrain an airport's flexibility in implementing the best stormwater management controls for its unique situation, as recognized by the VPRP. Many of the specific comments provided below reflect an overarching concern that the EPA is unduly limiting an airports' ability to efficiently and effectively reduce pollutants in stormwater discharges and potentially impacting an airport's ability to comply with related Federal Aviation Authority (FAA) regulatory mandates (related to deicing and aircraft movement/operations) and safety requirements generally.

The Airport-Tenant Relationship

Airports differ by size as well as by aviation mission from large commercial airports to small general aviation airports, with no two being just alike. Some accommodate the full range of activities, including scheduled airline passenger service, cargo activity, charter flights, general aviation, flight training, and military. Others handle only some of these functions.

---

[1] This was articulated as "the end BOD Management Capacity Index value at the end of the Defined *Period* [emphasis added] as compared to the 2005 BOD Management Capacity Index value" in the *Supplemental Phase I Report*. Because the goal pertains to the Defined Period (the 12-year period over which industry progress is to be measured), not the Program Period (the five-year term of the Program), for clarity we have changed this terminology. This makes no material difference because the Defined Period and the Program Period both ended on September 30, 2017. It should also be noted that the 2005 index value reflects PRTs deployed as of the end of the 2004-2005 deicing season (May 2005) and the index value as of the end of the Defined Period reflects the PRTs deployed as of the end of the 2016-2017 deicing season (May 2017).

[2] The final report, as well as the other major program milestone documents can be found on ACI-NA's website at this link: https://airportscouncil.org/committee_news/industry-deicing-voluntary-pollution-reduction-program/

The airport operator, usually a public entity such as a department of city government or a special aviation or port authority, is responsible for the direction and management of the airport. This airport entity is not often responsible for many of the industrial activities occurring at the airport, including aircraft maintenance, aircraft fueling, aircraft deicing, and other activities associated with aircraft operations. These activities are typically under the care and control of airport tenants and private businesses. As such, the airport operator must manage the airport in a role similar to a landlord with its tenants including airlines, concessionaires and other firms doing business on airport property.

In order to operate efficiently, air carriers need certain facilities at each airport to perform activities such as maintenance, fueling, and deicing. The air carrier may perform these functions as part of its operation or may contract with a type of concessionaire called a fixed base operator (FBO). Any activities related to the operation, maintenance, storage, fueling or deicing of aircraft are performed directly by the air carrier or it's contracted FBO.

The FAA is responsible for the regulation and oversight of civil aviation within the U.S. The FAA sets standards and guidelines for the safe operation of aircraft, and the air carriers are responsible for meeting these standards. The FAA issues regulations on specific activities, such as maintenance and deicing, to ensure the safe operation of aircraft under all conditions. While the airport operator is the administrator and manager or the airport, it is the tenant that conducts the majority of the industrial activities that are the subject of this permit. The airport is responsible for managing its stormwater drainage system, but must coordinate activities and other actions of its tenants that discharge regulated stormwater into the airport's drainage system. Arguably, stormwater issues at airports are more complex and raise issues not otherwise applicable to most other sectors of the MSGP.

As set forth more completely in specific comments below, a number of the proposed permit provisions for Sector S mandate coordination of activities between airports and their tenants, owners, and operators of regulated activities at their facilities. We believe these specific coordination requirements exceed the EPA's regulatory authority and encroach on the regulatory authorities of EPA's sister agencies, such as FAA. We are also concerned about the challenge of effectively implementing mandated coordination activities involving entities that are not governed by the permit. ACI-NA would like to continue this discussion with EPA, focusing on how permit considerations, such as a flexible co-permittee structure, might be helpful in this regard.

IV. SECTOR S "Air Transport Facilities" SPECIFIC COMMENTS

In addition to supporting and incorporating both the FSWA and PFAS Regulatory Coalition comments, ACI-NA adds the following airport-specific comments on Sector S, Air Transportation components of the Proposed MSGP, as indicated by the document subheadings and section numbers. This Sector S language was used in EPA's 2021 MSGP Permit, and we continue to find these requirements to be problematic.

Sector S Permit Language

The following comments and suggested revisions are provided for Part 8, Sector Specific Requirements of the Proposed MSGP, Sector S Permit Language.

Section 8.S.2.2 Prohibition of Non-Stormwater Discharges

> *"This permit does not authorize the discharge of aircraft, ground vehicle, runway and equipment wash waters; nor the dry weather discharge of deicing chemicals."*

As written, this language prohibits stormwater-generated flows during dry weather which presents two significant concerns. First, it is important that EPA recognize that not all stormwater flows occur during storm events. For example, flows from airport pavement under drains or infiltration into stormwater systems are the result of precipitation and snowmelt that infiltrates the pavement and into the subsurface, where it ultimately reaches the airport's storm sewer system. Thus, these flows are driven by wet weather, but are delayed in their delivery to the storm sewers and outfalls.

This situation is the same as with snowmelt, which the MSGP clearly considers a form of stormwater. Due to the design and workings of airports and their drainage systems, stormwater flows can be delayed and EPA needs to recognize that such delayed flows do not change the fact that they are stormwater. EPA must make it clear in the permit that stormwater that is delayed in its discharge is not somehow transformed to non-stormwater. Improperly changing the characterization of stormwater somewhere in the middle of its drainage process from the actual wet weather event to its ultimate discharge from airport property unnecessarily complicates EPA's MSGP and implicates other ongoing controversies about "discharges to groundwater" that are not helpful to EPA or the aviation industry.

Secondly, blanket prohibition of dry weather discharge of deicing chemicals can be interpreted to be any detectable concentration. Laboratory detection limits for components of deicers are in the very low parts per million. Concentrations of a couple of parts per million of glycol, for example, in the small volumes of water associated with snowmelt or pavement under drains have no relevance to BMP performance or environmental risk. Further, merely because some deicing material might make it into the stormwater drainage system does not mean that it is "discharged" from the outfall. Dry weather deicing (or defrosting) may cause insignificant amounts of deicing products to enter a storm drain inlet. Generally, that product will not be "discharged" until a wet weather event comes along and generates flow through the drainage system.

It is recommended that the reference to dry weather discharge of deicing chemicals be deleted.

Section 8.S.3.3 SWPPP Requirements

> *"A single comprehensive SWPPP must be developed for all stormwater discharges associated with industrial activity at the airport before submittal of any NOIs. The comprehensive SWPPP should be developed collaboratively by the airport authority and tenants. If any operator develops a SWPPP for discharges from its own areas of the airport, that SWPPP must be coordinated and integrated with the comprehensive SWPPP. All operators and their separate SWPPP contributions and compliance responsibilities must be clearly identified in the comprehensive SWPPP, which all operators must sign and certify per Part 6.2.7."*

The requirement that a single SWPPP be developed collaboratively with individual permittees that obtain a separately issued permit appears to be outside of EPA's authority and establishes an excessive regulatory burden on the airport operator (assuming that the airport operator will be expected to coordinate development of the entire airport SWPPP). In addition, the ability for the airport operator to maintain compliance with this requirement would be out of the airport operator's control, as it relies on the performance of other MSGP permittees. Furthermore, the compliance status of each and every permittee at the airport would be dependent on the performance of other permitted entities outside of other permittee's control.

EPA must recognize that every airport is unique in terms of its structure, management, and tenant relationships. Therefore, there is no "one-size-fits-all" approach that will work. There are many models across the country that have proven to be highly efficient and successful, and yet not repeatable in other situations. We recognize that this provision relates to EPA wanting to simplify its enforcement mechanisms, but for airports, this approach does not work.

ACI-NA requests that this requirement be modified to state that the airport operator SWPPP shall, at a minimum, reference the SWPPPs developed by the airport's tenants and operators so that the existence of those SWPPPs is acknowledged and provide any SWPPP reviewer with sufficient information to obtain other SWPPPs available from airport tenants. We recommend that the Fact Sheet be modified to encourage coordination between the various permittees. However, EPA must maintain maximum flexibility for airports and their tenants through some combination of permit compliance, tenant leasehold contracts, and other factors outside the scope of the MSGP.

Section 8.S.4.1.6 Source Reduction

> *"Consistent with safety considerations, minimize the use of urea and glycol-based deicing chemicals to reduce the aggregate amount of deicing chemicals used that could add pollutants to stormwater discharges."*

There are several concerns with this paragraph and the two subsequent bullets regarding runway deicing operations and aircraft deicing operations. First, any mandate for source reduction associated with deicing operations is inappropriate. Deicing operations at airports are complex and driven by the need to ensure safe wintertime operations and comply with FAA regulations. It is inappropriate for the EPA to establish source reduction expectations within a stormwater permit that may conflict with FAA requirements or establish stormwater permit compliance requirements that could impact the safety of airport and aircraft operations. The focus of the MSGP should be on addressing the resulting runoff from deicing operations to reduce pollutant discharges. After all, EPA's authority rests in controlling pollutant discharges through point sources to U.S. waters, not regulating internal site operations that are regulated by FAA or other agencies and may not even impact stormwater discharges.

ACI-NA recommends that specific source reduction requirements related to aircraft and airfield deicing operations in the proposed MSGP be deleted.

Section 8.S.4.1.7 Management of Stormwater

There are a number of substantial concerns with language included in this section. An overall concern is that the language does not reflect an in-depth understanding of deicing operations and practices at airports, nor does it address the varied size of airport and industrial activity subject to the permit. The requirements for use or consideration of specific technologies at all airports subject to the permit will lead to lack of flexibility on the part of permittees, as well as confusion and misinterpretation on the part of permit writers who use the MSGP as the basis for state-level general industrial stormwater permits. The MSGP should focus on effective implementation of BMPs appropriate for each permittee and its specific activities and not contain such detailed prescriptive elements.

In addition, there are numerous suggested operations/technologies that are not appropriate to dictate in the MSGP. For example, identifying where storage of collected stormwater should occur, the disposal options (recycling or treatment) of collected fluid, and technologies employed to collect fluids are all issues that EPA cannot dictate through the MSGP. Once fluid has been collected, the stormwater permit is not relevant in disposal options of the collected fluid, as long as it is not discharged back to the storm sewer system.

ACI-NA recommends that this section be removed or re-worded such that it is less prescriptive and more flexible with regard to effective management of collected deicing fluids in order to accommodate considerations of safety, space, operational constraints, and flight considerations.

Section 8.S.4.1.7 Management of Stormwater (cont.)

> *"When applying deicing fluids during non-precipitation events (also referred to as "clear ice deicing"), implement control measures to prevent unauthorized discharge of pollutants…"*

This comment is related to the comment previously provided with regard to Section 8.S.2.2 (Prohibition of Non-Stormwater Discharges) above. This language does not reflect the actual conditions encountered at airports and with regard to deicing activity and the complexity of defining certain runoff as dry weather versus other runoff as wet weather. Wet weather will ultimately convey the discharge of deicing chemicals through the storm sewer system, regardless of whether those deicing events happened during precipitation events. Furthermore, and as indicated in the previous comment on this subject, dry weather discharges of deicing-impacted stormwater may occur due to the delay between precipitation events and the runoff entering the storm sewer system. Establishing the expectation that different operational procedures will exist between deicing events occurring during precipitation and those events happening to remove prior precipitation or ice formation is infeasible and unwarranted.

It is recommended that this paragraph be deleted.

Section 8.S.5.2 Potential Pollutant Sources

> *"Deicing operators must provide the above information to the airport authority for inclusion with any comprehensive airport SWPPPs."*

As noted previously, an airport's compliance with the MSGP cannot be dependent on activities over which the airport has no control, namely other permittee's (an airport tenant or operator) compliance with permit requirements. In this instance, airport operators work with airport tenants and FBOs regarding the level of information exchange is appropriate for managing deicing operations. For example, an airport with a deicing pad that is plumbed to the sanitary sewer would have no impact on the stormwater drainage system and the type of information the airport might collect will be different than the same airport without a deicing pad.

It is recommended that this sentence be deleted from the permit.

Table 8.S-2 Ammonia Benchmark Monitoring

Table 8.S-1 identifies benchmarks that apply to Sector S. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

EPA has established an ELG to address pavement deicing if urea is still being used at the airport. For the most part, urea has been banned from pavement deicing. The sampling and benchmark requirements for ammonia are a vestige of the original 1995 MSGP when urea was commonly used as a pavement deicer. Today, additional monitoring requirements for ammonia are not warranted. It is recommended that ammonia be removed from the benchmark monitoring table.

V. CONCLUSION

ACI-NA appreciates the opportunity to provide comments on EPA's Proposed Multi-Sector General Permit. As indicated above, we endorse and incorporate both the Federal StormWater Association and PFAS Regulatory Coalition comments. As also indicated above, the airport industry has a strong and dependable record of protecting the environment and public health. Additional mandates proposed in EPA's proposed MSGP are unwarranted, add regulatory burden with little to no environmental benefit, and may reduce airport operational efficiency. We look forward to meeting and identifying productive solutions to the issues raised in these comments. If you have any questions, please contact Melinda Pagliarello at (202) 861-8092, or via email at mpagliarello@airportscouncil.org.

Sincerely,

Melinda Pagliarello
Managing Director, Environmental Affairs
ACI-NA