

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5855-7]

Proposed Modification of National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities; Proposal To Terminate the EPA NPDES Storm Water Baseline Industrial General Permit**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of proposed modifications of the NPDES Storm Water Multi-Sector General Permit for Industrial Activities and Proposal to Terminate the EPA Storm Water Baseline Industrial General Permit.

SUMMARY: The Regional Administrators of EPA Regions I, II, III, IV, VI, IX, and X are today providing notice of a proposed modification of EPA's final NPDES storm water multi-sector general permit (MSGP) which was first issued on September 29, 1995 (60 FR 50804), and amended on February 9, 1996 (61 FR 5248), February 20, 1996 (61 FR 6412), and September 24, 1996 (61 FR 50020). EPA is proposing to modify the MSGP to authorize storm water discharges from previously excluded facilities so that they may be covered by the MSGP after expiration of EPA's baseline general permit. EPA is also proposing the following limited specific changes to the MSGP as published on September 29, 1995 (60 FR 50804): (1) Authorization of mine dewatering discharges from construction sand and gravel, industrial sand and crushed stone mines in non-NPDES areas of EPA Regions II and X; (2) inclusion in Sector A of the MSGP of the effluent limitation guideline in 40 CFR part 429, subpart I for discharges resulting from spray down of lumber and wood products in storage yards (wet decking); (3) clarification that Sectors X and AA authorize discharges from all facilities in major SIC groups 27 and 34 respectively; and (4) addition of new sector (sector AD) to the MSGP to authorize discharges from Phase I facilities which may not fall into one of the sectors of the modified MSGP, and selected Phase II discharges which are designated for permitting in accordance with 40 CFR 122.26(g)(1)(i).

The Regional Administrators are also providing notice that the Agency does not intend to reissue the NPDES storm water baseline industrial general permit which was issued on September 9, 1992 (57 FR 41236) or September 25, 1992 (57 FR 44438), depending on the geographic area of applicability, and propose to

terminate this permit (with the limited exceptions discussed in Section I below) upon final modification of the multi-sector permit. As a result, all industrial facilities previously permitted under the baseline permit, except as otherwise noted in this notice, would therefore be required to seek storm water permit coverage under the modified multi-sector permit when issued in final or submit an application for an individual permit.

DATES: Comments on the proposed modifications must be received or postmarked by midnight no later than August 15, 1997. See below for scheduled hearings and public meetings.

ADDRESSES: The index to the administrative record for this permit is available at the appropriate Regional Office or from the EPA Water Docket Office in Washington, DC. The administrative record is stored in two locations. Documents immediately referenced in this modification notice are stored at the EPA Water Docket Office at the address listed below. All other documents which were used to support the original issuance of the multi-sector general permit in 1995 are a supplement to the record for this modification action but are stored at Science Applications International Corporation (SAIC), 1710 Goodridge Drive, McLean, Virginia 22102. These materials include, for example, the permit applications and sampling data provided to EPA by group applicants. The immediate and supplemental record is available for inspection from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. For appointments to examine any portion of the administrative record, please call the Water Docket Office at (202) 260-3027. Copies of the proposed permit modification may be acquired from the Office of Water Resource Center by dialing (202) 260-7786. A reasonable fee may be charged for copying. Specific record information can also be made available at the appropriate Regional Office upon request.

FOR FURTHER INFORMATION CONTACT: For further information on the proposed permit modifications, contact the appropriate EPA Regional Office. The name, address and phone number of the EPA Regional Storm Water Coordinators are provided in Part III.H of this fact sheet.

PUBLIC COMMENT PERIOD: Public comments are being invited only for those specific modifications which are proposed for the MSGP, as well as EPA's proposal to transfer permit coverage from the baseline permit to the

MSGP. EPA stresses that the MSGP overall is not being reconsidered at this time. The public should send an original and three copies of their comments and enclosures (including references) addressing any aspect of this notice to: ATTN: MSGP Modification-Comments, W-97-06, Water Docket, MC-4101, U.S. EPA, Room 2616 Mall, 401 M Street SW., Washington, DC 20460.

To ensure that EPA can read, understand, and therefore properly respond to comments, the Agency requests commenters to type or print in ink any comments. Each comment should cite the page number and, where possible, the section(s) and/or paragraph(s) in the proposed permitting actions to which the comment relates. Commenters should use a separate paragraph for each issue discussed. Commenters who want EPA to acknowledge receipt of their comments should enclose a self-addressed stamped envelope. No facsimiles (faxes) will be accepted. Comments may also be submitted electronically to: ow-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and forms of encryption. Electronic comments must be identified by the docket number W-97-06. No Confidential Business Information (CBI) should be submitted through e-mail. Comments and data will also be accepted on disks in Wordperfect 5.1 format or ASCII file format. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

The record for this proposed permit modification has been established under docket number W-97-06 and includes supporting documentation as well as printed, paper versions of electronic comments. It does not include any information claimed as CBI.

PUBLIC MEETINGS AND HEARINGS: Public meetings and hearings to discuss the proposed permitting actions are scheduled in certain Regions as follows:

EPA Region VI

Date: July 21, 1997.

Time: 1 p.m. (Public Meeting).

Location: Howard Johnson Hotel at Hobby Airport, 7777 Airport Blvd., Houston, Texas 77061.

Date: July 28, 1997.

Time: 1 p.m. (Public Meeting).

Location: Albuquerque Marriott Hotel, 2101 Louisiana Blvd., NE, Albuquerque, New Mexico 87110.

Date: August 11, 1997.

Time: 9 a.m. (Public Meeting), 1 p.m. (Public Hearing).

Location: U.S. EPA Regional Office, 12th Floor State Conference Rooms, 1445 Ross Avenue, Dallas, Texas 75202-2733.

EPA Region IX

Date: August 12, 1997.

Time: 1 p.m. to 5 p.m. (Public Hearing).

Location: Arizona Department of Environmental Quality, Public Meeting Room, 3033 North Central Avenue, Phoenix, Arizona 85012.

Persons wishing to make an oral presentation must restrict themselves to 15 minutes and are encouraged to have written copies of their comments for inclusion in the official record.

State Certification

EPA is providing copies of today's proposed permitting actions to States and Indian Tribes where the proposed actions would be effective. The States and Tribes will review the proposed actions to ensure that they will not result in violation of water quality criteria. EPA will work with the States and Tribes to obtain their certification in accordance with Section 401 of the Clean Water Act. EPA will prepare certifications for Indian lands where there is no approved Tribe or where the approved Tribes have not established water quality standards.

The Coastal Zone Management Act (CZMA) requires that all Federal licensing and permitting actions be reviewed for consistency with each approved State coastal zone management plan. EPA has also initiated this review.

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Explanation of Proposed Permit Modifications

The following discussion is an explanation and rationale for the permitting actions and permit modifications that EPA proposes to take in today's notice. The actual language of the proposed permit modifications follows the signature pages at the end of this discussion.

I. Background

On September 9, 1992 (57 FR 41175) or September 25, 1992 (57 FR 44412), depending on the geographic area involved, EPA issued a final NPDES storm water baseline industrial general permit (not including construction activity) for the following areas:

EPA Region I—for the States of Maine, Massachusetts and New Hampshire; and for Indian Country lands located in Massachusetts, New Hampshire, and Maine.

EPA Region II—for Puerto Rico and Indian Country lands located in New York. (On April 14, 1993, EPA proposed modifications to the baseline general permit issued in Puerto Rico to address changes to the 401 certification conditions requested by the Environmental Quality Board (EQB) of Puerto Rico. On September 24, 1993 the changes became final. These modifications, however, did not alter the original issuance and expiration date of the baseline permit in Puerto Rico.)

EPA Region III—for the District of Columbia and Federal facilities in Delaware.

EPA Region IV—for the State of Florida; and for Indian Country lands located in Florida, Mississippi, and North Carolina.

EPA Region VI—for the States of Louisiana, New Mexico, Oklahoma and Texas; and for Indian Country lands located in Louisiana, New Mexico (except Navajo lands and Ute Mountain Ute Reservation lands), Oklahoma, and Texas.

EPA Region VIII—for the State of South Dakota; for Indian Country lands located in Colorado, Montana, South Dakota, North Dakota, Utah (except Goshute Reservation and Navajo Reservation lands), and Wyoming; for Federal facilities in Colorado; and for the Ute Mountain Ute Reservation in Colorado and New Mexico.

EPA Region IX—for the State of Arizona; for the Territories of Johnston Atoll, American Samoa, Guam, and Midway and Wake Islands; and for Indian Country lands located in California, and Nevada; and for the Goshute Reservation in Utah and Nevada, the Navajo Reservation in Utah, New Mexico, and Arizona, the Duck Valley Reservation in Nevada and Idaho.

EPA Region X—for the States of Alaska and Idaho; for Indian country lands located in Alaska, Idaho (except Duck Valley Reservation lands), and Washington; and for Federal facilities in Washington.

Most of the above the areas were covered by the September 9, 1992 notice of permit issuance. The September 25, 1992 notice covered only the States of Florida (except for Indian lands which were covered by the September 9, 1992 notice) and Massachusetts, the District of Columbia, Guam and American Samoa, Indian lands in New York and Federal facilities in Delaware. The baseline permit expires on September 9, 1997 or September 25, 1997, depending on the area of applicability, and EPA is not proposing to reissue the baseline permit in those areas where the multi-sector general permit modification will become effective.

(Please note that Part VII.B.—continuation of the Expired General Permit of the 1992 baseline general permit states that the baseline permit expires on October 1, 1997. At this time EPA believes the better reading is that the permits expire on September 9, 1997 and September 25, 1997, as noted above. (Under the Clean Water Act an NPDES permit can only be issued for a maximum of five years.) As described above, the baseline permits became

effective on either September 9, 1992, or September 25, 1992, depending on location, and these are the dates from which the expiration date must be determined. Part VII.B. originally anticipated that the baseline permit would become effective on October 1, 1992, which it did not.)

Today, EPA is proposing to transfer permit coverage from the baseline general permit to the multi-sector general permit (MSGP) which was originally issued on September 29, 1995 (60 FR 50804), and amended on February 9, 1996 (61 FR 5248), February 20, 1996 (61 FR 6412), and September 24, 1996 (61 FR 50020). As a result, most industrial facilities previously permitted under the baseline permit (except for those located in certain excluded areas discussed below) would therefore be required to seek storm water permit coverage under the modified multi-sector permit or an individual permit.

This action is consistent with the long-term permitting strategy for storm water discharges associated with industrial activity which was finalized on April 2, 1992 (57 FR 11394). This strategy includes the following four permitting tiers:

Tier I—Baseline Permitting—One or more general permits will be developed to initially cover the majority of storm water discharges associated with industrial activity.

Tier II—Watershed Permitting—Facilities within watersheds shown to be adversely impacted by storm water discharges associated with industrial activity will be targeted for individual or watershed-specific general permits.

Tier III—Industry-Specific Permitting—Specific industry categories will be targeted for individual or industry-specific general permits.

Tier IV—Facility-Specific Permitting—A variety of factors will be used to target specific facilities for individual permits.

The long-term permitting strategy begins with baseline permitting as was done in 1992 with the baseline general permit. However, baseline permitting may not provide optimum water quality benefits since the same basic permit conditions are supplied to a wide variety of facilities operating in different geographic area. As such, the long-term strategy also calls for additional permitting over time with more specific permit conditions developed for facilities in Tiers II, III and IV above.

The MSGP is based on information received as a result of the group permit application process described at 40 CFR 122.26(c)(2). EPA received applications from approximately 1,200 groups

representing nearly all of the categories of industrial facilities listed in the storm water regulations at 40 CFR 122.26(b)(14). To facilitate permit issuance for the group applications, EPA consolidated the groups into 29 industrial sectors, with subsectors also included in certain sectors as appropriate.

The group applications included information concerning the specific types of operations which are present at the different types of industrial facilities, potential sources of pollutants from the facilities, industry-specific best management practices (BMPs) which are available, and monitoring data from the different types of facilities. Using this information, EPA was able to develop sector-specific BMPs for the MSGP which are better tailored to controlling the discharges of pollutants from the various facilities than the requirements of the baseline permit which only include generic BMP requirements which are applied across a wide variety of industries. In addition, the monitoring requirements of the MSGP are based on actual monitoring data rather than best professional judgment which is largely the case for the baseline permit.

Given the above factors, EPA believes that the MSGP should provide improved water quality benefits as compared to the baseline permit. For this reason, and in accordance with the long-term permitting strategy, EPA is proposing to transfer permit coverage from the baseline permit to the MSGP after expiration of the baseline permit.

As discussed in Section II below, the MSGP omitted coverage for a small number of categories of facilities which were authorized to discharge under the baseline general permit. As such, EPA is proposing to modify the coverage of the MSGP to include these categories in order that they may be eligible for coverage when transferring from the baseline permit to the MSGP. However, if this modification does not become effective prior to the expiration dates of the baseline general permit, the baseline permit can be automatically extended under provisions of the Administrative Procedures Act (APA). Under such an extension, existing facilities with coverage under the baseline permit may retain coverage under the baseline permit until the modified MSGP becomes effective for them. An extension could last anywhere from a number of additional days, weeks, or month. Regardless of the duration of the extension, any facility with coverage under the baseline that wants to retain coverage under the extended baseline permit, must submit a Notice of Intent

between August 1, 1997 and two days (48 hours) prior to the date of expiration of the baseline (on either September 9, 1997 or September 25, 1997, depending upon location) to remain covered under the extended baseline permit. Once the final modified multi-sector permit is issued, the extended baseline permit will expire 30 days later (except for facilities located in certain excluded areas as discussed below) and all facilities must then transfer to the multi-sector permit within the time frame allowed under the conditions of the modified multi-sector permit, or submit an individual permit application. For facilities where individual permits are required, baseline permit coverage would be extended until final determinations are made on the individual permit applications.

The excluded areas where the baseline permit will continue to apply include the Island of American Samoa, Federal facilities in Colorado, and Indian Country lands located in Colorado (including the portion of the Ute Mountain Ute Reservation located in New Mexico), Montana, North Dakota, South Dakota (including the portion of the Pine Ridge Reservation located in Nebraska), Utah (except for the Goshute and Navajo Reservation lands (see Region IX)) and Wyoming. Maintaining storm water permit coverage under the baseline permit is necessary since the MSGP does not apply to facilities located in these areas, and the Agency is not proposing to expand the MSGP's scope of coverage to include them through this modification.

There are also a few areas where the baseline permit was issued but not the MSGP, where the baseline permit is proposed nevertheless to be terminated. These areas as Indian Country lands in New York, North Carolina and Mississippi. Only a very small number of permittees exist in these areas and individual permits would be issued as needed.

II. Coverage of Proposed Modified MSGP

The proposed modified multi-sector storm water permit will cover storm water discharges associated with industrial activity in most geographic areas where EPA is the NPDES permitting authority, described earlier in this fact sheet. In accordance with the long-term permitting strategy discussed above, EPA's intent when issuing the baseline general permit was to cover all of the categories of industrial facilities which may discharge storm water associated with industrial activity as defined at 40 CFR 122.26(b)(14). The baseline permit does include certain

generic coverage limitations which are also found in section I.B.3 of the MSGP. These exclusion include discharges such as those which may contribute to a violation of a water quality standard, and discharges which adversely affect endangered species or their critical habitat.

As noted above, group applications were not received from all of the categories of facilities listed at 40 CFR 122.26(b)(14), and certain categories were not included in the MSGP which had been included in the baseline permit. In order to cover all the types of facilities to be transferred from the

baseline permit, EPA is proposing to expand the coverage of the MSGP to authorize storm waster discharges from these additional categories of facilities.

The MSGP already authorizes storm water discharges from a wide range of industrial facilities which are summarized below in Table 1:

TABLE 1—SECTOR/SUBSECTORS COVERED BY THE MSGP

Subsector	SIC code	Activity represented
Sector A. Timber Products		
1*	2421	General Sawmills and Planning Mills.
2	2491	Wood Preserving.
3*	2411	Log Storage and Handling.
4*	2426	Hardwood Dimension and Flooring Mills.
	2429	Special Product Sawmills, Not Elsewhere Classified.
	243X** (except 2434)	Millwork, Veneer, Plywood, and Structural Wood.
	244X	Wood Containers.
	245X	Wood Buildings and Mobile Homes.
	2493	Reconstituted Wood Products.
	2499	Wood Products, Not Elsewhere Classified.
Sector B. Paper and Allied Products Manufacturing		
1	261X	Pulp Mills.
2	262X	Paper Mills.
3*	263X	Paperboard Mills.
4	265X	Paperboard Containers and Boxes.
5	267X	Converted Paper and Paperboard Products, Except Containers and Boxes.
Sector C. Chemical and Allied Products Manufacturing		
1*	281X	Industrial Inorganic Chemicals.
2*	282X	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass.
4*	284X	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations.
5	285X	Paints, Varnishes, Lacquers, Enamels, and Allied Products.
6	286X	Industrial Organic Chemicals.
7*	287X	Agricultural Chemicals.
8	289X	Miscellaneous Chemical Products.
9	3952 (limited to list)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors.
Sector D. Asphalt Paving and Roofing Materials Manufacturers and Lubricant Manufacturers		
1*	295X	Asphalt Paving and Roofing Materials.
2	299X	Miscellaneous Products of Petroleum and Coal.
Sector E. Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing		
1	321X	Flat Glass.
	322X	Glass and Glassware, Pressed or Blown.
	323X	Glass Products Made of Purchased Glass.
2	3241	Hydraulic Cement.
3*	325X	Structural Clay Products.
	326X (except 3261)	Pottery and Related Products.
	3297	Non-Clay Refractories.
4*	327X (except 3274)	Concrete, Gypsum and Plaster Products.
	3295	Minerals and Earth's, Ground, or Otherwise Treated.
Sector F. Primary Metals		
1*	331X	Steel Works, Blast Furnaces, and Rolling and Finishing Mills.
2*	332X	Iron and Steel Foundries.
3	333X	Primary Smelting and Refining of Nonferrous Metals.
4	334X	Secondary Smelting and Refining of Nonferrous Metals.
5*	335X	Rolling, Drawing, and Extruding of Nonferrous Metals.
6*	336X	Nonferrous Foundries (Castings).

TABLE 1—SECTOR/SUBSECTORS COVERED BY THE MSGP—Continued

Subsector	SIC code	Activity represented
7	339X	Miscellaneous Primary Metal Products.
Sector G. Metal Mining (Ore Mining and Dressing)		
1	101X	Iron Ores.
2*	102X	Copper Ores.
3	103X	Lead and Zinc Ores.
4	104X	Gold and Silver Ores.
5	106X	Ferroalloy Ores, Except Vanadium.
6	108X	Metal Mining Services.
7	109X	Miscellaneous Metal Ores.
Sector H. Coal Mines and Coal Mining-Related Facilities		
NA*	12XX	Coal Mines and Coal Mining-Related Facilities.
Sector I. Oil and Gas Extraction		
1*	131X	Crude Petroleum and Natural Gas.
2	132X	Natural Gas Liquids.
3*	138X	Oil and Gas Field Services.
Sector J. Mineral Mining and Dressing		
1*	141X	Dimension Stone.
	142X	Crushed and Broken Stone, Including Rip Rap.
	148X	Nonmetallic Minerals, Except Fuels.
2*	144X	Sand and Gravel.
3	145X	Clay, Ceramic, and Refractory Materials.
4	147X	Chemical and Fertilizer Mineral Mining.
	149X	Miscellaneous Nonmetallic Minerals, Except Fuels.
Sector K. Hazardous Waste Treatment Storage or Disposal Facilities		
NA*	NA	Hazardous Waste Treatment Storage or Disposal.
Sector L. Landfills and Land Application Sites		
NA*	NA	Landfills and Land Application Sites.
Sector M. Automobile Salvage Yards		
NA*	5015	Automobile Salvage Yards.
Sector N. Scrap Recycling Facilities		
NA*	5093	Scrap Recycling Facilities.
Sector O. Steam Electric Generating Facilities		
NA*	NA	Steam Electric Generating Facilities.
Sector P. Land Transportation		
1	40XX	Railroad Transportation.
2	41XX	Local and Highway Passenger Transportation.
3	42XX (except 4221–4225)	Motor Freight Transportation and Warehousing.
4	43XX	United States Postal Service.
5	5171	Petroleum Bulk Stations and Terminals.
Sector Q. Water Transportation		
NA*	44XX	Water Transportation.
Sector R. Ship and Boat Building or Repairing Yards		
NA	373X	Ship and Boat Building or Repairing Yards.
Sector S. Air Transportation Facilities		
NA*	45XX	Air Transportation Facilities.

TABLE 1—SECTOR/SUBSECTORS COVERED BY THE MSGP—Continued

Subsector	SIC code	Activity represented
Sector T. Treatment Works		
NA*	NA	Treatment Works.
Sector U. Food and Kindred Products		
1	201X	Meat Products.
2	202X	Dairy Products.
3	203X	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties.
4*	204X	Grain Mill Products.
5	205X	Bakery Products.
6	206X	Sugar and Confectionery Products.
7*	207X	Fat and Oils.
8	208X	Beverages.
9	209X	Miscellaneous Food Preparations and Kindred Products.
	21XX	Tobacco Products.
Sector V. Textile Mills, Apparel, and Other Fabric Product Manufacturing		
1	22XX	Textile Mill Products.
2	23XX	Apparel and Other Finished Products Made From Fabrics and Similar Materials.
Sector W. Furniture and Fixtures		
NA	25XX 2434	Furniture and Fixtures. Wood Kitchen Cabinets.
Sector X. Printing and Publishing		
NA	2732 2752 2754 2759 2796	Book Printing. Commercial Printing, Lithographic. Commercial Printing, Gravure. Commercial Printing, Not Elsewhere Classified. Platemaking and Related Services.
Sector Y. Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries		
1*	301X 302X 305X 306X	Tires and Inner Tubes. Rubber and Plastics Footwear. Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting. Fabricated Rubber Products, Not Elsewhere Classified.
2	308X 393X 394X 395X 396X 399X	Miscellaneous Plastics Products. Musical Instruments. Dolls, Toys, Games and Sporting and Athletic Goods. Pens, Pencils, and Other Artists' Materials. Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal. Miscellaneous Manufacturing Industries.
Sector Z. Leather Tanning and Finishing		
NA	311X NA	Leather Tanning and Finishing. Facilities that Make Fertilizer Solely from Leather Scraps and Leather Dust.
Sector AA. Fabricated Metal Products		
1*	3429 3441 3442 3443 3444 3451 3452 3462 3471 3494 3496 3499 391X	Cutlery, Hand Tools, and General Hardware. Fabricated Structural Metal Products. Metal Doors; Sash, Frames Molding and Trim. Fabricated Plate Work (Boiler Shops). Sheet Metal Work. Screw Machine Products. Bolts, Nuts, Screws, Rivets, and Washers. Metal Forgings and Stampings. Electroplating, Plating, Polishing, Anodizing, and Coloring. Valves and Pipe Fittings, Not Elsewhere Classified. Miscellaneous Fabricated Wire Products. Miscellaneous Fabricated Metal Products. Jewelry, Silverware, and Plated Ware.
2*	3479	Coating, Engraving, and Allied Services.

TABLE 1—SECTOR/SUBSECTORS COVERED BY THE MSGP—Continued

Subsector	SIC code	Activity represented
Sector AB. Transportation Equipment, Industrial or Commercial Machinery		
NA	35XX (except 357)	Industrial and Commercial Machinery (except Computer and Office Equipment).
NA	37XX (except 357)	Transportation Equipment (except Ship and Boat Building and Repairing).
Sector AC. Electronic, Electrical, Photographic and Optical Goods		
NA	36XX 38XX 357	Electronic, Electrical. Measuring, Analyzing and Controlling Instrument; Photographic and Optical Goods. Computer and Office Equipment.

* Denotes subsector with analytical (chemical) monitoring requirements.

** X or XX denotes any number or numbers from 0 to 9 in the SIC code.

NA indicates those industry sectors in which subdivision into subsectors was determined to be not applicable.

EPA has reviewed the categories of additional facilities to be added to the MSGP and also considered the coverage and existing requirements of the various sectors/subsectors already included in the MSGP. Based on this review, EPA believes for each category of facility to be added, a sector/subsector of the MSGP is available with appropriate BMP and monitoring requirements for the new categories. The new categories of facilities, and the sectors/subsectors in which they are proposed to be added, are summarized in Table 2 below. EPA is also proposing to add a new sector AD which will allow coverage for any regulated storm water discharge associated with industrial activity not described by any of the other sectors.

TABLE 2.—PROPOSED PLACEMENT OF ADDITIONAL FACILITIES INTO THE MSGP

SIC code	MSGP sector/subsector
2833–2836—Medicinal chemicals and botanical products; pharmaceutical preparations; invitro and invivo diagnostic substances; biological products, except diagnostic substances.	Subsector i (Drugs) of Sector C - Chemical and Allied Products Manufacturing (Subsector i added to sector C - no analytical monitoring proposed).
2911—Petroleum refining	Sector I—Oil and Gas Extraction.
3131—Boot and shoe cut stock and findings (leather soles, inner soles, other boot and finished wood heels).	Sector V—Textile Mills, Apparel and other Fabric Products.
3142–3144—house slippers; men's dress, street and work shoes; women's dress, street and work shoes.	Sector V—Textile Mills, Apparel and other Fabric Products.
3149—Footwear, except rubber, include athletic shoes	Sector V—Textile Mills, Apparel and other Fabric Products.
3151—Leather gloves and mittens	Sector V—Textile Mills, Apparel and other Fabric Products.
3161—Luggage and cases	Sector V—Textile Mills, Apparel and other Fabric Products.
3171—Women's handbags and purses, leather	Sector V—Textile Mills, Apparel and other Fabric Products.
3172—Personal leather goods, e.g., billfolds, key cases, coin purses, checkbooks, etc..	Sector V—Textile Mills, Apparel and other Fabric Products.
3199—Leather goods, not elsewhere classified, e.g. saddlery, belts, holsters, leather aprons.	Sector V—Textile Mills, Apparel and other Fabric Products.
3231—Glass products, made of purchased glass	Subsector 1 (Glass Products) of Sector E - Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing
3261—Vitreous china plumbing fixtures, and china and earthenware fitting and bathroom accessories.	Subsector 3 (Structural clay products, pottery and related products and non-clay refractories) of Sector E - Glass, Clay, Cement, Concrete and Gypsum Product Manufacturing
3274—Lime, agricultural/building lime, dolomite, lime plaster	Subsector 4 (Concrete, Gypsum and Plaster Products) of Sector E - Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing
3281—Cut stone and stone products, benches, blackboards, table tops, pedestals, etc..	Subsector 1 (Glass Products) of Sector E - Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing
3291—Abrasive products	Subsector 1 (Glass Products) of Sector E - Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing
3292—Asbestos products, tiles, building materials, except paper, insulating pipe coverings.	Subsector 1 (Glass Products) of Sector E - Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing
3296—Mineral wool, insulation	Subsector 1 (Glass Products) of Sector E - Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing
3299—Nonmetallic mineral products, not elsewhere classified, plaster of Paris and paper-mache, etc.	Subsector 1 (Glass Products) of Sector E - Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing
4221–5—Warehousing facilities without trucking services	Subsector 3 (Motor Freight Transportation and Warehousing) of Sector P - Land Transportation
LF—Open dumps	Sector L—Landfills and Land Application Sites

After permittee transfer to the MSGP occurs, the effluent limitations, monitoring requirements and other

conditions of the MSGP would apply to facilities previously covered by the baseline general permit as appropriate.

The requirements for the new categories of facilities which would be added to the MSGP would be those set forth in

the MSGP for the sectors/subsectors shown above in Table 2 Section III below discusses the differences between the baseline permit and the MSGP and the requirements for transferred facilities.

EPA will maintain NPDES permitting authority over oil and gas exploration and production related industries, and pipeline operations, which are regulated by the Oklahoma Corporation Commission (see 61 FR 65049). Oklahoma received NPDES program authorization for only those discharges covered by the authority of the Oklahoma Department of Environmental Quality (ODEQ).

III. Requirements for Transferred Facilities

In today's document, EPA is making certain clarifications and interpretations regarding how certain conditions of the MSGP will apply to permittees transferring from the baseline general permit. These interpretations and clarifications address: (1) deadlines for SWPPP revisions and implementation for transferring permittees; (2) MSGP sampling schedules and sample types (3) the submittal of sample data (4) applicability of certain limitations; (5) interpretation of the expiration date of the baseline industrial general permit; (6) interpretations of the timeframes for submittal of an NOI for APA extension of the baseline general permit; (7) the applicability of the Endangered Species Act (ESA) and National Historic Preservation Act (NEPA); (8) the applicability of the co-located activities requirements; (9) use of the NOI form, (10) applicability of the new North American Industry Classification System (NAICS) (11) non-storm water discharges; (12) releases of reportable quantities of hazardous substances and oil, and (13) exemptions from analytical monitoring. These clarifications were discussed below.

The requirements of the MSGP, including sector-specific requirements were described in detail in the fact sheet accompanying the original issuance of the MSGP (September 29, 1995, 60 FR 50804) and is incorporated by reference into this fact sheet. All transferring facility operators should acquire a copy of the 1995 multi-sector general permit and study it carefully to ensure full compliance with all terms and conditions. Certain important requirements for facilities, which transfer to the MSGP from the baseline general permit are emphasized below.

A. Notification Requirements

To obtain coverage under the modified MSGP, facilities which were

previously authorized to discharge under the baseline permit must submit a Notice of Intent (NOI) not later than 30 days after the effective date of the MSGP modification. During this 30 day time period, if beyond the expiration dates of the baseline permit, permittees would have the opportunity to maintain storm water discharge authorization under the 1992 baseline general permit if each permittee acquires extended coverage in accordance with the provisions of the Administrative Procedures Act.

To maintain extended coverage under the 1992 baseline permit after its expiration dates (September 9, 1997, or September 25, 1997 (depending on geographic location)) a permittee must submit a new NOI requesting extended coverage. This NOI must be postmarked between August 1, 1997 and not later than two days (48 hours) before September 9, 1997, or not later than two days (48 hours) before September 25, 1997 (depending on the geographic location). Once this is done, the baseline permit conditions would continue to apply during the entire time period prior to the applicability of the modified NSGP since the termination date of the APA extended baseline permit would be 30 days after the effective date of the modified MSGP. If a timely NOI for APA extension under the baseline general permit is filed, the requirements of the baseline general permit would continue to apply and coverage under the NSGP is perfected at which time the baseline general is terminated.

It is EPA's intent to have the effective date of the MSGP modification be the date of publication in the **Federal Register** due to the need to provide for permit coverage of new facilities, this will allow new facilities seeking coverage under the modification. Existing facilities covered by the baseline general permit, will have 30 days to switch to the modified MSGP. For this reason, the termination of the baseline general permit will be effective 30 days after the date of publication of the MSGP modification, consistent with the APA and normal rules for permit effective dates.

If for some reason the termination date of the baseline general permit would be after the otherwise effective expiration date of the baseline general permit, this approach is still permissible. EPA's proposed approach is different from modifying an expired, as EPA is proposing an intention not to reissue the previous baseline general permit. If EPA were issuing an individual permit, EPA could always issue a "permit denial." EPA's proposed approach is the general permit analog to such NPSDES

permitting action and may not be taken by EPA in all situations.

Once the multi-sector permit modification becomes effective the permittee must then submit a second NOI, which would be due not later than 30 days after the effective date of the MSGP modification to gain permit coverage under the modified multi-sector permit.

Under today's proposed modification, Part II.A.9 would be added to the MSGP which would include a 30-day period after the effective date of the modified MSGP for submittal of an NOI for facilities transferring to the MSGP. The NOI form currently in use for the MSGP can be found in Addendum B to the MSGP published on September 29, 1995 (60 FR 51265). For convenience, this form is also attached to this proposed modification. This NOI form must also be used to request extended coverage under the baseline permit in accordance with the APA. To extend coverage for the baseline permit, the permittee must check the box labeled "Baseline Industrial" in item number I- Permit Selection and submit the NOI to the NOI Center mailing address noted below.

For a permittee currently under the baseline general permit who's currently eligible to voluntarily transfer to the multi-sector permit they may do so prior to expiration of the baseline permit. These permittees must complete and submit a new NOI and check the box labeled "Multi-Sector" in item number I- Permit Selection, of the form.

The NOI form for the MSGP differs from the form for the original 1992 baseline permit in that new requirements have been added to ensure compliance the National Historic Preservation Act (NHPA) and Endangered Species Act (ESA). The requirements are described in Section II.A of the September 29, 1995 fact sheet to the multi-sector permit and are repeated below (as applicable to facilities transferring permit coverage) for convenience. These special conditions would not be applicable to facilities requesting extended baseline permit coverage under the APA.

1. Historic Preservation

The NHPA prohibits Federal actions that would affect a property that either is listed on, or is eligible for listing on, the National Historic Register. EPA therefore cannot issue NPDES permits for discharges that will affect historic properties unless measures will be taken such as under a written agreement between the applicant and the State Historic Preservation Officer (SHPO) that outlines all measures to be undertaken by the applicant to mitigate

or prevent adverse effects to the historic property. Storm water discharges may only be covered under the MSGP if the discharges (and BMPs to control pollutants in the discharges) will not affect a historic property that is listed or is eligible to be listed in the National Register, or the operator has obtained and is in compliance with a written agreement signed by the SHPO that outlines measures to be taken to mitigate or prevent adverse effects to the historic site. Provided there are no other factors limiting permit eligibility, MSGP coverage will then be granted 48 hours after the postmark date on the envelope used to mail the NOI.

The NOI form for the MSGP requires a certification by discharges that their discharges and accompanying BMPs will comply with the requirements of the NHPA. Facilities being transferred from the baseline permit which cannot make this certification must submit individual permit applications to the permitting authority in accordance with the time frames set forth above for NOI submittal. Agency officials have notified representatives of the ACHP of this permit modification and the approach being taken.

2. Endangered Species

The ESA of 1973 requires Federal Agencies such as EPA to ensure, in consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services), that any actions authorized, funded, or carried out by the Agency (e.g., EPA issued NPDES permits authorizing discharges to waters of the United States) are not likely to jeopardize the continued existence of any Federally-listed endangered or threatened species or adversely modify or destroy critical habitat of such species (see 16 U.S.C. 1536(a)(2), 50 CFR 402 and 40 CFR 122.49(c)). EPA completed a formal consultation with the Services on the action of issuing the MSGP on April 5, 1995. The terms and conditions of the MSGP reflect the results of that consultation and would not be changed in any way, or otherwise affected, with this proposed modification. EPA has initiated informal consultation with the Services on this proposed modification. As with all facilities currently permitted under the MSGP, these conditions apply to all facilities to be transferred to the MSGP from the baseline permit.

Under the MSGP, storm water discharges that are likely to adversely affect species identified in Addendum H of the MSGP are not authorized permit coverage under the MSGP. Permittees are also not authorized permit coverage if the BMPs they plan to construct and

operate as a part of the required storm water pollution prevention plan (SWPPP) are likely to adversely affect a species identified in Addendum H. Addendum H can be found in the September 29, 1995 notice for the MSGP.

To be eligible for coverage under the MSGP, facilities which are being transferred from the baseline permit must review the list of species and their locations which are contained in Addendum H of the MSGP and which are described in the instructions for completing the application requirements under this permit. If an applicant determines that none of the species identified in the addendum are found in the county in which the facility is located, then there is no likelihood of an adverse effect and they are eligible for permit coverage. Applicants must then certify that their discharges, and the construction of storm water BMPs, are not likely to adversely affect species and will be granted MSGP permit coverage 48 hours after the date of the postmark on the envelope used to mail the NOI form, provided there are no other factors limiting permit eligibility.

If species identified in Addendum H are found to be located in the same county as the facility seeking MSGP coverage, then the applicant must determine whether the species are in proximity to the storm water discharges at the facility, or any BMPs to be constructed to control storm water runoff. A species is in proximity to a storm water discharge when the species is located in the path or down gradient area through which or over which point source storm water flows from industrial activities to the point of discharge into the receiving water, and once discharged into the receiving water, in the immediate vicinity of, or nearby, the discharge point. A species is also in proximity if a species is located in the area of a site where storm water BMPs are planned to be constructed. If an applicant determines there are no species in proximity to the storm water discharge, or the BMPs to be constructed, then there is no likelihood of adversely affecting the species and the applicant is eligible for permit coverage.

If species are in proximity to the storm water discharges or areas of BMP construction, as long as they have been considered as part of a previous ESA authorization of the applicant's activity, and the environmental baseline established in that authorization is unchanged, the applicant may be covered under the permit. The environmental baseline generally

includes the past and present impact of all Federal, state and private actions that were occurring at the time the initial NPDES authorization and current ESA section 7 action by EPA was taken. Therefore, if a permit applicant has received previous authorization and nothing has changed or been added to the environmental baseline established in the previous authorization, then coverage under this permit will be provided.

In the absence of such previous authorization, if species identified in Addendum H are in proximity to the discharges or construction areas for BMPs, then the applicant must determine whether there is any likely adverse effect upon the species. This is done by the applicant conducting a further examination or investigation, or an alternative procedure, as described in the instructions in Addendum H of the permit. If the applicant determines that there is no likely adverse effect upon the species, then the applicant is eligible for permit coverage. If the applicant determines that there likely is, or will likely be an adverse effect, then the applicant is not eligible for MSGP coverage.

All dischargers applying for coverage under the MSGP must provide in the application information on the Notice of Intent form: (1) A determination as to whether there are any species identified in Addendum H in proximity to the storm water discharges and BMP construction areas, and (2) a certification that their storm water discharges and the construction of BMPs to control storm water are not likely to adversely affect species identified in Addendum H, or are otherwise eligible for coverage due to a previous authorization under the ESA. Coverage is contingent upon the applicant's providing truthful information concerning certification and abiding by any conditions imposed by the permit.

Dischargers (including those being transferred to the MSGP from the baseline permit) who are not able to determine whether there will be any adverse effect on species, cannot sign the certification to gain coverage under the MSGP and must apply to EPA for an individual NPDES storm water permit. The deadlines for the individual applications are the same as those given above for the NOIs for facilities transferred from the baseline permit. As appropriate, EPA will conduct ESA section 7 consultation when issuing such individual permits.

Regardless of the above conditions, EPA may require that a permittee apply for an individual NPDES permit on the

basis of possible adverse effects on species or critical habitats. Where there are concerns that coverage for a particular discharger is not sufficiently protective of listed species, the Services (as well as any other interested parties) may petition EPA to require that the discharger obtain an individual NPDES permit and conduct an individual section 7 consultation as appropriate.

In addition, the Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration, or his/her authorized representative, or the U.S. Fish and Wildlife Service (as well as any other interested parties) may petition EPA to require that a permittee obtain an individual NPDES permit. The permittee is also required to make the SWPPP, annual site compliance inspection report, or other information available upon request to the Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration, or his/her authorized representative, or the U.S. Fish and Wildlife Service Regional Director, or his/her authorized representative.

These mechanisms allow for the broadest and most efficient coverage for the permittee while still providing for the most efficient protection of endangered species. They significantly reduce the number of dischargers that must be considered individually and therefore allow the Agency and the Services to focus their resources on those discharges that are indeed likely to adversely affect water-dependent listed species. Straightforward mechanisms such as these allow applicants more immediate access to permit coverage, and eliminates "permit limbo" for the greatest number of permitted discharges. At the same time it is more protective of endangered species because it allows both agencies to focus on the real problems, and thus, provide endangered species protection in a more expeditious manner.

3. North American Industry Classification System

EPA recognizes that a new North American Industry Classification System (NAICS) was recently adopted by the Office of Management and Budget (62 FR 17288, April 9, 1997). NAICS replaces the 1987 standard industrial classification (SIC) code system for the collection of statistical economic data. However, the use of the new system for nonstatistical purposes is optional. EPA considered the use of NAICS for the modified multi-sector permit, but elected to retain the 1987 SIC code system since the storm water regulations (40 CFR 122.26(b)(14))

reference the existing system and this system has generally proven to be adequate. EPA will address the new NAICS system in future rulemaking.

B. Special Conditions

The MSGP includes certain special conditions which are similar to corresponding conditions found in the baseline general permit. Except for the requirements for co-located facilities (Section III.B.3 below), permittees which have been operating under the baseline permit should generally be familiar with these requirements already.

1. Non-Storm Water Discharges

Non-storm water discharges are generally not authorized by either the MSGP or the baseline permit. However, both permits do authorize a list of minor non-storm discharges such as fire hydrant flushings, potable water sources, routine external building washdown water, uncontaminated ground water and certain other discharges, provided the discharges are identified in the SWPPP and appropriate pollution prevention measures are included for the discharges. In addition, permittees should also check the sector-specific SWPPP requirements in the MSGP for any additional requirements pertaining to non-storm water requirements.

2. Releases of Reportable Quantities of Hazardous Substances and Oil

The MSGP and the baseline general permit include the same conditions pertaining to releases of reportable quantities of hazardous substances and oil. Such releases must be reported to the National Response Center and the permitting authority, and the SWPPP must be amended to prevent such discharges in the future.

3. Co-Located Industrial Facilities

The MSGP includes a special condition pertaining to co-located facilities which was not included in the baseline general permit (see 60 FR 50813). If an industrial plant includes co-located facilities which fall into more than one sector of the MSGP, then the sector-specific SWPPP and monitoring requirements for both sectors apply to the industrial plant overall. The baseline permit had required that when an industrial plant includes facilities which fall into more than one monitoring category, then the facility overall must comply with the monitoring requirements of both categories. However, the baseline permit did not include sector-specific BMP requirements. In addition, both the

baseline permit and the MSGP provide that if monitoring for the same parameter is required for more than one category (or sector), then only one sample analysis is required for that parameter.

C. SWPPP Requirements

Both the baseline general permit and the MSGP require that permittees develop and implement SWPPPs to control the discharge of pollutants in storm water discharges. The SWPPPs required by the baseline permit included various generic BMPs for all categories of facilities covered by the permit. The following is a summary of the requirements:

- Pollution Prevention Team—the SWPPP must identify the individuals who are responsible for development and implementation of the SWPPP.
- Site Evaluation—the SWPPP must include a map of the facility and an assessment of the potential sources of storm water pollution at the facility.
- Generic BMPs including good housekeeping, preventive maintenance, spill prevention and response, employee training, record keeping, non-storm water discharge evaluation, erosion control measures and storm water management measures as appropriate.
- Comprehensive site inspection/compliance evaluation.
- Special requirements for Emergency Planning and Community Right to Know Act (EPCRA) section 313 facilities.

The baseline general permit required that covered facilities develop their SWPPPs no later than April 1, 1993, and come into compliance with their SWPPPs by October 1, 1993. The MSGP (as amended on February 9, 1996, 61 FR 5248) required that covered facilities develop and implement their SWPPPs by September 25, 1996. However, the MSGP also allows up to 3 years after permit finalization (i.e., no later than September 29, 1998) for completion of control measures identified in the SWPPP which involve construction.

The SWPPP which is required by the MSGP includes the same basic BMPs which are found in the baseline general permit and also sector-specific BMPs which are unique to the types of facilities in the various sectors. As such, the SWPPPs which have been developed by facilities which are currently operating under the baseline permit should already include the basic requirements of the MSGP. However, facilities which are transferred to the MSGP from the baseline permit will have to review the sector-specific BMP requirements of the MSGP and, as needed, upgrade their SWPPPs to

comply with the requirements of the MSGP. Appendix A to this fact sheet summarizes the sector-specific requirements of the MSGP, including sector-specific SWPPP requirements, monitoring requirements (with a comparison to baseline permit requirements), numeric effluent limitations and inspection requirements. A more detailed description can be found in Section VIII of the September 29, 1995 fact sheet.

1. Deadline for SWPPP Revision and Implementation for Transferred Facilities

EPA is proposing to add a special deadline to the MSGP for SWPPP revision and implementation for transferred facilities. The proposed modified MSGP would require SWPPP modification and implementation within 90 days after the effective date of the MSGP modification. However, to implement control measures involving construction, transferred facilities would have until September 29, 1998, which is the original deadline for implementing constructed BMPs under the MSGP. During the time period prior to SWPPP upgrade, the existing requirements of the baseline permit would apply and would be incorporated into the MSGP.

2. Special Requirements for Facilities Subject to EPCRA Section 313 Requirements

The MSGP includes the same special BMP requirements for facilities subject to the reporting requirements of section 313 of the EPCRA as are found in the baseline general permit. Both permits require certain additional BMPs for facilities which are required to report for "water priority chemicals." However, the list of such chemicals in the MSGP (Addendum F of the MSGP differs somewhat from the list in the baseline permit due to changes in EPCRA reporting requirements which occurred subsequent to the issuance of the baseline permit. As such, facilities transferring to the MSGP should check the MSGP's list of "water priorities chemicals" to determine whether the special EPCRA requirements would apply.

The baseline permit also requires that the SWPPP for facilities subject to EPCRA Section 313 be certified by a professional engineer every 3 years. However, the MSGP only requires certification in accordance with the regular signatory requirements of the permit, i.e., by a responsible corporate official.

The MSGP also provides an exemption from the EPCRA Section 313

requirements for situations where an operator certifies that all water priority chemicals which are handled and/or stored on-site are only in gaseous or non-soluble liquid or solid forms (at atmospheric pressure and temperature). This exemption was not included in the baseline permit, and some facilities may be eligible for this exemption upon transfer from the baseline permit to the MSGP.

D. Monitoring and Reporting Requirements

Both the baseline general permit and the MSGP include analytical storm water monitoring requirements for certain categories of dischargers. However, the requirements differ somewhat with regard to the parameters for which sampling and analysis are required, and the industrial categories which are affected. In addition, the MSGP (Sector M) does not include the provision in the baseline permit for auto recyclers that monitoring only be required for facilities above a certain size. The group application monitoring data did not support such an exemption.

Appendix A to this fact sheet summarizes the monitoring requirements of the MSGP, and the differences from the baseline permit. Additional information can be found in the fact sheets accompanying the issuance of the baseline permit (see 57 FR 41248) and the MSGP (see 60 FR 50822). Facilities which are transferred to the MSGP from the baseline permit will be required to comply with the requirements of the MSGP. The key differences are discussed below.

1. Sampling Schedule

The MSGP differs from the baseline permit with regards to the schedule for analytical monitoring. The baseline permit had required monitoring for certain facilities once or twice each year during the term of the permit. The MSGP, however, requires monitoring quarterly, as appropriate, during years 2 and 4 of the term of the permit. For purposes of this monitoring, year 2 runs from October 1, 1996, through September 30, 1997. For transferred facilities and other dischargers obtaining MSGP coverage after September 30, 1997 (i.e., new dischargers, existing unpermitted dischargers and dischargers transitioning industrial storm water discharge permit coverage from an individually drafted NPDES permit to the MSGP), EPA is proposing that monitoring would only be required in year four (October 1, 1998, through September 30, 1999) since year two will

be completed or largely completed prior to any permit transfers.

Also, as discussed below in Section III.E, both the baseline permit and the MSGP authorize certain discharges subject to numeric effluent limitations. Section III.E discusses the limits, and the sampling and reporting requirements.

2. Sample Type

The baseline general permit requires grab and composite sampling for most parameters. As an alternative, the baseline permit also provides that one grab sample may be taken from a holding pond with a retention period greater than 24 hours. The requirements of the MSGP, however, have been simplified in that only a grab sample is required for all sectors except Sector S (air transportation) where grab and composite samples are required. Both the baseline permit and MSGP require that the grab sample be taken within the first 30 minutes of the discharge, unless this is impractical, in which case sampling is required within the first hour of discharge.

3. Quarterly Visual Examination Requirements of the MSGP

The MSGP requires quarterly visual examinations of storm water discharges for all sectors except Sector S, which covers air transportation. A full description of the requirements for the visual examinations is found in Section VI.E.8 of the fact sheet accompanying the issuance of the MSGP. Basically, the MSGP requires that grab samples of storm water discharges be taken and examined visually for the presence of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen or other obvious indicators of storm water pollution. The grab samples must be taken within the first 30 minutes after storm water discharges begin, or as soon as practicable, but not longer than 1 hour after discharges begin. The sampling must be conducted quarterly during the following time periods: January-March, April-June, July-September and October-December of each year. The reports summarizing these quarterly visual storm water examinations must be maintained on-site with the SWPPP.

The baseline general permit did not include requirements for visual examinations and facilities which are transferred to the MSGP will have to comply with these additional sampling requirements. For transferred facilities, these sampling requirements would begin in the first full calendar quarter of coverage of the MSGP. EPA believes that this type of sampling provides an

inexpensive means for permittees to quickly assess the effectiveness of their SWPPPs and make any necessary modifications to address the results of the visual examinations.

4. Exemptions from Analytical Monitoring

Both the MSGP and the baseline general permit include certain provisions for exemptions from analytical monitoring. Both permits provide that facilities need not monitor if they certify that no significant materials or industrial activities are exposed to storm water. For the MSGP, however, the certification is on a pollutant-by-pollutant basis, i.e., if there are no exposed sources of a particular pollutant, then monitoring for that pollutant need not be conducted. For the baseline permit, monitoring must be conducted for the entire suite of pollutants required by the permit if any industrial materials or activities are exposed.

The MSGP also includes an exemption from monitoring (again on a pollutant-by-pollutant basis) in the fourth year of the permit if the monitoring results of the second year are below certain benchmark values which are found below in Table 3:

TABLE 3.—PARAMETER BENCHMARK VALUES

Parameter name	Benchmark level	Source
Biochemical Oxygen Demand(5).	30 mg/L	4
Chemical Oxygen Demand.	120 mg/L	5
Total Suspended Solids.	100 mg/L	7
Oil and Grease ...	15 mg/L	8
Nitrate+Nitrite Nitrogen.	0.68 mg/L	7
Total Phosphorus	2.0 mg/L	6
pH	6.0–9.0 s.u.	4
Acrylonitrile (c) ...	7.55 mg/L	2
Aluminum, Total (pH 6.5–9).	0.75 mg/L	1
Ammonia	19 mg/L	1
Antimony, Total ..	0.636 mg/L	9
Arsenic, Total (c)	0.16854 mg/L ...	9
Benzene	0.01 mg/L	10
Beryllium, Total (c).	0.13 mg/L	2
Butylbenzyl Phthalate.	3 mg/L	3
Cadmium, Total (H).	0.0159 mg/L	9
Chloride	860 mg/L	1
Copper, Total (H)	0.0636 mg/L	9
Dimethyl Phthalate.	1.0 mg/L	11
Ethylbenzene	3.1 mg/L	3
Fluoranthene	0.042 mg/L	3
Fluoride	1.8 mg/L	6
Iron, Total	1.0 mg/L	12
Lead, Total (H) ...	0.0816 mg/L	1

TABLE 3.—PARAMETER BENCHMARK VALUES—Continued

Parameter name	Benchmark level	Source
Manganese	1.0 mg/L	13
Mercury, Total	0.0024 mg/L	1
Nickel, Total (H) ..	1.417 mg/L	1
PCB–1016(c)	0.000127 mg/L ..	9
PCB–1221(c)	0.10 mg/L	10
PCB–1232(c)	0.000318 mg/L ..	9
PCB–1242(c)	0.00020 mg/L ...	10
PCB–1248(c)	0.002544 mg/L ..	9
PCB–1254(c)	0.10 mg/L	10
PCB–1260(c)	0.000477 mg/L ..	9
Phenols, Total	1.0 mg/L	11
Pyrene (PAH,c) ..	0.01 mg/L	10
Selenium, Total (*).	0.2385 mg/L	9
Silver, Total (H) ..	0.0318 mg/L	9
Toluene	10.0 mg/L	3
Trichloroethylene (c).	0.0027 mg/L	3
Zinc, Total (H)	0.117 mg/L	1

Sources:

1. "EPA Recommended Ambient Water Quality Criteria." Acute Aquatic Life Freshwater.
 2. "EPA Recommended Ambient Water Quality Criteria." LOEL Acute Freshwater.
 3. "EPA Recommended Ambient Water Quality Criteria." Human Health Criteria for Consumption of Water and Organisms.
 4. Secondary Treatment Regulations (40 CFR 133).
 5. Factor of 4 times BOD5 concentration—North Carolina benchmark.
 6. North Carolina storm water benchmark derived from NC Water Quality Standards.
 7. National Urban Runoff Program (NURP) median concentration.
 8. Median concentration of Storm Water Effluent Limitation Guideline (40 CFR Part 419).
 9. Minimum Level (ML) based upon highest Method Detection Limit (MDL) times a factor of 3.18.
 10. Laboratory derived Minimum Level (ML).
 11. Discharge limitations and compliance data.
 12. "EPA Recommended Ambient Water Quality Criteria." Chronic Aquatic Life Freshwater.
 13. Colorado—Chronic Aquatic Life Freshwater—Water Quality Criteria.
- Notes:
- (*) Limit established for oil and gas exploration and production facilities only.
 - (c) carcinogen.
 - (H) hardness dependent.
 - (PAH) Polynuclear Aromatic Hydrocarbon.
- Assumptions:
- Receiving water temperature—20 C.
 - Receiving water pH—7.8.
 - Receiving water hardness CaCO₃ 100 mg/L.
 - Receiving water salinity 20 g/kg.
 - Acute to Chronic Ratio (ACR) 10.

EPA believes that monitoring results below these benchmarks indicate that a generally effective SWPPP is being implemented at a facility, and that further monitoring should not be required. The exemption also provides an incentive for facilities to implement an effective SWPPP, which will reduce pollutant discharges.

The baseline permit requires continued analytical monitoring for

certain categories of facilities throughout the term of the permit regardless of sampling results. For facilities which are transferred to the MSGP from the baseline permit, EPA is proposing that monitoring not be required in year 4 for particular pollutants if the average of the two most recent monitoring results conducted for the baseline permit are below the benchmarks. However, if monitoring was not conducted for the appropriate pollutants, then the exemption would not be available. In addition, the exemption would not be available if the industrial activities at a facility have changed such that the most recent monitoring results do not reflect current activities.

It should also be pointed out that the monitoring exemption discussed above based on the absence of exposure at a facility is available in year 4 of the MSGP regardless of past monitoring results. This exemption is available for facilities already covered by the MSGP and those to be transferred to the MSGP from the baseline permit. EPA believes that the exemption provides an incentive for facilities to eliminate exposure of materials and activities to storm water, thereby reducing pollutant discharges. We should also point out, however, that the discharges discussed in Section III E below which are subject to numeric effluent limitations are not eligible for any of the exemptions from monitoring.

5. Reporting Requirements

The baseline permit requires annual reporting of analytical monitoring results for those facilities subject to semi-annual monitoring. Facilities which are subject to annual monitoring must retain the results on-site. The MSGP requires that monitoring results be submitted to the permitting authority at the end of each year in which sampling is required (postmarked by March 31 of the year following the monitoring period, e.g., by March 31, 1998, for the year two monitoring period). The results of the quarterly visual examinations need not be submitted, but must be retained on-site in the SWPPP.

E. Numeric Effluent Limitations

The MSGP includes the same numeric effluent limitations for coal pile runoff as are found in the baseline permit. These limits are: (1) Maximum of 50 mg/L for total suspended solids (TSS) and a pH range of 6–9 standard units. Any untreated overflow from facilities designed, constructed and operated to treat the runoff associated with a 10-year, 24-hour rainfall event is not

subject to the 50 mg/L limit for TSS. Dischargers previously covered under the baseline permit must be compliant with this limitation upon submittal of the NOI for coverage under multi-sector permit.

The baseline general permit had not authorized any storm water discharges subject to numeric ELGs. The MSGP, however, does authorize certain storm water discharges subject to ELGs including the coal pile runoff at steam electric power plants mentioned above, and for the following categories: phosphate fertilizer manufacturing (40 CFR part 418), asphalt paving and roofing emulsions (40 CFR part 443), and cement manufacturing materials storage pile runoff (40 CFR part 411). In addition, the MSGP currently authorizes mine dewatering discharges from construction sand and gravel, industrial sand and crushed stone facilities (40 CFR Part 436) in Region VI and Arizona. (As discussed below in section III.F.1, this proposed modification to the MSGP would expand this mine dewatering authority to also include certain areas in EPA Regions II and X.) These numeric effluent limitations can be found in Appendix A to this fact sheet.

The baseline permit requires semi-annual monitoring (with annual reporting) of coal pile runoff. However, the MSGP only requires annual monitoring for all of the discharges subject to numeric effluent limits (except mine dewatering discharges in Sector J where the monitoring frequency is quarterly). The annual monitoring periods run from October 1 through September 30 of each year, and reporting is required by November 30 of each year. The quarterly monitoring results are due no later than the last day of the month following the collection of the sample.

F. Miscellaneous Proposed Permitting Actions

In today's notice, EPA is also proposing the following limited specific changes to the MSGP as published on September 29, 1995 (60 FR 50804): (1) Authorization of mine dewatering discharges from construction sand and gravel, industrial sand and crushed stone mines in non-NPDES areas of EPA Regions II and X, (2) inclusion in Sector A of the MSGP of the effluent limitation guideline in 40 CFR part 429 Subpart I for discharges resulting from spray down of lumber and wood products in storage yards (wet decking), (3) clarification that Sectors X and AA authorize discharges from all facilities in major SIC groups 27 and 34 respectively, and (4) addition of new sector (sector AD) to the MSGP to

authorize discharges from Phase I facilities which may not fall into one of the sectors of the modified MSGP, and selected Phase II discharges which are designated for permitting in accordance with 40 CFR 122.26(g)(1)(i). These are discussed below.

1. Coverage of Mine Dewatering Discharges in EPA Regions II and X

Sector J of the final MSGP authorizes mine dewatering discharges composed entirely of storm water or ground water seepage from construction sand and gravel, industrial sand and crushed stone mines in EPA Region VI states and Arizona. These discharges are subject to effluent limitations guidelines found at 40 CFR part 436, subparts B, C and D. An individual permit or an alternative general permit are currently necessary for the discharges in areas other than Region VI and Arizona. For increased permitting flexibility, EPA is proposing to extend this authorization to facilities in the non-NPDES portions of the Regions II and X. These areas include Puerto Rico in Region II, and in Region X the States of Idaho (except Duck Valley Reservation lands) and Alaska, Federal facilities in the State of Washington, and Federal Indian Reservations in the States of Washington and Oregon (except Fort McDermitt Reservation lands in Oregon). This proposed action will avoid the need to issue individual NPDES permits, or an alternate general permit for discharges in these areas.

2. Discharges Resulting From Spray Down of Lumber and Wood Products in Storage Yards in Sector A

The MSGP authorizes non-storm water discharges resulting from the spray down of lumber and wood products in storage yards (wet decking), provided that no chemical additives are used in the spray and no chemicals are applied to the wood during storage. The MSGP, however, inadvertently omitted the numerical effluent limitation guideline in 40 CFR part 429, Subpart I which applies to such discharges. Accordingly, EPA is proposing to modify the MSGP to incorporate the applicable effluent limitation guideline and appropriate monitoring requirements for clarification.

The numerical limits which apply to these non-storm water discharges are: there shall be no debris discharged and the pH shall range from 6.0 to 9.0. The term "debris" refers to woody material such as bark, twigs, branches, heartwood or sapwood that does not pass through a 2.54 cm (1.0 inch) diameter round opening and is present in the discharge from a wet storage

facility. EPA is proposing to include these effluent limitations and also include a requirement for annual monitoring of the discharges.

3. Clarification of Coverage in Sectors X and AA of the MSGP

Sectors X and AA of the MSGP contain narrative descriptions of industrial activities, SIC code major group listings and specific four digit SIC codes listings for which coverage would be available. These three methods of describing the types of industry allowed coverage under these two sectors has proven to be confusing and EPA is now proposing to clarify the coverage of these two sectors in this modification.

Sector X was intended by EPA to cover all industry in major SIC group 27 (printing, publishing and allied industries), and sector AA was intended to cover all industry in major SIC group 34. EPA has been accepting NOIs from all facilities within these two major SIC groups, regardless of the four digit SIC code listings, which mistakenly, have been interpreted to be more restrictive. Through this clarification, EPA wants to make it clear that all qualifying industries in these two major groups can make use of the multi-sector storm water general permit.

4. Addition of Sector AD to the MSGP

EPA is also proposing to add another sector to the MSGP (Sector AD) to cover discharges from Phase I facilities which may not fall into one of the sectors of the proposed modified MSGP, and to provide a readily available means for covering many of the Phase II storm water facilities which are designated for permitting prior to the permit application deadline for Phase II sources of August 7, 2001. As discussed earlier, EPA is proposing to modify the MSGP to include all facilities which were authorized under the baseline general permit, but excluded from the MSGP. Although EPA believes that all such previously excluded facilities have been identified and included in the proposed modified MSGP, Sector AD is also proposed to be added to cover any inadvertent omissions.

For Phase II storm water sources, NPDES regulations at 40 CFR 122.26(g)(1)(i) provide that permit applications may be required within 180 days of notice for discharges which contribute to a violation of a water quality standard, or are determined to be significant sources of pollutants. For discharges other than municipal separate storm sewer discharges, 40 CFR 122.26(g)(2) provides that individual permit applications may be required in accordance with 40 CFR 122.26(c)(1), or

an NOI under a general permit may be required. Sector AD would provide a means through which general permit coverage could be obtained for many designated Phase II facilities and as such, would facilitate implementation of the requirements of 40 CFR 122.26(g)(1)(i). However, for cases where Sector AD is inappropriate, individual permits or an alternate general permit would be required. In addition, part I.B.3.f of the MSGP does not authorize coverage for discharges which may be contributing to a violation of a water quality standard. As such, for discharges permitted under 40 CFR 122.26(g)(1)(i), Sector AD could only be used for discharges which are determined to be a significant source of pollutants.

Sector AD is proposed to be added in part XI.AD of the MSGP. The SWPPP requirements for this sector would be the same as in the baseline general permit to ensure flexibility given the broad universe of potential types of facilities which may be covered. Also, no analytical monitoring requirements are proposed for the new sector; however, quarterly visual examinations would be required as in most other sectors. In addition, the requirements common to all sectors of the MSGP which are set forth in parts I–X and XII of the MSGP would also apply to Sector AD.

G. Response to National Mining Association Concerning Sector G of the MSGP

As discussed above, the MSGP authorizes selected storm water discharges subject to ELGs. However, Sector G for the ore mining industry is not among the sectors for which the MSGP authorizes such discharges. In section VIII.G of the fact sheet for the MSGP, EPA provided a table (Table G–4) regarding the applicability of ELGs to storm water discharges from ore mining operations. On October 10, 1995, the National Mining Association challenged the interpretations of the ELGs contained in Table G–4, particularly the broad interpretation of the term “mine drainage” to include runoff from waste rock and overburden (*National Mining Ass’n versus EPA*, No. 95–3519 (8th Cir.)).

During oral argument in this litigation, EPA indicated that it would prepare another notice regarding the applicability of ELGs to mining operations addressing some of the sources of concern. Because some mining operations may have filed NOIs under the baseline permit based on an interpretation of the ELGs that differed from the Agency interpretation

published in the MSGP, in the upcoming EPA notice (which is expected in July, 1997) the Agency may provide additional information regarding the eligibility for coverage under the MSGP when it takes final action. Because this notice may affect continuing authorization from storm water discharges from mining operations transferring from the baseline permit to the MSGP, affected mining operations should consult the upcoming notice regarding the ELGs. After publication of that notice, permittees operating under the baseline permit should call the EPA Regional storm water contacts listed below in section III. H if they have questions concerning the clarification or the eligibility of their discharges under the MSGP.

H. Regional Offices

Notice of Intent Address. Notices of Intent to be authorized to discharge under the MSGP should be sent to:

Storm Water Notice of Intent (4203), USEPA, 401 M Street, S.W., Washington, DC 20460.

For further information, please call the appropriate EPA Regional storm water contacts listed below:

- ME, MA, NH, Federal Indian Reservations in CT, MA, NH, ME, RI, and Federal Facilities in VT, EPA, Region I, Water Management Division, (WCP), Storm Water Staff, JFK Federal Building, Boston, MA 02203, Contact: Thelma Hamilton (617) 565–3569.
- PR, EPA, Region II, Division of Environmental Planning and Protection (2DEPP–WPB) Storm Water Staff, 290 Broadway, New York, NY 10007–1866, Contact: Sergio Bosques (212) 637–3717.
- DC and Federal Facilities in DE, EPA, Region III, Water Protection Division, (3WP13), Storm Water Staff, 841 Chestnut Building, Philadelphia, PA 19107, Contact: Elaine Harbold (215) 566–5744.
- FL and Federal Indian Reservations in FL, EPA, Region IV, Water Management Division, Surface Water Permits Section (SWPFB), 61 Forsyth Street, SW., Atlanta, GA 30303–3104, Contact: Floyd Wellborn (404) 562–9296.
- NM and TX; Federal Indian Reservations in LA, NM (Except Navajo and Ute Mountain Ute Reservation Lands), OK, and TX; and oil and gas exploration and production related industries, and pipeline operations, which are regulated by the Oklahoma Corporation Commission, EPA, Region VI, NPDES Permits Oversight Team (6WQ–PO), 1455 Ross Avenue, Dallas, TX 75202–2733.

For all facilities in NM and facilities on Indian Country lands in OK, contact Brian Burgess (214) 665–7534.

For all facilities in TX and facilities on Indian Country lands in LA and oil/gas/pipeline related industries in OK contact Lowell Seaton (214) 665–8304.

- AZ, Johnston Atoll, Guam, Midway Island, Wake Island, all Federal Indian Reservations in AZ, CA, and NV; those portions of the Duck Valley, Fort McDermitt, and Goshute Reservations that are outside NV; those portions of the Navajo Reservation that are outside AZ, EPA, Region IX, Water Management Division, (WTR–5), Storm Water Staff, 75 Hawthorne Street, San Francisco, CA 94105, Contact: Eugene Bromley (415) 744–1906.

- AK and ID; Federal Indian Reservations in AK, ID (except the Duck Valley Reservation), OR (except the Fort McDermitt Reservation), and WA; and Federal facilities in WA, EPA, Region X, Office of Water (OW–130), Storm Water Staff, 1200 Sixth Avenue, Seattle, WA 98101, Contact: Joe Wallace (206) 553–8399.

IV. Cost Estimates

Cost estimates for the MSGP were included with final fact sheet accompanying the issuance of the MSGP on September 29, 1995 and are not being repeated here. However, costs for the facilities being transferred to the MSGP from the baseline permit are expected to be lower than for those initially applying for coverage under the MSGP since the transferred facilities will already have responded to some of the requirements of the MSGP.

V. Economic Impact (Executive Order 12866)

Under Executive Order 12866 [58 FR 51735 (October 4, 1993)], the Agency must determine whether the regulatory action is “significant” and therefore subject to OMB review and the requirements of the Executive Order. The Order defines “significant regulatory action” as one that is likely to result in a rule that may have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal

mandates, the President's priorities, or the principles set forth in the Executive Order.

EPA has determined that this modified general permit is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to formal OMB review prior to proposal.

VI. Unfunded Mandates Reform Act

Section 201 of the Unfunded Mandates Reform Act (UMRA), P.L. 104-4, generally requires Federal agencies to assess the effects of their "regulatory actions" on State, local, and tribal governments and the private sector. UMRA uses the term "regulatory actions" to refer to regulations. (See, e.g., UMRA section 201, "Each agency shall * * * assess the effects of Federal regulatory actions * * * (other than to the extent that such regulations incorporate requirements specifically set forth in law)" (emphasis added)). UMRA section 102 defines "regulation" by reference to section 658 of Title 2 of the U.S. Code, which in turn defines "regulation" and "rule" by reference to section 601(2) of the Regulatory Flexibility Act (RFA). That section of the RFA defines "rule" as "any rule for which the agency publishes a notice of proposed rulemaking pursuant to section 553(b) of [the Administrative Procedure Act (APA)], or any other law * * *".

As discussed in the RFA section of this notice, NPDES general permits are not "rules" under the APA and thus not subject to the APA requirement to publish a notice of proposed rulemaking. NPDES general permits are also not subject to such a requirement under the CWA. While EPA publishes a notice to solicit public comment on draft general permits, it does so pursuant to the CWA section 402(a) requirement to provide "an opportunity for a hearing." Thus, NPDES general permits are not "rules" for RFA or UMRA purposes.

EPA has determined that the proposed modification would not contain a Federal requirement that may result in expenditures of \$100 million or more for State, local and tribal governments, in the aggregate, or the private sector in any one year.

The Agency also believes that the proposed modification would not significantly nor uniquely affect small governments. For UMRA purposes, "small governments" is defined by reference to the definition of "small governmental jurisdiction" under the RFA. (See UMRA section 102(1), referencing 2 U.S.C. 658, which references section 601(5) of the RFA.)

"Small governmental jurisdiction" means governments of cities, counties, towns, etc., with a population of less than 50,000, unless the agency establishes an alternative definition.

The proposed modification also would not uniquely affect small governments because compliance with the proposed permit conditions affects small governments in the same manner as any other entities seeking coverage under the modified permit.

VII. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities resulting from the proposed permitting action under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of the MSGP have already been approved in previous submissions made for the NPDES permit program under the provisions of the Clean Water Act.

VIII. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to prepare a Regulatory Flexibility Analysis to assess the impact of rules on small entities. Under 5 U.S.C. 605(b), no Regulatory Flexibility Analysis is required where the head of the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Today's proposed permitting actions will provide small entities the opportunity to obtain storm water permit coverage through the modified general permit (i.e., the MSGP) resulting from the group application process. The group application information submitted to EPA provided a basis for the development of storm water permit conditions tailored specifically for each industry. The MSGP requirements have been designed to minimize significant administrative and economic impacts on small entities and transfer of permit coverage from the baseline permit to the MSGP should not have a significant impact on industry in general. Moreover, the MSGP reduces a significant burden on regulated sources of applying for individual permits.

IX. Official Signatures

Accordingly, I hereby find pursuant to the provisions of the Regulatory Flexibility Act, that this proposed permit modification will not have a significant impact on a substantial number of small entities.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: June 27, 1997.

John Devillars,

Regional Administrator, Region I.

Accordingly, I hereby certify pursuant to the provisions of the Regulatory Flexibility Act, that this proposed permit will not have a significant impact on a substantial number of small entities.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: June 30, 1997.

Jeanne M. Fox,

Regional Administrator, Region 2.

Accordingly, I hereby find pursuant to the provisions of the Regulatory Flexibility Act, that this proposed permit modification will not have a significant impact on a substantial number of small entities.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: June 26, 1997.

Stanley Luskowski,

Acting Regional Administrator, Region 3.

Accordingly, I hereby find pursuant to the provisions of the Regulatory Flexibility Act, that this proposed permit modification will not have a significant impact on a substantial number of small entities.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: July 1, 1997.

Michael V. Peyton,

Acting Regional Administrator, Region 4.

Accordingly, I hereby find pursuant to the provisions of the Regulatory Flexibility Act, that this proposed permit modification will not have a significant impact on a substantial number of small entities.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: July 2, 1997.

Jerry Clifford,

Acting Regional Administrator, Region 6.

Accordingly, I hereby find pursuant to the provisions of the Regulatory Flexibility Act, that this proposed permit modification will not have a significant impact on a substantial number of small entities.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: June 27, 1997.

Felicia Marcus,

Regional Administrator, Region 9.

Accordingly, I hereby find pursuant to the provisions of the Regulatory Flexibility Act, that this proposed permit modification will not have a significant impact on a substantial number of small entities.

Authority: Clean Water Act, 33 USC 1251 et seq.

Dated: June 26, 1997.

Charles E. Findley,

Acting Regional Administrator, for Chuck Clarke, Regional Administrator, Region X.

Proposed Permit Modifications

Proposed Modification of National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities; Proposal To Terminate the EPA NPDES Industrial Storm Water Baseline General Permit

For reasons set forth in the preamble, Parts II, IV, VI, and XI.A, C, D, E, I, J, L, P, V, X and AA of the NPDES Storm Water Multi-Sector General Permit (MSGP) are proposed to be modified as described below. A new Part XI.AD is proposed to be added to the MSGP. These proposed modifications and additional requirements will become effective on the date of **Federal Register** publication of the final modifications.

Notice is also being published of EPA's proposal to terminate the NPDES Storm Water Baseline Industrial General Permit 30 days after the effective date of these MSGP modifications where the Baseline Industrial General Permit is extended in accordance with the provisions of the Administrative Procedures Act (APA).

I. NOI Submittal Deadline for Facilities Transferring From the Baseline Industrial General Permit

PART II—[AMENDED]

The deadline for NOI submittal for facilities currently covered by the Baseline Industrial General Permit that are being transferred to the MSGP is established by adding Part II.A.9 to the MSGP. Also added is Part II.A.10 which instructs facilities ineligible to transfer to the MSGP because of Endangered Species Act of National Historic Preservation Act requirements to apply for an individual NPDES permit from the appropriate EPA Regional Office.

Part II. Notification Requirements

A. Deadlines for Notification

* * * * *

9. Facilities Being Transferred to the Multi-Sector General Permit as a Result of the Expiration of the Baseline Industrial General Permit. Facilities currently covered by the Baseline Industrial General Permit for an existing storm water discharge associated with industrial activity that have not already submitted an NOI in accordance with Part II.A.6 to transfer coverage to the Multi-Sector General Permit, shall do so

on or before 30 days after the effective date of the modification of the Multi-Sector Permit. The requirements of the Baseline Industrial General Permit will continue to apply to facilities transferring permit coverage during this time period where an extension of the Baseline Industrial General Permit has been acquired by the permittee in accordance with the Administrative Procedures Act (APA).

Where an extension of the Baseline Industrial General Permit has been acquired by a permittee under the provisions of the APA, coverage under such extended permit shall terminate in all applicable areas 30 days after the effective date of the modified MSGP with the exception of facilities subject to Part II.A.10 and for facilities located in the following areas: the Island of American Samoa; federal facilities in Colorado; and Indian Country lands located in the States of Colorado (including the portion of the Ute Mountain Ute Reservation located in New Mexico), Montana, North Dakota, South Dakota (including the portion of the Pine Ridge Reservation located in Nebraska), Utah (except for the Goshute and Navajo Reservation lands (see Region 9)), and Wyoming.

Facilities currently permitted under the Baseline Industrial General Permit in these exempted areas, however, must submit a new NOI postmarked between August 1, 1997 and not later than two days (48 hours) prior to September 9, 1997, or to September 25, 1997 (depending on the geographic location) to extend permit coverage under the Baseline Industrial General Permit.

10. Facilities Ineligible for Transfer to the Multi-Sector General Permit From the Baseline Industrial General Permit. Facilities seeking storm water permit coverage who, after attempting to comply with all eligibility conditions of the permit, are still ineligible for transfer to the Multi-Sector Permit due to Endangered Species Act requirements, National Historic Preservation Act requirements or other requirements of the permit shall submit an application for an individual NPDES permit to the appropriate EPA Regional Office listed in Part I.A of this permit. These individual permit applications shall be submitted no later than 30 days after the effective date of the modified Multi-Sector Permit.

II. Deadlines for Storm Water Pollution Prevention Plan Preparation and Compliance for Facilities Transferring From the Baseline Industrial General Permit

PART IV—[AMENDED]

For facilities transferring to the MSGP as a result of the expiration of the Baseline Industrial General Permit, the deadline for storm water pollution prevention plan preparation and compliance is established in the MSGP by adding Part IV.A.10 as follows:

Part IV. Storm Water Pollution Prevention Plans

A. Deadlines for Plan Preparation and Compliance

* * * * *

10. Facilities Being Transferred From the Baseline Industrial General Permit to the Multi-Sector General Permit. Facilities transferring industrial storm water discharge coverage from the Baseline Industrial General Permit to the Multi-Sector General Permit shall revise and begin implementation of their pollution prevention plans to address requirements under Part XI. no later than 90 days after the date of modification of the Multi-Sector Permit. For cases where construction is necessary to implement measures required by the plan, a schedule shall be included which provides compliance with the plan as expeditiously as practicable but no later than September 29, 1998.

III. Modification of Monitoring and Reporting Requirements

PART VI—[AMENDED]

Part VI is amended by adding Part VI.D and referencing Part VI.D in Parts VI.A and VI.B as shown below. Also, the reporting addresses have been updated in Part VI.B.1.

Part VI. Monitoring and Reporting Requirements

A. Monitoring Requirements

1. Limitations on Monitoring Requirements. a. Except as required by paragraph b., only those facilities with discharges or activities identified in Part VI.C., Part VI.D. and Part XI. are required to conduct sampling of their storm water discharges associated with industrial activity. Monitoring requirements under Parts VI.C., VI.D. and XI. are additive. Facilities with discharges or activities described in more than one monitoring section are subject to all applicable monitoring requirements from each section.

b. The Director can provide written notice to any facility otherwise exempt

from the sampling requirements of Parts VI.C., VI.D. and XI. that it shall conduct discharge sampling for a specific monitoring frequency for specific parameters.

B. Reporting: Where to Submit

1. Location. Signed copies of discharge monitoring reports required under Parts VI.C., VI.D., and XI., individual permit applications, and all other reports required herein, shall be submitted to the Director of the NPDES program at the address of the appropriate Regional Office listed below. For each outfall, one Discharge Monitoring Report form must be submitted per storm event sampled.

a. *CT, MA, ME, NH, RI, VT, EPA, Regional I, Office of Ecosystem Protection, Municipal Assistance Unit, JFK Federal Building, Boston, MA 02203.*

b. *PR, EPA, Region II, Division of Environmental Planning and Protection (2DEPP-WPB), Storm Water Staff, 290 Broadway, New York NY 10007-1866.*

c. *DE, DC, EPA, Region III, Water Protection Division (3WP30), 841 Chestnut Building, Philadelphia, PA 19107.*

d. *FL, EPA, Region IV, Water Management Division, Surface Water Permits Section (SWPFB), 61 Forsyth St., SW, Atlanta, GA 30303-3104.*

e. *NM (except see Regional IX for Navajo lands), TX, LA Indian Country lands; OK Indian Country lands; oil and gas exploration and production related industries, and pipeline operations, which are regulated by the Oklahoma Corporation Commission, EPA, Region VI, Enforcement and Compliance Assurance Division (6EN-WC), EPA SW MSGP, P.O. Box 50625, Dallas, TX 75250.*

f. *AZ, CA, NV, Johnson Atoll, Guam, Midway Island, Wake Island, the Goshute Reservation in UT and NV, the Navajo Reservation in UT, NM, and AZ, the Fort McDermitt Reservation in OR, the Duck Valley Reservation in NV and ID, EPA, Region IX, Water Management Division (WTR-5), Storm Water Staff, 75 Hawthorne Street, San Francisco, CA 94105.*

g. *AK, ID (except see Region IX for Duck Valley Reservation lands), OR (except see Region IX for Fort McDermitt Reservation lands), WA, EPA, Region X, Office of Water (OW-130), Storm Water Staff, 1200 Sixth Avenue, Seattle, WA 98101.*

* * * * *

D. Monitoring Requirements for Dischargers Transferring Permit Coverage to Multi-Sector General Permit as a Result of Expiration of Baseline Industrial General Permit, and Other

Dischargers Obtaining Multi-Sector General Permit Coverage After September 30, 1997.

Facilities transferring permit coverage to the Multi-Sector Permit as a result of the expiration of the Baseline Industrial General Permit, and other dischargers (i.e., new dischargers; existing dischargers formerly unpermitted under either an individually drafted NPDES permit or another NPDES general permit; and, dischargers transitioning industrial storm water discharge permit coverage from an individually drafted NPDES permit to the Multi-Sector Permit) obtaining coverage after September 30, 1997, are required to monitor in accordance with the applicable requirements listed in Part XI. during the 4th year of the Multi-Sector Permit (October 1, 1998–September 30, 1999). Submittal of Discharge Monitoring Report Forms (or certifications) reporting monitoring results are to be postmarked no later than March 31, 2000, and sent to the appropriate EPA Regional Office listed in Part VI.B.

Facilities with discharges subject to numeric effluent limitations that are eligible for coverage (see Part V.B. Part XI.A.4., Part XI.C.5., Part XI.D.4., Part XI.E.4., Part XI.J.4., and Part XI.O.4.) are to monitor and report as required by the permit.

Facilities transitioning from the Baseline Industrial General Permit to the Multi-Sector Permit may use their most recent monitoring data submitted to EPA, on a parameter-by-parameter basis, which was obtained through Baseline Permit monitoring efforts to compare with appropriate monitoring cut-off concentrations in order to meet the Multi-Sector 4th year monitoring requirements mentioned above. This provision is only allowable where such data represents current industrial storm water discharges from a facility. Facilities with discharges subject to the numeric effluent limitations mentioned above cannot use previously generated sampling data and must conduct monitoring for the life of the Multi-Sector Permit for those discharges.

IV. Modification of Types of Facilities Covered by the MSGP; Inclusion of Effluent Limitations for Wet Deck Storage Areas; and, Addition of New Part XI.AD

PART XI—[AMENDED]

1. Parts XI.A.4 and 5 are amended to include technology-based effluent limitations and monitoring requirements for non-storm water discharges from wet deck storage areas

as currently authorized under Part XI.A.2.a(2) of the MSGP.

2. Part XI.C.1 is amended by adding subsector I. which authorizes discharges from facilities within SIC Code 283. The existing Part XI.C.2 is deleted which had not authorized discharges from SIC code 283 facilities. The existing Part XI.C.1.i is renumbered as Part XI.C.2. Also, a clarification is added in Part XI.C.1.h that facilities with SIC code 3952 other than those listed are covered by Part XI.Y.

3. Part XI.D.1.e is amended to show the appropriate parts of the permit which provide coverage for storm water discharges from petroleum refineries (Part XI.I.), oil recycling facilities (Part XI.N.), and fat and oil rendering facilities (Part XI.U.).

4. Part XI.E.1 is amended to authorize discharges from manufacturers of the following products: glass products made of purchased glass (SIC code 3231); vitreous china plumbing fixtures, and china and earthenware fittings and bathroom accessories (SIC code 3261), lime (SIC code 3274), stone and stone products (SIC code 3281); abrasive products (SIC code 3291); asbestos products (SIC code 3292), mineral wool (SIC code 3296), and nonmetallic mineral products not elsewhere classified (SIC code 3299). Also the SIC code exclusions in the existing Part XI.E.1 pertaining to SIC code 3274, 3281, 3291, 3292 and 3296 are deleted.

Part XI.E.5.a is modified to include the following categories of facilities among those which must conduct analytical monitoring: Manufacturers of vitreous china plumbing fixtures, and china and earthen ware fittings and bathroom accessories (SIC code 3261) and lime (3274). The monitoring requirements for SIC code 3261 facilities are found in Table E-1 and the requirements for SIC code 3274 facilities are found in Table E-2.

5. Part XI.I.1.a. is amended to authorize discharges from facilities in SIC code 2911 (petroleum refineries), except for discharges subject to effluent limitations guidelines.

6. Part XI.J.a(1) is amended to authorize mine dewatering discharges composed entirely of storm water or ground water seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities located in EPA Regions II and X. Similar revisions are made to Part XI.J.4.a (Numeric Effluent Limitations) and Part XI.J.5.b (Monitoring and Reporting Requirements). These discharges are authorized in the current MSGP only for such facilities located in EPA Region VI and for such facilities located in Arizona in EPA Region IX.

7. Parts XI.L.1 and 2 are amended to authorize discharges from open dumps. Similar language changes have been made in Part XI.L.3, 4 and 5 to include applicability to open dumps.

8. Part XI.P.1 is amended to authorize discharges from facilities in SIC code 4221-4225 (public warehousing and storage) that do not have vehicle and equipment maintenance shops and/or equipment cleaning operations but have areas (exclusive of access roads and rail lines) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products or industrial machinery that are exposed to storm water.

9. Part XI.V.1 is amended to authorize industrial storm water discharges from facilities in SIC code 31 (except 3111), which covers manufacturers of finished leather and artificial leather products.

10. Part XI.X.1 is amended to clarify that this sector authorizes industrial storm water discharges from all SIC 27 facilities.

11. Part XI.AA.1 is amended to clarify that this sector authorizes industrial storm water discharges from all SIC 34 facilities.

12. Part XI.AD. is added to provide an industrial sector for facilities which meet the definition of storm water associated with industrial activity (40 CFR 122.26(b)(14)) and are required by the Director to obtain permit coverage in accordance with 40 CFR 122.26(a)(1)(v) or 40 CFR 122.26(a)(9) and 122.26(g)(1)(i), and can not be classified in another industrial section of this permit (i.e., Parts XI.A-XI.AC).

The proposed revisions of the MSGP listed above in PART XI (AMENDED), items 1 through 12 would appear in the modified MSGP as shown below:

Part XI. Specific Requirements for Industrial Activities

A. Storm Water Discharges Associated With Industrial Activity From Timber Products Facilities

* * * * *

2. Special Conditions

a. Prohibition of Non-Storm Water Discharges

* * * * *

(2) In addition to the discharges described in part III.A.2., the following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with paragraph XI.A.3.a(3)(g)(I) (Measures and Controls for Non-storm Water Discharges) and the effluent limitations described in paragraph XI.A.4.a:

discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray down waters and no chemicals are applied to the wood during storage.

* * * * *

4. Numeric Effluent Limitations

In addition to the numeric effluent limitations described in Part V.B, the following limitations shall be met by existing and new dischargers.

a. *Wet Deck Storage Area Runoff.* Non-storm water discharges from areas used for the storage of logs where waters, without chemical additives, in intentionally sprayed or deposited on logs to deter decay or infestation by insects are required to meet the following effluent limitations: pH shall be within the range of 6.0-9.0, and there will be no discharge of debris. Chemicals are not allowed to be applied to the stored logs. The term "debris" is defined as woody material such as bark, twigs, branches, heartwood or sapwood that will not pass through a 2.54 cm (1 in.) diameter round opening and is present in the discharge from a wet deck storage area. Dischargers subject to these numeric limitations must be in compliance with these limitations through the duration of permit coverage.

5. Monitoring and Reporting Requirements

* * * * *

d. *Compliance Monitoring Requirements.* Permittees with log storage area spray water discharges which are covered by this permit must monitor the discharge for the presence of debris and pH at least annually. Facilities must report in accordance with 5.d.(2) below (reporting). In addition to the parameters listed above, the permittee shall provide an estimate of the total volume (in gallons) of the discharge sampled.

(1) *Sample Type.* A minimum of one grab sample shall be taken. All samples shall be collected from the discharge point of the wet deck storage area and will not be taken during a storm water event. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable.

(2) *Reporting.* Permittees with log storage area spray water discharges shall submit monitoring results, obtained during the reporting period beginning

on the effective date of permit modification, on Discharge Monitoring Report Form(s) postmarked no later than the last day of the following month after the date of final permit modification. Signed copies of Discharge Monitoring Reports shall be submitted to the Director of the NPDES program at the address of the appropriate Regional Office indicated in Part VI.B. of this permit. For each outfall, one signed Discharge Monitoring Reports form shall be submitted for each sampling event.

(3) *Additional Notification.* In addition to filing copies of discharge monitoring reports in accordance with paragraph (2) (above), permittees with discharges of log storage area spray water through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) must submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system in accordance with the dates provided in paragraph 5.d.(2) (above).

C. Storm Water Discharges Associated With Industrial Activity From Chemical and Allied Products Manufacturing Facilities

1. *Discharges Covered Under This Section.* The requirements listed under this section shall apply to storm water discharges associated with industrial activity from a facility engaged in manufacturing the following products and generally described by the SIC code shown:

* * * * *

h. Ink and paints, including china painting enamels, India ink, drawing ink, platinum paints for burnt wood or leather work, paints for china painting, artists' paints and artists' water colors (SIC 3952, limited to those listed; for others in SIC 3952 not listed above, see Part XI.Y).

i. Medicinal chemicals and pharmaceutical products, including the grading grinding and milling of botanicals (including SIC 283).

2. *Co-located Industrial Activities.* When an industrial facility, described by the above coverage provisions of this section, has industrial activities being conducted on site that meet the description(s) of industrial activities in another section(s), that industrial facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to all applicable requirements in this section. The monitoring and pollution prevention plan terms and conditions of this multisector permit are additive for industrial activities being conducted at

the same industrial facility (co-located industrial activities). The operator of the facility shall determine which other monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

* * * * *

D. Storm Water Discharges Associated With Industrial Activity From Asphalt Paving Roofing Materials and Lubricant Manufacturers

1. Discharges Covered Under This Section

* * * * *

e. Limitations on Coverage. The following storm water discharges associated with industrial activity are not authorized by this section of the permit:

(1) Storm water discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products and that are classified as SIC code 2911 (see Part XI.I),

(2) Storm water discharges from oil recycling facilities (see Part XI.N), and

(3) Storm water discharges associated with fats and oils rendering (see Part XI.U).

* * * * *

E. Storm Water Discharges Associated With Industrial Activity From Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges from the following activities: manufacturing flat, pressed, or blown glass or glass containers; manufacturing hydraulic cement; manufacturing clay product including tile and brick; manufacturing of pottery and porcelain electrical supplies; manufacturing concrete products; manufacturing gypsum products; nonclay refractories; and grinding or otherwise treating minerals and earths. This section generally includes the following types of manufacturing operations: flat glass, (SIC code 3211); glass containers, (SIC code 3221); pressed and blown glass, not elsewhere classified, (SIC code 3229); glass products made of purchased glass (SIC code 3231) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water, hydraulic cement, (SIC code 3241); brick and structural clay tile, (SIC code 3251); ceramic wall and floor tile, (SIC code 3253); clay refractories, (SIC code 3255); structural clay products not elsewhere classified (SIC code 3259); vitreous china

plumbing fixtures, and china and earthen ware fittings and bathroom accessories (SIC code 3261); vitreous china table and kitchen articles (SIC code 3262); fine earthenware table and kitchen articles (SIC code 3263); porcelain electrical supplies, (SIC code 3264); pattern products, (SIC code 3269); concrete block and brick, (SIC code 3271); concrete products, except block and brick (SIC code 3272); ready-mix concrete (SIC code 3273); lime (SIC code 3274); gypsum products, (SIC code 3275); cut stone and stone products (SIC code 3281); abrasive products (SIC code 3291); asbestos products (SIC code 3292); minerals and earths, ground or otherwise treated, (SIC code 3295); mineral wool (SIC code 3296); nonclay refractories (SIC code 3297); and nonmetallic mineral products not elsewhere classified (SIC code 3299).

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements. During the period October 1, 1996 lasting through to September 30, 1997 and the period beginning October 1, 1998 lasting through September 30, 1999, permittees that manufacture clay products and concrete products and gypsum products must monitor their storm water discharges associated with industrial activity at least quarterly (4 times per year during years 2 and 4) except as provided in paragraphs 5.a.(3) (Sampling Waiver), 5.a.(4) (Representative Discharge), and 5.a.(5) (Alternative Certification).

Clay product manufacturers include; brick and structural clay tile manufacturers (SIC code 3251); ceramic wall and floor tile manufacturers (SIC code 3253); clay refractories (SIC code 3255); manufacturers of structural clay products, not elsewhere classified (SIC code 3259); manufacturers of vitreous china table and kitchen articles (SIC code 3232); manufacturers of vitreous china plumbing fixtures, and china and earthen ware fittings and bathroom accessories (SIC code 3261); manufacturers of fine earthenware table and kitchen articles (SIC code 3263); manufacturers of porcelain electrical supplies (SIC code 3264); pottery products (SIC code 3269); and non-clay refractories (3297). Facilities with these industrial activities must monitor for the pollutant listed in Table E-1.

Concrete and gypsum product manufacturers include concrete block and brick manufacturers (SIC code 3271), concrete products manufacturers (SIC code 3272), ready mix concrete manufacturers (SIC 3273), lime (3274),

gypsum product manufacturers (SIC 3275), and manufacturers of mineral and earth products (SIC 3295). Facilities with these industrial activities must monitor for the pollutants listed in Table E-2.

* * * * *

I. Storm Water Discharges Associated With Industrial Activity From Oil and Gas Extraction Facilities and Petroleum Refineries

1. Discharges Covered Under This Section

(a) Coverage. This section of the permit covers all existing point source discharges of storm water associated with industrial activity to waters of the United States from oil and gas facilities listed under Standard Industrial Classification (SIC) Major Group 13 which are required to be permitted under 40 CFR 122.26(c)(1)(iii). These include “* * * oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden raw material, intermediate products, finished products, by-products or waste products located on the site of such operations.” Industries in SIC Major Group 13 include the extraction and production of crude oil, natural gas, oil sands and shale; the production of hydrocarbon liquids and natural gas from coal; and associated oil field service, supply and repair industries. This section also covers petroleum refineries listed under SIC code 2911. Contaminated storm water discharges from petroleum refining or drilling operations that are subject to nationally established BAT or BPT guidelines found at 40 CFR 419 and 435 respectively are not included.

Note that areas eligible for coverage at petroleum refineries will be very limited because the term “contaminated runoff,” as defined under 40 CFR 419.11, includes “* * * runoff which comes into contact with any raw material, intermediate product, finished product, by-product or waste product located on petroleum refinery property.” Areas at petroleum refineries which may be eligible for permit coverage, provided discharges from these areas are not co-mingled with “contaminated runoff,” include: vehicle and equipment storage, maintenance and refueling areas. Most areas at refineries will not be eligible for coverage including: raw material, intermediate product, by-product, waste material, chemical, and material storage areas; loading and unloading areas;

transmission pipelines, and, processing areas.

* * * * *

J. Storm Water Discharges Associated With Industrial Activity From Mineral Mining and Processing Facilities

1. Discharges Covered Under This Section

* * * * *

a. Limitations on Coverage. The following storm water discharges associated with industrial activity are not authorized by this permit:

(1) Storm water discharges associated with industrial activity which are subject to an existing effluent limitation guideline (40 CFR part 436), except mine dewatering discharges composed entirely of storm water or ground water seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities located in Regions II, VI, X and Arizona.

* * * * *

4. Numeric Effluent Limitations.

Except as discussed in 4a below, there are no additional numeric effluent limitations beyond those described in Part V.B. of this permit.

a. Regions II, VI and X, and Arizona—Construction Sand and Gravel; Industrial Sand, and Crushed Stone Mining, Mine Dewatering. Any discharge composed entirely of storm water or ground water seepage that derives from mine dewatering activities at construction sand and gravel, industrial sand, or crushed stone mining facilities located in Regions II, VI, and X, and in Arizona shall not exceed a maximum concentration for any day of 45 mg/L or an average of daily values for 30 consecutive days of 25 mg/L Total Suspended Solids (TSS) nor the 6.0 to 9.0 range limitation for pH. The discharge from the dewatering activity shall not be diluted with other storm water runoff or flows to meet this limitation. Dischargers subject to these numeric effluent limitations must be in compliance with these limits upon commencement of coverage and for the entire term of this permit.

* * * * *

5. Monitoring and Reporting Requirements

* * * * *

d. Compliance Monitoring Requirements. Permittees with construction sand and gravel, industrial sand, and crushed stone mining facilities in Regions II, VI and X, and Arizona that have mine dewatering discharges composed entirely of storm water or ground water seepage which are covered by this permit must monitor

the discharge from the dewatering activity for the presence to TSS and pH at least quarterly (four times per year). Facilities must report in accordance with 5.d(2) below (reporting). In addition to the parameters listed above, the permittee shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff, the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

* * * * *

L. Storm Water Discharges Associated With Industrial Activity From Landfills, Open Dumps, and Land Application Sites

1. Discharges Covered Under This Section

a. Coverage. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from waste disposal at landfills, land application sites, and open dumps that receive or have received industrial wastes. Open dumps are solid waste disposal units that are not in compliance with State/Federal criteria established under RCRA Subtitle D. Landfills, land application sites, and open dumps that have storm water discharges from other types of industrial activities such as vehicle maintenance, truck washing, and/or recycling may be subject to additional requirements specified elsewhere in this permit.

* * * * *

b. Limitations. Storm water discharges associated with industrial activities from inactive landfills, land application sites, and open dumps occurring on Federal lands where an operator cannot be identified are ineligible for coverage under this permit.

1. Special Conditions

(a) Prohibition of Non-storm Water Discharges. In addition to the broad non-storm water prohibition in Part III.A of this permit, the discharge of leachate and vehicle and equipment washwaters to waters of the United States or a municipal separate storm sewer system is not authorized by this permit. Operators with such discharges must obtain coverage under a separate NPDES permit (other than this permit).

2. Storm Water Pollution Prevention Plan Requirements

b. Contents of Plan. The plan shall include, at a minimum, the following items:

* * * * *

(2) Description of Potential Pollutant Sources.

* * * * *

(a) Drainage.

(1) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations of active and closed landfill cells or trenches, locations of active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, locations of any leachate collection and handling systems, locations where major spills or leaks identified under Part XI.L.3.a(2)(c) (Spills and Leaks) of this permit have occurred, and locations of the following activities where such activities are exposed to precipitation: fueling station, vehicle and equipment maintenance and/or cleaning areas, and waste and other significant material loading/unloading and storage areas. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls.

* * * * *

(e) Risk Identification and Summary of Potential Pollutant Sources include a narrative description of potential pollutant sources associated with any of the following, providing they occur at the facility: fertilizer, herbicide and pesticide application; earth/soil moving; waste hauling and loading/unloading; outdoor storage of significant materials including daily, interim and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill, land application, or open dumping areas; uncontrolled leachate flows; failure or leaks from leachate collection and treatment systems; haul roads; and vehicle tracking of sediments. The description shall specifically list any significant potential sources of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

* * * * *

(3) Measures and Controls.

* * * * *

(d) Inspections—Qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan.

(i) For operating landfills, open dumps, and land application sites, inspections shall be conducted at least once every 7 days. Qualified personnel shall inspect areas of landfills and open dumps that have not yet been finally stabilized, active land application areas, areas used for storage of materials/wastes that are exposed to precipitation, stabilization and structural control measures, leachate collection and treatment systems, and locations where equipment and waste trucks enter and exit the site. Where landfill areas and open dumps have been finally stabilized and where land application has been completed, or during seasonal arid periods in arid areas (areas with an average annual rainfall of 0 to 10 inches) and semiarid areas (areas with an average annual rainfall of 10 to 20 inches), inspections will be conducted at least once every month. Erosion and sediment control measures shall be observed to ensure they are operating correctly.

(ii) For inactive landfills, open dumps, and land application sites, inspections shall be conducted at least quarterly, and qualified personnel shall inspect: landfill or open dump stabilization and structural erosion control measures and leachate collection and treatment systems, and all closed land application areas.

(f) Record keeping and Internal Reporting Procedures—A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan. Landfill and open dump operators shall provide for a tracking system for the types of wastes disposed of in each cell or trench of a landfill or open dump. Land application site operators shall track the types and quantities of wastes applied in specific areas.

* * * * *

(h) Sediment and Erosion Control—The plan shall identify areas which, due to topography activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

Landfill and open dump operators shall provide for temporary stabilization

of materials stockpiled for daily, intermediate, and final cover. Stabilization practices to consider include, but are not limited to, temporary seeding, mulching, and placing geotextiles on the inactive portions of the stockpiles.

Landfill and open dump operators shall provide for temporary stabilization of inactive areas of the landfill or open dump which have an intermediate cover but no final cover.

Landfill and open dump operators shall provide for temporary stabilization of any landfill or open dumping areas which have received a final cover until vegetation has established itself. Land application site operators shall also stabilize areas where waste application has been completed until vegetation has been established.

* * * * *

(4) Comprehensive Site Compliance Evaluation

* * * * *

(a) Areas contributing to a storm water discharge associated with industrial activity at landfill, open dump and land application sites shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan such as spill response equipment, shall be made.

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements. During the period October 1, 1996 lasting through to September 30, 1997 and the period beginning October 1, 1998 lasting through September 30, 1999, permittees with landfill/land application/open dump sites must monitor their storm water discharges associated with industrial activity at least quarterly (4 times per year) during years 2 and 4 of this permit except as provided in paragraphs 5.a.(3) (Sampling Waiver), 5.a.(4) (Representative Discharge), and 5.a.(5) (Alternative Certification). Landfill/land application/open dump sites are required to monitor their storm

water discharges for the pollutants of concern listed in Table L-1 below. Facilities must report in accordance with 5.b. (Reporting). In addition to the parameters listed in Table L-1 below, the permittee shall provide: the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and, an estimate of the total volume (in gallons) of the discharge sampled.

TABLE L-1.—INDUSTRY MONITORING REQUIREMENTS

Pollutants of concern	Cut-off concentration
Total Suspended Solids (TSS) ¹	100 mg/L
Total Recoverable Iron ²	1.0 mg/L

¹ Applicable to all landfill, open dump, and land application sites.

² Applicable to all facilities except MSWLF areas closed in accordance with 40 CFR 258.60 requirements.

(1) Monitoring Periods. Landfill/land application/open dump sites shall monitor samples collected during the sampling periods of: January through March, April through June, July through September, and October through December for the years specified in paragraph 5a. (above).

* * * * *

b. Reporting. Permittees with landfill/land application/open dump sites shall submit monitoring results for each outfall associated with industrial activity [or a certification in accordance with Sections (3), (4), or (5) above] obtained during the monitoring period beginning October 1, 1996 and lasting through September 30, 1997 on Discharge Monitoring Report Form(s) postmarked no later than the 31st day of the month of March, 1998. Monitoring results [or a certification in accordance with Sections (3), (4), or (5) above] obtained during the period beginning October 1, 1998 and lasting through September 30, 1999, shall be submitted on Discharge Monitoring Report Form(s) postmarked no later than the 31st day of the month of March 2000. For each outfall, one Discharge Monitoring Report form must be submitted per storm event sampled. Signed copies of Discharge Monitoring Reports, or alternative certifications, shall be submitted to the Director of the NPDES program at the address of the appropriate EPA Regional Office listed

in Part VI.G. of the fact sheet for this permit.

(1) Additional Notification. In addition to filing copies of discharge monitoring reports in accordance with paragraph 1.b. (above) landfill/land application/open dump sites, with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) must submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system in accordance with the dates provided in paragraph 1.b. (above).

* * * * *

P. Storm Water Discharges Associated With Industrial Activity From Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, Rail Transportation Facilities, and United States Postal Service Transportation Facilities

1. Discharges Covered Under This Section. Storm water discharges from ground transportation facilities and rail transportation facilities (generally identified by Standard Industrial Classification (SIC) codes 40, 41, 42, 43, and 5171), that have vehicle and equipment maintenance shops (vehicle and equipment rehabilitation, mechanical repairs, painting, fueling and lubrication) and/or equipment cleaning operations are eligible for coverage under this section. Also covered under this section are facilities found under SIC code 4221-4225 (public warehousing and storage) that do not have vehicle and equipment maintenance shops and/or equipment cleaning operations but have areas (exclusive of access roads and rail lines) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products or industrial machinery are exposed to storm water.

* * * * *

V. Storm Water Discharges Associated With Industrial Activity From Textile Mills, Apparel and Other Fabric Product Manufacturing Facilities, Leather and Leather Product Manufacturing Facilities

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges from the following activities: Textile Mill Products, of and regarding facilities and establishments engaged in the preparation of fiber and subsequent manufacturing of yarn, thread, braids,

twine, and cordage, the manufacturing of broad woven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn; processes involved in the dyeing and finishing of fibers, yarn fabrics, and knit apparel; the integrated manufacturing of knit apparel and other finished articles of yarn; the manufacturing of felt goods (wool), lace goods, nonwoven fabrics; miscellaneous textiles, and other apparel products (generally described by SIC codes 22 and 23). This section also covers facilities engaged in manufacturing finished leather and artificial leather products (SIC 31, except 3111).

* * * * *

X. Storm Water Discharges Associated With Industrial Activity From Printing and Publishing Facilities

1. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from the following types of facilities: newspaper, periodical, and book publishing or publishing and printing (SIC Codes 2711-2731); book printing (SIC Code 2732); miscellaneous publishing (SIC Code 2741); commercial printing, lithographic (SIC Code 2752); commercial printing, gravure (SIC Code 2754); commercial printing, not elsewhere classified (SIC Code 2759); manifold business forms, greeting cards, bankbooks, looseleaf binders and devices, bookbinding and related work, and typesetting (SIC Codes 2761-2791); and, plate making and related services (SIC Code 2796).

* * * * *

AA. Storm Water Discharges Associated With Industrial Activity From Fabricated Metal Products Industry

1. Discharges Covered Under this Section. The requirements listed under this section shall apply to storm water discharges associated with industrial activity from the fabricated metals industry listed below, except for electrical related industries: fabricated metal products, except machinery and transportation equipment, SIC 34, and jewelry, silverware, and plated ware (SIC Code 391).

* * * * *

AD. Storm Water Discharges Associated With Industrial Activity From Non-Classified Facilities

1. Discharges Covered Under This Section. The requirements of this section shall apply to all storm water discharges associated with industrial activity from facilities that: meet the definition of storm water associated

with industrial activity (40 CFR 122.26(b)(14), except for construction activities as defined under 40 CFR 122.26(b)(14)(x)), can not be classified in another industrial sector of this permit (i.e., Parts XI.A-XI.AC), and are not excluded from permit coverage elsewhere in this permit; or, the Director has designated as needing a storm water permit under 40 122.26(g)(1)(i). Should conditions at a facility covered by this section change and industrial activities in another section(s) contained in XI.A-XI.AC apply, the facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to those contained in this section. The monitoring and pollution prevention plan terms and conditions of this permit are additive for industrial activities being conducted at the same industrial facility (co-located industrial activities). The operator of the facility shall determine which monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

2. Special Conditions

a. *Prohibition of Non-storm Water Discharges.* Other than as provided in use this Section III.A. of this permit, non-storm water discharges are not authorized by this permit.

3. Storm Water Pollution Prevention Plan Requirements

a. *Contents of Plan.* The plan shall include, at a minimum, the following items:

(1) *Pollution Prevention Team.* Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

(2) *Description of Potential Pollutant Sources.* Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant

sources. Each plan shall include, at a minimum:

(a) *Drainage.*

(i) A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part XI.AD.3.a.(2)(c) (Spills and Leaks) of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls.

(ii) For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of chemical; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

(b) *Inventory of Exposed Materials.*

An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of 3 years prior to the date of the submission of a Notice of Intent (NOI) to be covered under this permit and the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of 3 years prior to the date of the submission of a Notice of Intent (NOI) to be covered under this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff;

and a description of any treatment the storm water receives.

(c) *Spills and Leaks.* A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of 3 years prior to the date of the submission of a Notice of Intent (NOI) to be covered under this permit. Such list shall be updated as appropriate during the term of the permit.

(d) *Sampling Data.* A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

(e) *Risk Identification and Summary of Potential Pollutant Sources.* A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and onsite waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

(3) *Measures and Controls.* Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.

(a) *Good Housekeeping.* Good housekeeping requires the maintenance of areas which may contribute pollutants to storm water discharges in a clean, orderly manner.

(b) *Preventive Maintenance.* A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

(c) *Spill Prevention and Response Procedures.* Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

(d) *Inspections.* In addition to or as part of the comprehensive site evaluation required under paragraph XI.AD.3.a.(4) of this section, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

(e) *Employee Training.* Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify periodic dates for such training.

(f) *Recordkeeping and Internal Reporting Procedures.* A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

(g) *Non-storm Water Discharges.*

(i) The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the onsite drainage

points that were directly observed during the test. Certifications shall be signed in accordance with Part VII.G. of this permit. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution prevention plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at the sit. A discharger that is unable to provide the certification required by this paragraph must notify the Director in accordance with paragraph XI.AD.3.a.(3)(g)(iii) (below).

(ii) Except for flows from fire fighting activities, sources of non-storm water listed in Part III.A.2 (Prohibition of Non-storm Water Discharges) of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

(iii) Failure to Certify. Any facility that is unable to provide the certification required (testing for non-storm water discharges), must notify the Director 180 days after submitting an NOI to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of non-storm water discharges; the results of such test or other relevant observations; potential sources of non-storm water discharges to the storm sewer; and why adequate tests for such sewers were not feasible. Non-storm water discharges to waters of the United States which are not authorized by an NPDES permit are unlawful, and must be terminated.

(h) *Sediment and Erosion Control.* The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

(i) *Management of Runoff.* The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces

pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity [see paragraph XI.AD.3.a(2) of this section (Description of Potential Pollutant Sources)] shall be considered when determining reasonable and appropriate measures. Appropriate measures or equivalent measures may include: vegetative sales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

(4) *Comprehensive Site Compliance Evaluation.* Qualified personnel shall conduct site compliance evaluation once a year. Such evaluation shall provide:

(a) Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

(b) Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with paragraph XI.AD.3.a.(2) of this section (Description of Potential Pollutant Sources) and pollution prevention measures and controls identified in the plan in accordance with paragraph XI.AD.3.a.(3) of this section (Measures and Controls) shall be revised as appropriate within 2 weeks of such evaluation and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the evaluation.

(c) A report summarizing the scope of the inspection, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions

taken in accordance with paragraph XI.AD.3.a.(4)(b) (above) of the permit shall be made and retained as part of the storm water pollution prevention plan for at least 3 years from the date of the evaluation. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part VII.G. (Signatory Requirements) of this permit.

(d) Where compliance evaluation schedules overlap with inspections required under 3.a.(3)(d), the compliance evaluation may be conducted in place of one such inspection.

4. *Numeric Effluent Limitations.* There are no additional numeric effluent limitations beyond those described in Part V.B of this permit.

5. *Monitoring and Reporting Requirements*

(a) *Monitoring Requirements.*

(1) *Quarterly Visual Examination of Storm Water Quality.* Facilities shall perform and document a visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. The examination must be made at least once in each designated period [described in (a), below] during daylight hours unless there is insufficient rainfall or snow melt to produce a runoff event.

(a) Examinations shall be conducted in each of the following periods for the purposes of visually inspecting storm water quality associated with storm water runoff or snow melt: January through March; April through June; July through September; and October through December.

(b) Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) of when the runoff or snowmelt begins discharging. The examinations shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm

event. Whenever practicable the same individual will carry out the collection and examination of discharges for the life of the permit.

(c) Visual examination reports must be maintained onsite in the pollution prevention plan. The report shall include the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

(d) When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the observation data also applies to the substantially identical outfalls provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explaining in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan.

(e) When a discharger is unable to collect samples over the course of the monitoring period as a result of adverse climatic conditions, the discharger must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examination. Adverse weather conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

(f) When a discharger is unable to conduct visual storm water examinations at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirement as long as the facility remains inactive and unstaffed. The facility must maintain a certification

with the pollution prevention plan stating that the site is inactive and unstaffed so that performing visual examinations during a qualifying event is not feasible.

* * * * *

This permit modification shall become effective on (leave blank).

Region I

Signed this ____th day of

David Fierra,

Office of Ecosystem Protection Director.

Areas of coverage	Permit No.
Connecticut Federal Indian Reservations.	CTR05*##F
Maine	MER05*###
Federal Indian Reservations	MER05*##F
Massachusetts	MAR05*###
Federal Indian Reservations	MAR05*##F
New Hampshire	NHR05*###
Federal Indian Reservations	NHR05*##F
Rhode Island Federal Indian Reservations.	RIR05*##F
Vermont Federal Indian Reservations.	VTR05*##F
Vermont Federal Facilities	VTR05*##F

Region II

Signed this ____th day of

Kathleen C. Callahan,

Division of Environmental Planning and Protection Director.

Areas of coverage	Permit No.
Puerto Rico	PRR05*###
Federal Facilities	PRR05*##F

Region III

Signed this ____th day of

Alvin R. Morris,

Water Protection Division Director.

Areas of coverage	Permit No.
District of Columbia	DCR05*###
Federal Facilities	DCR05*##F
Delaware Federal Facilities	DER05*##F

Region IV:

Signed this ____th day of

Robert F. McGhee,

Water Management Division Director.

Areas of coverage	Permit No.
Florida	FLR05*###
Federal Indian Reservations ...	FLR05*##F

Region VI

Signed this ____th day of

William B. Hathaway,

Water Quality Protection Division Director.

Areas of coverage	Permit No.
Louisiana Federal Indian Reservations.	LAR05*##F
New Mexico	NMR05*###
Federal Indian Reservations (except Navajo and Ute Mountain Ute Reservation lands).	NMR05*##F
Oklahoma:	
Federal Indian Reservations	OKR05*##F
Oil and gas exploration and production related industries and pipeline industries that are regulated by the Oklahoma Corporation Commission.	OKR05*###
Texas	TXR05*###
Federal Indian Reservations ..	TXR05*##F

Region IX

Signed this ____th day of

Felicia Marcus,

Regional Administrator.

Areas of coverage	Permit No.
Arizona	AZR05*###
Federal Indian Reservations	AZR05*##F
Federal Facilities	AZR05*##F
California:	
Federal Indian Reservations	CAR05*##F
Guam	GUR05*###
Idaho:	
Duck Valley Reservation	NVR05*##F
Nevada Federal Indian Reservations.	NVR05*##F
New Mexico:	
Navajo Reservation	AZR05*##F
Oregon:	
Fort McDermitt Reservation	NVR05*##F
Utah:	
Goshute Reservation	NVR05*##F
Navajo Reservation	AZR05*##F
Johnston Atoll	JAR05*###
Federal Facilities	JAR05*##F
Midway Island and Wake Island.	MWR05*###
Federal Facilities	MWR05*##F

Region X

Signed this ____th day of


Philip G. Millam,

Office of Water Director.

Areas of coverage	Permit No.
Alaska	AKR05*###
Alaska Federal Indian Reservations.	AKR05*##F
Idaho	IDR05*###
Federal Indian Reservations (except Duck Valley Reservation lands).	IDR05*##F
Federal facilities	IDR05*##F

Areas of coverage	Permit No.
Oregon Federal Indian Reservations (except for Fort McDermitt Reservation lands).	ORR05*##F
Washington Federal Indian Reservations.	WAR05*##F
Washington Federal Facilities	WAR05*##F

BILLING CODE 6560-50-M

THIS FORM REPLACES PREVIOUS FORM 3510-6 (8-92) See Reverse for Instructions		Form Approved. OMB No. 2040-0086 Approval expires: 8-31-98
NPDES FORM		United States Environmental Protection Agency Washington, DC 20460 Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity Under a NPDES General Permit
Submission of this Notice of Intent constitutes notice that the party identified in Section II of this form intends to be authorized by a NPDES permit issued for storm water discharges associated with industrial activity in the State identified in Section III of this form. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.		
I. Permit Selection: You must indicate the NPDES Storm Water general permit under which you are applying for coverage. Check one of these.		
Baseline Industrial	<input type="checkbox"/>	Baseline Construction
	<input type="checkbox"/>	Multi-Sector (Group Permit)
	<input type="checkbox"/>	<input type="checkbox"/>
II. Facility Operator Information		
Name: _____		Phone: _____
Address: _____		Status of Owner/Operator: <input type="checkbox"/>
City: _____	State: _____	ZIP Code: _____
III. Facility/Site Location		
Name: _____		Is the facility located on Indian Lands? (Y or N) <input type="checkbox"/>
Address: _____		
City: _____	State: _____	ZIP Code: _____
Latitude: _____	Longitude: _____	Quarter: _____
	Section: _____	Township: _____
	Range: _____	
IV. Site Activity Information		
MS4 Operator Name: _____		
Receiving Water Body: _____		
If you are filing as a co-permittee, enter storm water general permit number: _____		
SIC or Designated Activity Code: Primary: _____ 2nd: _____		Multi-Sector Permit Applicants Only: Based on the instructions provided in Addendum H of the Multi-Sector permit, are species identified in Addendum H in proximity to the storm water discharges to be covered under this permit, or the areas of BMP construction to control those storm water discharges? (Y or N) <input type="checkbox"/> Will construction (land disturbing activities) be conducted for storm water controls? (Y or N) <input type="checkbox"/> Is applicant subject to and in compliance with a written historic preservation agreement? (Y or N) <input type="checkbox"/>
Is the facility required to submit monitoring data? (1, 2, 3, or 4) <input type="checkbox"/>		
If You Have Another Existing NPDES Permit, Enter Permit Number: _____		
V. Additional Information Required for Construction Activities Only		
Project Start Date: _____	Completion Date: _____	Is the Storm Water Pollution Prevention Plan in compliance with State and/or Local sediment and erosion plans? (Y or N) <input type="checkbox"/>
	Estimated Area to be Disturbed (in Acres): _____	
VI. Certification: The certification statement in Box 1 applies to <u>all</u> applicants. The certification statement in Box 2 applies <u>only</u> to facilities applying for the Multi-Sector storm water general permit.		
BOX 1 ALL APPLICANTS: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	BOX 2 MULTI-SECTOR STORM WATER GENERAL PERMIT APPLICANTS ONLY: I certify under penalty of law that I have read and understand the Part I.B. eligibility requirements for coverage under the Multi-Sector storm water general permit, including those requirements relating to the protection of species identified in Addendum H. To the best of my knowledge, the discharges covered under this permit, and construction of BMPs to control storm water run-off, are not likely to and will not likely adversely affect any species identified in Addendum H of the Multi-Sector storm water general permit or are otherwise eligible for coverage due to previous authorization under the Endangered Species Act. To the best of my knowledge, I further certify that such discharges, and construction of BMPs to control storm water run-off, do not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, or are otherwise eligible for coverage due to a previous agreement under the National Historic Preservation Act. I understand that continued coverage under the Multi-Sector general permit is contingent upon maintaining eligibility as provided for in Part I.B.	
Print Name: _____ Date: _____		
Signature: _____		

**Instructions - EPA Form 3510-
Notice Of Intent (NOI) For Storm Water Discharges Associated With Industrial Activity
To Be Covered Under a NPDES General Permit**

Who Must File A Notice Of Intent (NOI) Form

Federal law at 40 CFR Part 122 prohibits point source discharges of storm water associated with industrial activity to a water body(ies) of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under a NPDES Storm Water General Permit. If you have questions about whether you need a permit under the NPDES Storm Water program, or if you need information as to whether a particular program is administered by EPA or a state agency, telephone or write to the Notice of Intent Processing Center at (703) 931-3230.

Where To File NOI Form

NOIs must be sent to the following address: Storm Water Notice of Intent (4203)
401 M Street, S.W.
Washington, DC 20460

Completing The Form

You must type or print, using upper-case letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, call the Notice of Intent Processing Center at (703) 931-3230.

Section I Permit Selection

You must indicate the NPDES storm water general permit under which you are applying for coverage. Check one box only. The Baseline Industrial and Baseline Construction permits were issued in September 1992. The Multi-Sector Permit became effective October 1, 1995.

Section II Facility Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

Enter the appropriate letter to indicate the legal status of the operator of the facility:
F = Federal; S = State; M = Public (other than federal or state); P = Private.

Section III Facility/Site Location Information

Enter the facility's or site's official or legal name and complete street address, including city, state, and ZIP code. Do not provide a P.O. Box number as the street address. If applying for a Baseline Permit and the facility or site lacks a street address, indicate the state and either the latitude and longitude of the facility to the nearest 15 seconds or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site. If applying for the Multi-Sector Permit indicate the complete street address and either the latitude and longitude of the facility to the nearest 15 seconds or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site.

All applicants must indicate whether the facility is located on Indian lands.

Section IV Site Activity Information

If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name) and the receiving water of the discharge from the MS4. (A MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body which is designed or used for collecting or conveying storm water.)

If the facility discharges storm water directly to receiving water(s), enter the name of the receiving water(s).

If you are filing as a co-permittee and a storm water general permit number has been issued, enter that number in the space provided.

Indicate the monitoring status of the facility. Refer to the permit for information on monitoring requirements. Indicate the monitoring status by entering one of the following:

- 1 = Not subject to monitoring requirements under the conditions of the permit.
- 2 = Subject to monitoring requirements and required to submit data.
- 3 = Subject to monitoring requirements but not required to submit data.
- 4 = Subject to monitoring requirements but submitting certification for monitoring exclusion.

List, in descending order of significance, up to two 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility or site identified in Section III of this application. If you are applying for coverage under the construction general permit, enter "CO" (which represents SIC codes 1500 - 1799).

For industrial activities defined in 40 CFR 122.26(b)(14)(i)-(xi) that do not have SIC codes that accurately describe the principal products produced or services provided, use the following 2-character codes.

- HZ = Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA [40 CFR 122.26 (b)(14)(iv)];
- LF = Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those that are subject to regulation under subtitle D of RCRA [40 CFR 122.26 (b)(14)(v)];
- SE = Steam electric power generating facilities, including coal handling sites [40 CFR 122.26 (b)(14)(vii)];
- TW = Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage [40 CFR 122.26 (b)(14)(ix)]; or,
- CO = Construction activities [40 CFR 122.26 (b)(14)(x)].

If there is another NPDES permit presently issued for the facility or site listed in Section III, enter the permit number. If an application for the facility has been submitted but no permit number has been assigned, enter the application number.

Facilities applying for coverage under the Multi-Sector storm water general permit must answer the last three questions in Section IV. Refer to Addendum H of the Multi-Sector general permit for a list of species that are either proposed or listed as threatened or endangered. "BMP" means "Best Management Practices" that are used to control storm water discharges.

Indicate whether any construction will be conducted to install or develop storm water runoff controls.

Section V Additional Information Required for Construction Activities Only

Construction activities must complete Section V in addition to Sections I through IV. Only construction activities need to complete Section V.

Enter the project start date and the estimated completion date for the entire development plan.

Provide an estimate of the total number of acres of the site on which soil will be disturbed (round to the nearest acre).

Indicate whether the storm water pollution prevention plan for the site is in compliance with approved state and/or local sediment and erosion plans, permits, or storm water management plans.

Section VI Certification

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 0.5 hours per application, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, or Director, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.