

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5411-8]

Technical Correction; Final National Pollutant Discharge Elimination System Storm Water Multi-Sector General Permit for Industrial Activities

AGENCY: Environmental Protection Agency.

ACTION: Corrections; technical amendments: deadline extensions for applicants under the storm water multi-sector general permit; and Notice of final NPDES storm water general permit for Alaska.

SUMMARY: This action corrects typographical errors and inadvertent omissions in the text of "Final National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities" (MSGP) which was published on Friday, September 29, 1995.

This action also provides notice of deadline extensions for submittal of a Notice of Intent (NOI) to be covered by the MSGP and the development and implementation of MSGP storm water pollution prevention plans (SWPPP). The deadline extension provides additional time for applicants to review MSGP requirements and to decide whether they wish to seek coverage under the MSGP or the applicable baseline general permit.

This action also provides notice for the final NPDES MSGP for storm water discharges associated with industrial activity in the state of Alaska.

EFFECTIVE DATE: Today's corrections are effective February 9, 1996. In accordance with 40 CFR 23.2, EPA is now explicitly providing that the permits shall be considered final for the purposes of judicial review at 1 p.m. (Eastern time) on October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Marilyn Fonseca at 202-260-0592.

SUPPLEMENTARY INFORMATION: Section 553 of the Administrative Procedure Act provides that the required publication or service of a substantive rule shall be made not less than 30 days before its effective date except, as relevant here, (1) for a substantive rule which grants or recognizes an exemption or relieves a restriction or (2) when the agency finds and publishes good cause for foregoing delayed effectiveness. To the extent general permits may be substantive rule, the deadline extensions in today's notice relieve permit applicants from obligations associated with those deadlines. Similarly, EPA also has determined that

good cause exists for making the corrections in today's notice effective immediately because the changes are purely technical in nature. Finally, when the multi sector permits were published on September 29, 1995, EPA neglected to explicitly provide a date on which the permits would be considered final for the purposes of judicial review.

- I. Introduction
- II. Deadlines
- III. Technical Corrections
 - A. Benchmark Value for Zinc
 - B. 401 Certification Conditions
 - C. Minor Typographical and Editorial Changes
- IV. Notice of Final NPDES Storm Water Permit in Alaska
 - A. Contacts
 - B. Paperwork Reduction Act
 - C. Section 401 Certifications
 - D. Other Considerations under Federal Law

I. Introduction

On September 29, 1995, (60 FR 50804) EPA published final NPDES Multi-Sector General Permits (MSGP) for storm water discharges associated with industrial activity in the following areas: the States of Arizona, Florida, Idaho, Louisiana, Maine, Massachusetts, New Hampshire, New Mexico, Oklahoma, and Texas; the District of Columbia; Johnston Atoll, and Midway and Wake Islands; the Commonwealth of Puerto Rico; Federal Indian Reservations in Alaska, Arizona, California, Connecticut, Idaho, Louisiana, Maine, Massachusetts, Nevada, New Hampshire, New Mexico, Oklahoma, Oregon, Rhode Island, Texas, Utah (only the Navajo and Goshute Reservations), Vermont, and Washington; and Federal facilities located in Arizona, the Commonwealth of Puerto Rico, the District of Columbia, Delaware, Idaho, Johnston Atoll, Midway and Wake Islands, Vermont, and Washington.

Today's notice corrects typographical errors, and inadvertent omissions in the text of the MSGP as well as clarifies the fact sheet to the permit. Today's notice also extends deadlines for the submittal of a Notice of Intent (NOI) to be covered by the MSGP and the development and implementation of required Storm Water Pollution Prevention Plans (SWPPPs). Finally, this action provides notice for the final NPDES storm water MSGP for storm water discharges associated with industrial activity in the state of Alaska.

II. Deadlines

Sections II.A.5. and IV.A.7. of the permit, authorize the Director to extend deadlines for certain actions required of individual permittees. EPA has received a number of requests from applicants to

extend the MSGP deadlines for submittal of the NOI. After careful consideration of the deadlines for submitting NOIs and developing the storm water pollution prevention plan required by the MSGP, EPA is extending the deadlines for the submittal of an NOI to be covered by the storm water MSGP and the development of the SWPPP. This deadline extension will provide MSGP applicants more time to study the sector specific requirements in the permit and to decide whether they wish to seek coverage under the MSGP or the baseline general permit. The new deadline for submittal of an NOI to be covered by the MSGP is March 29, 1996. The new deadline for development and implementation of the SWPPP required by the storm water MSGP is September 25, 1996.

Some group applicants may decide to seek coverage under the storm water baseline general permit instead of the MSGP. The storm water baseline general permit was published in the Federal Register (57 FR 41236, September 9, 1992). Group applicants choosing the storm water baseline general permit instead of the MSGP must submit their NOI to be covered under the baseline general permit by March 29, 1996. Please note that claiming coverage under the baseline general permit at this time would require that a facility's SWPPP be developed and implemented prior to submittal of the NOI. Therefore, facilities choosing the baseline general permit should develop and implement their SWPPP prior to the submittal of the NOI under the baseline general permit.

With regard to activities currently covered, some eligible facilities previously covered by EPA's storm water baseline general permit (57 FR 41236, September 9, 1992), may elect to be covered by the MSGP. These facilities must submit an NOI to be covered by the MSGP and Notice of Termination (NOT) for the baseline general permit. The deadline for these facilities to switch from the baseline general permit to the MSGP, is also March 29, 1996. Please note that the SWPPP developed for such facilities must incorporate any changes required by the MSGP.

Deadlines for submitting NOIs for new facilities and new operators of facilities, as described in the MSGP (60 FR 51113, September 29, 1995) remain unchanged by today's notice.

III. Technical Corrections

The Final NPDES Storm Water MSGP that was published on September 29, 1995 (60 FR 50804) contains several errors and omissions. Today's notice

corrects minor typographical and editorial errors as well as inadvertent omissions in the permit for the benchmark values for zinc and the 401 certification conditions for some of the states.

A. Benchmark Value for Zinc

The benchmark value for zinc was listed in error as 0.065 mg/l throughout the permit and fact sheet. As explained in the fact sheet to the final permits, the benchmark values for all hardness dependent pollutants were adjusted between the proposed and final permits based on a reconsidered average national hardness value of 100 mg/l CaCO₃; rather than 50 mg/l CaCO₃ as used in the proposed permit. The benchmark values for these pollutants thereby increased proportionately due to the higher hardness value. The benchmark value for zinc in the permit and fact sheet text was erroneously not revised to reflect the new hardness value. The benchmark value for zinc should therefore be revised to read 0.117 mg/l. The permit page number, table and sector where the benchmark value for zinc was published and should be revised to read 0.117 mg/l are as follows: page 51128 (Table A1) in the Timber Products Sector; page 51138 (Table C2, C4, C5) in the Chemical and Allied Products Manufacturing Sector; page 51153 (Table F1, F2, F3, F4) in the Primary Metals Sector; page 51195 (Table N1) in the Scrap Recycling and Waste Recycling Sector; page 51209 (Table Q1) in the Water Transportation Sector; page 51239 (Table Y1) in the Rubber, Miscellaneous Plastic Products and Miscellaneous Manufacturing Sector and 51248 (Table AA1, AA2) in the Fabricated Metal Products Sector.

The corresponding fact sheet page number, table and sector (if applicable) where the incorrect benchmark value for zinc appears are as follows: page 50826 (Table 5); page 50843 (Table A7) in the Timber Products Sector; page 50858 (Tables C11, C13, C14) in the Chemical and Allied Products Manufacturing Sector; page 50886 (Tables F7, F8, F9, F10) in the Primary Metals Sector; pages 50957 and 50969 (Tables N6, N18) in the Scrap Recycling and Waste Recycling Sector; page 50990 (Table Q4) in the Water Transportation Sector; page 51039 (Table Y6) in the Rubber, Miscellaneous Plastic Products and Miscellaneous Manufacturing Sector and page 51053 (Table AA5, AA6) in the Fabricated Metal Products Sector.

B. 401 Certification Conditions

The 401 certification conditions for the states of Massachusetts and Idaho were inadvertently omitted from the

permit which is revised accordingly. In addition, some of the 401 conditions for Texas were duplicated so the permit is revised to eliminate the duplicate sections. The 401 conditions for Texas are also being revised to include a footnote in order to reduce confusion over which permittees are subject to whole effluent toxicity (WET) testing. The New Mexico 401 conditions contained typographical errors that inadvertently omitted ammonia (NH₃) from the list of monitoring parameters for 2 industrial subsectors and the permit is revised accordingly. Finally, the Washington Federal Indian Reservations 401 certification has now been clarified to include specific conditions submitted by the Puyallup Indian tribe.

More specifically, Massachusetts's 401 conditions have been revised to provide that all new or increased discharges in the Commonwealth of Massachusetts must comply with Massachusetts law at 314 CMR 4.00, particularly as it applies to Outstanding Resource Waters, prior to seeking authorization to discharge under this permit. For more information please contact the Massachusetts Department of Environmental Protection at (508) 792-7470 or (617) 338-2255. Part XII of the permit on page 51255 and the table of contents on page 51111 are revised to include these 401 conditions. The corresponding fact sheet reference is on page 51064.

In addition, Idaho's 401 conditions have been revised to provide that the SWPPP must comply with the current Idaho Water Quality Standards. The applicant must send the Regional IDEQ office a copy of the NOI. When so requested by IDEQ, the permittee must provide a copy of the SWPPP to IDEQ within 72 hours. Failure to provide the SWPPP to IDEQ within the 72-hour time limit will be grounds for cancellation of the general permit authorization due to failure to comply with the state's 401 certification terms. Part XII of the permit on page 51263 and the table of contents on page 51111 are revised to include these 401 conditions. The corresponding fact sheet reference is on page 51067.

The Texas 401 conditions listed in the permit contain duplications. On page 51260 and 51261 of the permit, Part V describes numeric effluent limitations and contains 2 sections. One section describes discharges to inland waters and the other section describes discharges to tidal waters. Each section contains 1 table. The sections on discharges to inland waters and discharges to tidal waters are duplicated on pages 51261 and 51262 of the permit.

The permit is revised today to eliminate these duplicate sections.

In addition, Texas 401 conditions require whole effluent toxicity testing for certain facilities in Part V.D. of the permit. A footnote is added to the permit to clarify who is required to perform such toxicity testing. The footnote will be added to the first sentence of Part V.D. Toxicity Testing. The footnote clarifies that the toxicity testing requirement applies only to facilities that have demonstrated significant lethality in any prior whole effluent toxicity tests on their storm water discharges and have failed to control this toxicity. It does not require facilities that have never demonstrated toxicity to conduct such testing for the purposes of the permit. Page 51066 of the fact sheet should be updated accordingly.

New Mexico 401 conditions require additional monitoring for the Paperboard mills subsector of the Paper and Allied Products Manufacturing sector and the meat products subsector of the Food and Kindred Products sector. Typographical errors on pages 51257 and 51259 of the permit inadvertently omitted ammonia (NH₃) from the monitoring lists for the paperboard mill subsector and the meat products subsector. The permit is revised today to include these monitoring parameters for these subsectors in the State of New Mexico.

Finally, the Washington Federal Indian Reservation permit certification has been clarified to include the following 401 certification conditions submitted by the Puyallup Tribe of Indians for discharges subject to the Puyallup Tribe's Water Quality Standards: "Discharges authorized by this permit shall not cause or contribute to a violation of any applicable water quality standard contained in the Water Quality Standards for Surface Waters of the Puyallup Tribe, Title 10 of the Puyallup Tribal codes and Regulations, for discharges to waters and water pollution sources on trust or restricted lands which are subject to the Puyallup Tribe's Water Quality Standards." For more information please contact the Puyallup Tribe of Indians Environmental Protection Department at (206) 597-6200. Part XII of the permit on page 51263 and the table of contents on page 51111 are revised to include these 401 conditions. The corresponding fact sheet reference is page 51067.

C. Minor typographical and editorial changes

On page 50830 of the fact sheet, for facilities subject to special permit

requirements based on the presence of SARA Title III, Section 313 chemicals, there is a reference to an Appendix A that lists 44 additional water priority chemicals. The reference should have referred the reader to Addendum A.

On page 50832 of the fact sheet, in the section that lists addresses for other submittals of information for the states of Louisiana, New Mexico, Oklahoma, and Texas and Federal Indian Reservations in Louisiana, New Mexico (except Navajo and Ute Mountain Lands), Oklahoma, and Texas the address was listed incorrectly. The address should read: EPA, Region VI, Enforcement and Compliance Assurance Division, (6EN-WC), EPA SW MSGP, P.O. Box 50625, Dallas, TX 75250.

On page 50998 of the fact sheet, the second paragraph of Section 2, inadvertently discusses total Kjeldahl Nitrogen (TKN) in connection with pollutants found in storm water discharges from vehicle maintenance areas, equipment cleaning areas, or deicing areas located at air transportation facilities. Ammonia (NH₃) should be included in the discussion in lieu of TKN.

On page 51118 of the permit, in the section entitled Reporting: Where to Submit, the address was listed incorrectly for the states of Louisiana, New Mexico, Oklahoma, and Texas and Federal Indian Reservations in Louisiana, New Mexico (except Navajo and Ute Mountain Lands), Oklahoma, and Texas. The address should read: EPA, Region VI, Enforcement and Compliance Assurance Division, (6EN-WC), EPA SW MSGP, P.O. Box 50625, Dallas, TX 75250.

IV. Notice of Final NPDES Storm Water Permit in Alaska

On November 19, 1993, EPA proposed the MSGP in Alaska. EPA was not able to provide notice of the final permit in Alaska on September 29, 1995 when the MSGP was previously published. Today's action finalizes the NPDES MSGP for storm water discharges associated with industrial activity in the state of Alaska. The MSGP covers storm water discharges from a wide variety of industrial activities. The permit contains industry-specific sections that describe the storm water pollution prevention plan requirements, the numeric effluent limitation requirements and the monitoring requirements for that industry. These industry-specific sections are contained in Part XI of the permit and are described in Part VIII of the fact sheet. There are also a number of permit requirements that apply to all industries. Today's notice incorporates

by reference the permit terms and conditions set forth at 60 FR 51108-51255 published on September 29, 1995. These requirements may be found in I through XI. They include the general coverage discussion, the Notice of Intent requirements and standard permit conditions. The MSGP was published previously for a number of other states and territories in the September 29, 1995 Federal Register on pages 51108-51255 and is revised today to include Alaska. Today's notice also includes additional 401 conditions required by the state of Alaska.

A. Contacts

Notices of Intent (NOIs) to be covered under this permit and Notices of Termination (NOT) to terminate coverage under this permit must be sent to the Storm Water Notice of Intent Processing Center (see address below). The complete administrative record is available through the Water Docket MC-4101, Environmental Protection Agency, 401 M Street SW, Washington DC 20460. A reasonable fee may be charged for copying.

Notice of Intent Address. Notices of Intent to be authorized to discharge under this permit should be sent to: NOI/NOT Processing Center (4203), 401 M Street, SW., Washington, DC 20460.

Address for Other Submittals. Other submittals of information required under this permit or individual permit applications should be sent to the EPA Region X Office: EPA, Region X, Water Division, (WD-134), Storm Water Staff 1200 Sixth Avenue Seattle, WA 98101.

B. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in the final MSGP in Alaska under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq. The information collection requirements in today's final notice for Alaska have already been approved by the Office of Management and Budget in previous submissions made for the NPDES permit program under the provisions of the Clean Water Act.

C. 401 Certification

Section 401 of the CWA provides that no Federal license or permit, including NPDES permits, to conduct any activity that may result in any discharge into navigable waters, shall be granted until the State in which the discharge originates certifies that the discharge will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the CWA. The Section 401 certification process has been completed for the state of Alaska. The

following summary indicates where additional permit requirements have been added as a result of the certification process and also provides a more detailed discussion of additional requirements for Alaska.

Alaska 401 conditions provide that a copy of the Notice of Intent form, in addition to the NOI already required to be submitted to EPA, and a 1-page brief description of the activities being covered must be sent to the appropriate nearest office listed below. The 1-page description of activities shall describe the nature of the project, the pollutants expected in the discharge(s) and the type(s) of treatment to be provided. Copies of any discharge monitoring reports or other reports required under the permit must be sent to the appropriate state office. A copy of any Notice of Termination must be submitted to the appropriate state office. The addresses of state offices to which copies are to be sent are:

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 410 Willoughby Avenue, Suite #105, Juneau, AK 99801, (907) 465-5276, (907) 465-5274 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 555 Cordova Street, Anchorage, AK 99503, (907) 269-7500, (907) 269-7652 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 610 University Avenue, Fairbanks, AK 99709-3643, (907) 451-2360, (907) 451-2187 (Fax).

Because Alaska DEC has certified the MSGP, authorization under the MSGP constitutes authorization under a state permit as a matter of Alaska law.

D. Considerations Under Other Federal Laws

For the MSGP issued in Alaska by today's notice, EPA is required to conduct and certify certain analyses under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., and the Unfunded Federal Mandates Act, Pub. L. No. 104-4. By today's action, EPA adopts, incorporates, and certifies the necessary findings under the Regulatory Flexibility Act and the Unfunded Federal Mandates Act made in the September 29, 1995, MSGP for the purposes of the MSGP issued for Alaska.

Region 1

Signed this 25th day of January, 1996.
David A. Fierra,
Director, Office of Ecosystem Protection.

Region 2

Signed this 25th day of January, 1996.
Richard L. Caspe,
Water Management Division Director.

Region 3

Signed this 25th day of January, 1996.
Alvin R. Morris,
Water Protection Division Director.

Region 4

Signed this 18th day of December, 1995.
Robert F. McGhee,
Water Management Division Director.

Region VI

Signed this 25th day of January, 1996.
William B. Hathaway,
Water Quality Protection Division Director.

Region 9

Signed this 18th day of January, 1996.
Alexis Strauss,
Acting Director, Water Management Division.

Region 10

Signed this 18th day of December, 1995.
Philip G. Millam,
Acting Director, Office of Water.

I. 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 permit will provide any small entity the opportunity to obtain storm water permit coverage as a result of the group application process. Group applications provided small entities a mechanism to reduce their permit application burden by grouping together with other industrial facilities and submitting a common permit application with reduced monitoring requirements and shared costs. The group application information submitted to EPA provided a basis for the development of storm water permit conditions tailored specifically for each industry. The permit requirements have been designed to minimize significant administrative and economic impacts on small entities and should not have a significant impact on industry in general. Moreover, the permit reduces a

significant burden on regulated sources of applying for individual permits.

Accordingly, I hereby certify pursuant to 5 U.S.C. 605(b) that this 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: December 14, 1995.

Chuck Clarke,
Regional Administrator, Region 10.

Authorization To Discharge Under the National Pollution Discharge Elimination System

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq., the "Act") except as provided in Part I.B.3. of this storm water multi-sector general permit, operators of point source discharges of storm water associated with industrial activity that discharge into waters of the United States, represented by the industry sectors identified in Part XI. of this permit, are authorized to discharge in the areas of coverage listed below in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from the industrial activities covered under this permit who intend to be authorized by this permit must submit a Notice of Intent (NOI) in accordance with Part II.B. of this permit. Operators of storm water discharges associated with industrial activity who fail to submit an NOI in accordance with Part II.B. of this permit are not authorized under this general multi-sector permit.

This permit shall become effective on February 11, 1996, and shall expire at midnight on February 11, 2001.

Region X

Signed this 5th day of December, 1995.
Philip G. Millam,
Acting Director, Office of Water.

Areas of coverage	Permit No.
Alaska	AKR05 * ###

For the reasons set forth in this preamble, Parts I, II, IV, VI, IX and XII of the NPDES Multi-Sector Storm Water General Permit are amended as follows:

Deadline Extension

PART II—[AMENDED]

1. Part II.A.1. and Part II.A.6 are revised to insert "March 29, 1996" in place of "[insert date 90 days after permit finalization]" to read as follows:

Part II. Notification Requirements

A. Deadlines for Notification

1. Existing Facility * * * individuals who intend to obtain coverage for an existing storm water discharge associated with industrial activity under this general permit shall submit an NOI in accordance with the requirements of this part on or before March 29, 1996.

* * * * *

6. Part II.A.6 Facilities Previously Subject to the Baseline General Permit. Eligible facilities previously covered by EPA's 1992 Baseline General Permits for Storm Water Discharges Associated with Industrial Activity (57 FR 41297 or 57 FR 44438) may elect to be covered by this permit by submitting an NOI in accordance with the requirements of this Part on or before March 29, 1996.

PART IV—[AMENDED]

1. Part IV.A.1. is revised to insert "September 25, 1996" in place of "[insert date 270 days after permit finalization]" at the end of the sentence to read as follows:

Part IV. Storm Water Pollution Prevention Plans

* * * * *

A. Deadlines for Plan Preparation and Compliance

1. Existing Facilities * * * all existing facilities that begin operation on or before [insert date 270 days after permit finalization] shall prepare and implement the plan by September 25, 1996.

2. Part IV.A.4. is revised to insert "September 25, 1996" in place of "[insert date 270 days after permit finalization]" to read as follows:

Part IV. Storm Water Pollution Prevention Plans

* * * * *

A. Deadlines for Plan Preparation and Compliance

* * * * *

4. Facilities Switching From the Baseline General Permit * * * The plan shall be revised as necessary to address requirements under Part XI. of this permit no later than September 25, 1996. The revisions made to the plan shall be implemented on or before September 25, 1996.

Zinc Benchmark Value

PART XI—[AMENDED]

1. Parts XI.A.5., XI.C.6., XI.F.5., XI.N.5., XI.Q.5., XI.Y.5., and XI.AA.5. are revised to insert 0.117 mg/l instead

of 0.065mg/l after Total Recoverable Zinc to read as follows:

Part XI. Specific Requirements for Industrial Activities

* * * * *

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

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Table A-1 Monitoring Requirements for General Sawmills and "Planning" Mills Facilities: * * * Total Recoverable Zinc,—0.117 mg/l.

* * * * *

C. Storm Water Discharges Associated with Industrial Activity from Chemical and Allied Products Manufacturing Facilities

* * * * *

6. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Table C-2 Agricultural chemicals Monitoring Requirements, Table C-4 Soaps, Detergents, Cosmetics, and Perfumes Monitoring Requirements and Table C-5 Plastics, Synthetics, and Resins Monitoring Requirements: * * * Total Recoverable Zinc,—0.117 mg/l.

* * * * *

F. Storm Water Discharges Associated With Industrial Activity From Primary Metals Facilities

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Tables F1 Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC331) Monitoring Requirements, F2 Iron and Steel Foundries (SIC332) Monitoring Requirements, F3 Rolling, Drawing, and Extruding of Non-Ferrous Metals (SIC335) Monitoring Requirements and F4 Non-Ferrous Foundries (SIC 336) Monitoring Requirements: * * * Total Recoverable Zinc,—0.117 mg/l.

* * * * *

N. Storm Water Discharges Associated With Industrial Activity From Scrap Recycling and Waste Recycling Facilities

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Table N1 Industry Monitoring Requirements: * * * Total Recoverable Zinc,—0.117 mg/l.

* * * * *

Q. Storm Water Discharges Associated With Industrial Activity From Water Transportation Facilities That Have Vehicle Maintenance Shops and/or Equipment Cleaning Operations

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Table Q1 Monitoring Requirements: * * * Total Recoverable Zinc,—0.117 mg/l.

* * * * *

Y. Storm Water Discharges Associated With Industrial Activity From Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Table Y1 Monitoring Requirements: * * * Total Recoverable Zinc,—0.117 mg/l.

* * * * *

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

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Tables AA-1 Monitoring Requirements for Fabricated Metal Products Except Coating and Table AA-2 Monitoring Requirements for Fabricated Metal Coating and Engraving: * * * Total Recoverable Zinc,—0.117 mg/l.

401 Certification Conditions

Part XII—[AMENDED]

1. Massachusetts—Part XII. of the permit is revised by adding the following paragraphs before Region III to read as follows:

Part XII. Coverage Under This Permit Region I

Massachusetts (MAR05*###)

Massachusetts 401 certification special permit conditions revise the permit as follows:

Region VI

* * * * *

D. New Mexico (NMR05 ###)

* * * * *

Part XI. Specific Requirements for Industrial Activities

* * * * *

B. Storm Water Discharges Associated With Industrial Activity From Paper and Allied Products Manufacturing Facilities

* * * * *

5. Monitoring and Reporting Requirements

* * * * *

(a) * * * (1) Paperboard mills: shall monitor NH3, . . .

* * * * *

U. Storm Water Discharges Associated With Industrial Activity From Food and Kindred Products Facilities

* * * * *

1. Part I.B.3. is amended by addition of the following:

Part I. Coverage Under This Permit

* * * * *

B. Eligibility

* * * * *

3. Limitations on Coverage

* * * * *

i. All new or increased discharges in the State of Massachusetts must comply with 314 CMR 4.00, particularly as it applies to Outstanding Resource Waters, prior to seeking authorization to discharge under this permit. For more information please contact the Massachusetts Department of Environmental Protection at (508) 792-7470 or (617) 338-2255.

2. New Mexico—Part XII.D. (New Mexico) of the permit is revised by adding "NH3" to Part XI.B.5.a.(1) before TSS and to Part XI.U.5.a.(4) before NO3+NO2 to read as follows:

Part XII. Coverage Under This Permit

* * * * *

5. Monitoring and Reporting Requirements

* * * * *

(a) * * * (4) Meat Products: shall monitor NH3, . . .

3. Texas—Part XII.D. (Texas) is amended to delete the following duplicated text starting in the third column of page 51261 and ending on page 51262:

Part V. Numeric Effluent Limitations

* * * * *

B. All Discharges to Inland Waters

The maximum allowable concentrations of each of the hazardous metals, stated in terms of milligrams per liter (mg/l), for discharges to inland waters are as follows:

[Table]

C. All Discharges to Tidal Waters

The maximum allowable concentrations of each of the hazardous metals, stated in terms of milligrams per liter (mg/l), for discharges to tidal waters are as follows:

[Table]

4. Texas—Part XII.D. (Texas) is clarified with the addition of the following footnote to Part V.F. Texas after the first sentence to read as follows:

Part XII. Coverage Under This Permit

* * * * *

Region VI

* * * * *

Texas (TXR05*###)

* * * * *

Part V. Numeric Effluent Limitations

* * * * *

D. Toxicity Testing * * * The toxicity testing requirement applies only to facilities that have 1) demonstrated significant lethality in whole effluent toxicity tests on their storm water discharges (e.g. tests required while under baseline general permit No. TXR00###) and 2) has not yet controlled the toxicity.

“Control” of toxicity involves some action that reduces or eliminates the toxicity so that the discharge henceforth passes whole effluent toxicity testing. A prerequisite of controlling the toxicant requires either identifying the toxicant, identifying the toxicant source, or identifying a means of removing the toxicant. To demonstrate the effectiveness of the control action, the discharger would have to pass two whole effluent toxicity tests performed on consecutive discharge events.

Those facilities having previously demonstrated toxicity, and unable to identify the toxicant source, or treatment method, would continue biomonitoring semiannually until such time that they pass four whole effluent toxicity tests on consecutive discharge events. Such evidence would be considered a “cessation of lethality” (as defined in the Implementing Procedures

of the Texas Natural Resource Conservation Commission Standards Via Permitting) and biomonitoring would cease.

5. Puyallup Indian Reservation Lands—Part XII. of the permit is revised by adding the following paragraphs after Region X and before Washington (WAR05*###) to read as follows:

Part XII. Coverage Under This Permit

* * * * *

Region X

Puyallup Indian Reservation Lands (WAR05*##F)

Puyallup Tribe 401 certification special permit conditions revise the permit as follows:

1. Part I section B is amended by the addition of the following:

Part I. Coverage Under This Permit

* * * * *

B. Eligibility

* * * * *

8. Compliance With Puyallup Indian Reservation Lands Water Quality Standards

Discharges authorized by this permit shall not cause or contribute to a violation of any applicable water quality standard contained in the Water Quality Standards for Surface Waters of the Puyallup Tribe, Title 10 of the Puyallup Tribal codes and Regulations, for discharges to waters and water pollution sources on trust or restricted lands which are subject to the Puyallup Tribe’s Water Quality Standards.

6. Idaho—Part XII. of the permit is revised by adding the following paragraphs before Addendum A to read as follows:

Part XII. Coverage Under This Permit

* * * * *

Region X

* * * * *

Idaho (IDR05*###)

Idaho 401 certification special permit conditions revise the permit as follows:

1. Part II.C. is amended by the addition of the following:

Part II. Notification Requirements

* * * * *

C. Where to Submit

* * * * *

The applicant must send the Regional IDEQ office a copy of the NOI, in addition to the NOI already required to be submitted to EPA, at the following address: Idaho Department of Health

and Welfare, Division of Environmental Quality, 1410 North Hilton, Boise, ID 83708–1255.

2. Part IV. is amended by the addition of the following:

Part IV. Storm Water Pollution Prevention Plans

* * * * *

Idaho’s 401 conditions provide that for facilities with storm water discharges associated with industrial activity in the state of Idaho, the SWPPP must comply with the current Idaho Water Quality Standards.

3. Part IV.B.2 is amended by the addition of the following:

Part IV. Storm Water Pollution Prevention Plans

* * * * *

B. Signature and Plan Review

* * * * *

2. Availability * * *

The permittee must provide a copy of the SWPPP, when so requested by IDEQ, to IDEQ within 72 hours. Failure to provide the SWPPP to IDEQ within the 72-hour time limit will be grounds for cancellation of the general permit authorization due to failure to comply with the state’s 401 certification terms.

Minor Typographical and Editorial Changes

Part VI—[Amended]

1. Part VI.B.1.e. is revised to correct the address for EPA Region VI to read as follows:

Part VI. Monitoring and Reporting Requirements

* * * * *

B. Reporting: Where to Submit

1. Location

* * * * *

e. LA, NM (except see Region IX for Navajo lands), OK, TX, EPA, Region VI, Enforcement and Compliance Assurance Division, (6EN–WC), EPA SW MSGP, P.O. Box 50625, Dallas, TX 75250.

Alaska

Part I—[Amended]

1. Part 1 is amended by revising paragraph A. Permit Area, Region X to include “Alaska” before the phrase “the state of Idaho” to read as follows:

Part I. Coverage Under This Permit

* * * * *

A. Permit Area

* * * * *

Region X—Alaska; the State of Idaho;
* * *

PART XII—[AMENDED]

Alaska 401 certification special permit conditions revise the permit as follows:

1. Part XII. Region X of the permit is revised by adding the following paragraphs before Addendum A after Idaho's 401 conditions to read as follows:

Part XII. Coverage Under This Permit
* * * * *

Region X

Alaska (AKR05*###)

1. Part II. B. is amended by the addition of the following:

Part II. Notification Requirements
* * * * *

B. Contents of Notice of Intent

* * * * *

14. For facilities that discharge storm water associated with industrial activity in Alaska, a 1-page brief description of the activities being covered must be sent to the appropriate nearest office listed below. The 1-page description of activities shall describe the nature of the project, the pollutants expected in the discharge(s) and the type(s) of treatment to be provided.

2. Part II. C. is amended by the addition of the following:

Part II. Notification Requirements
* * * * *

C. Where to Submit

* * * * *

For facilities located in the state of Alaska, a copy of the Notice of Intent

form, in addition to the NOI already required to be submitted to EPA, and a 1-page brief description of the activities being covered must be sent to the appropriate nearest office listed below. The addresses of state offices to which copies are to be sent are:

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 410 Willoughby Avenue, Suite #105, Juneau, AK 99801 (907) 465-5276, (907) 465-5274 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 555 Cordova Street, Anchorage, AK 99503, (907) 269-7500, (907) 269-7652 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 610 University Avenue, Fairbanks, AK 99709-3643, (907) 451-2360, (907) 451-2187 (Fax)

3. The following language is added to Part VI section B:

Part VI. Monitoring and Reporting Requirements
* * * * *

B. Reporting: Where to Submit

* * * * *

2. Additional Notification. For facilities located in the state of Alaska, copies of any discharge monitoring reports or other reports required under the permit must also be sent to the appropriate state office. The addresses of state offices to which copies are to be sent are:

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 410 Willoughby Avenue, Suite #105, Juneau, AK 99801 (907) 465-5276, (907) 465-5274 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 555 Cordova Street, Anchorage, AK 99503, (907) 269-7500, (907) 269-7652 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 610 University Avenue, Fairbanks, AK 99709-3643, (907) 451-2360, (907) 451-2187 (FAX).

4. The following is added to Part IX Section B:

Part IX. Termination of Coverage

* * * * *

B. Addresses

* * * * *

For facilities located in the state of Alaska, copies of Notices of Termination (NOTs), in addition to the NOTs already required to be submitted to EPA, must be submitted to the appropriate state office. The addresses of state offices to which copies are to be sent are:

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 410 Willoughby Avenue, Suite #105, Juneau, AK 99801 (907) 465-5276, (907) 465-5274 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 555 Cordova Street, Anchorage, AK 99503, (907) 269-7500, (907) 269-7652 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 610 University Avenue, Fairbanks, AK 99709-3643, (907) 451-2360, (907) 451-2187 (Fax).

[FR Doc. 96-2722 Filed 2-8-96; 8:45 am]

BILLING CODE 6560-50-P