

electronic comments submitted during an applicable comment period, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The docket is located at the U.S. EPA Region V Office, Environmental Protection Agency, Waste, Pesticides and Toxics Division, Pesticides and Toxics Substances Branch, Toxics Program Section (DT-8J), 77 West Jackson Blvd, Chicago, IL 60604.

II. Background

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102-550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681-2692), entitled *Lead Exposure Reduction*. Section 402 of TSCA (15 U.S.C. 2682) authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges, and other structures. Under section 404 of TSCA, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program. On August 29, 1996, EPA issued section 402/404 regulations (40 CFR part 745) governing lead-based paint activities in target housing and child-occupied facilities. States and Indian Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA Office for review. To receive EPA approval, a State or Indian Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement (section 404(b) of TSCA, 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Indian Tribal program must meet in order to obtain EPA approval.

Under these regulations, a State must demonstrate that it has the legal authority and ability to immediately implement certain elements, including legal authority for accrediting training providers, certification of individuals, work practice standards and pre-renovation notification, authority to enter, and flexible remedies. In order to receive final approval, the State must be able to demonstrate that it is able to immediately implement the remaining performance elements, including training, compliance assistance, sampling techniques, tracking tips and complaints, targeting inspections, follow up to inspection reports, and

compliance monitoring and enforcement.

III. Federal Overfiling

Section 404(b) of TSCA makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State or Indian Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Indian Tribal program.

IV. Withdrawal of Authorization

Pursuant to section 404(c) of TSCA, the EPA Administrator may withdraw a State or Indian Tribal lead-based paint activities program authorization, after notice and opportunity for corrective action, if the program is not being administered or enforced in compliance with standards, regulations, and other requirements established under the authorization. The procedures EPA will follow for the withdrawal of an authorization are found at 40 CFR 745.324(i).

V. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this document in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: February 6, 2001.

David A. Ullrich,

Acting Regional Administrator, Region V.

[FR Doc. 01-7285 Filed 3-22-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6953-7]

Final Reissuance of the National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final NPDES general permit; correction.

SUMMARY: EPA published a new version of the NPDES Storm Water Multi-Sector General Permit (MSGP) in the **Federal Register** of October 30, 2000 (65 FR 64746), which replaced the first version issued on September 29, 1995 (60 FR 50804) and amended on February 9, 1996 (61 FR 5248), February 20, 1996 (61 FR 5248), September 24, 1996 (61 FR 50020), August 7, 1998 (63 FR 42534) and September 30, 1998 (63 FR 52430). This general permit authorizes the discharge of storm water from industrial activities consistent with the terms of the permit. The permit contained incorrect dates, typographical errors and omissions from any of the following: the fact sheet portion of the final MSGP from October 30, 2000, the proposed MSGP from March 30, 2000 (65 FR 17010), or the original 1995 version of the MSGP and subsequent amendments. This correction is subsequent to an initial correction notice published January 9, 2001 (66 FR 1675).

FOR FURTHER INFORMATION CONTACT: Bryan Rittenhouse, 202-564-0577; rittenhouse.bryan@epa.gov.

SUPPLEMENTARY INFORMATION:

Correction

The following corrections are to be made to the **Federal Register** of October 30, 2000, (65 FR 64746):

1. On page 64758, first column, under "2. Deadlines", correct the second paragraph to read:

Facilities currently covered by the 1995 MSGP who cannot immediately determine if they are eligible for coverage under today's reissued MSGP may nevertheless continue their previous coverage for up to 270 days, providing the permittee submits to EPA an application for an individual permit by January 29, 2001. He must also submit a written notification before January 29, 2001, that he needs the extension. The notification alerts the permitting authority of the need for continued coverage under the 1995 MSGP (and also that the permittee may

need some help in submitting the application), and it must include the reason why the extension is needed (e.g., to conduct Endangered Species Act or National Historic Preservation Act investigations, or intentionally obtain an individual permit). Applications and notifications must be sent to the appropriate Regional office as listed in part VI.F.2 of this portion of the permit. This interim coverage enables permittees to assess their eligibility for the MSGP-2000 and, if necessary, still meet the 180 day lead time required for applications for individual permits. If a permittee subsequently determines he is eligible for coverage under the MSGP-2000 before the 270 day extension is up, he may withdraw his individual permit application and submit an NOI for coverage under the MSGP-2000.

2. On page 64766, first column, under "4. Deadlines", insert "in writing, to the appropriate Regional office (listed in part VI.F.2), for" into the third sentence so that it reads:

However, a permittee may request, in writing, to the appropriate Regional office (listed in part VI.F.2), for an extension for the SWPPP update not to exceed 270 days from the expiration date of the 1995 MSGP.

3. On page 64779, second column, under "Section 2.1 Notice of Intent (NOI) Deadlines", Replace the first sentence following "Response:" with: The fact sheet clarifies that SWPPPs are to be prepared, in general, by January 29, 2001.

4. On page 64790, first column, under "Response c:", correct the second sentence to read: He then has up to 180 additional days of interim coverage under the MSGP while he conducts the consultation and determines whether he meets the criteria for coverage under the MSGP-2000, providing he requests in writing to the appropriate Regional office for the extension.

5. On page 64808, second column, under "1.2.3.6 *Endangered and Threatened Species or Critical Habitat Protection.*", replace the first sentence with:

You are not authorized for discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA.

6. On page 64808, second column, under part 1.2.3.6.1, delete the phrase

"or proposed to be designated" from the first sentence.

7. On page 64808, third column, under part 1.2.3.6.3.4, replace the phrase "listed species or critical habitat would be adversely affected." with: the discharges and discharge-related activities will jeopardize the continued existence of any species or result in the adverse modification or destruction of critical habitat.

8. On page 64809, first column, under part 1.2.3.6.6, delete the phrase "or proposed to be designated" from the first sentence.

9. On page 64810, second column, under part 2.1.2.2, in the first sentence, replace the phrase "under this permit" with: for continued coverage under the previous permit

10. On page 64810, second column, under part 2.1.2.2, after the first sentence, add the following sentence: A written notification must also be submitted to the Director explaining why you need the extended coverage (e.g., conducting Endangered Species Act or National Historic Preservation Act investigations, or applying for an individual permit). If you subsequently determine you are eligible for coverage under the MSGP-2000 before the 270 day extension is up, you may withdraw your individual permit application and submit a notice of intent for coverage under the MSGP-2000. If you cannot determine eligibility for the MSGP-2000 by the end of 270 days (July 29, 2001) your alternative permit coverage must be finalized or your discharges will be unauthorized.

11. On page 64825, second column, under "6.G.6 Storm Water Pollution Prevention Plan (SWPPP) Requirements", delete the sentence: "In addition to the following requirements, you must also comply with the requirements listed in Part 4."

12. On page 64825, second column, under "6.G.6.1 SWPPP Requirements for Active and Temporarily Inactive Metal Mining Facilities", add the following sentence:

For Part 6.G.6.1 only, in addition to the following requirements, you must also comply with the requirements listed in Part 4.

13. On page 64832, first column, under "6.K.2 Industrial Activities Covered by Sector K", add the following paragraph after the one found there:

Disposal facilities that have been properly closed and capped, and have no significant materials exposed to storm water, are considered inactive and do not require permits.

14. On page 64817, under Table 5-1, footnote 3, delete the word "ethylene".

15. On page 64817, in Table 5-1, column 2, following the words "Scrap Recycling", add the following: and Waste Recycling Facilities

16. On page 64837, first column, following "6.N.4.2 Scrap", insert the word: Recycling

17. On page 64838, third column, after "6.N.5 Monitoring and Reporting Requirements. (See also Part 5)", add the following:

The monitoring and reporting requirements given in TABLE N-1 apply only to scrap recycling and waste recycling facilities (non-source separated facilities only).

18. On page 64839, in Table 5N-1, column 1, following the words "Scrap Recycling", add the following: and Waste Recycling

19. On page 64845, column 3, under "6.S.6 Monitoring and Reporting Requirements (See also Part 5)", add the following language:

Monitor per the requirements in Table S-1, 4 times only during the three month period of December, January and February when deicing activities are occurring, for the year 2 and year 4 monitoring years.

20. On page 64845, under table S-1, delete the footnote: "1 Monitor once/quarter for the year 2 and 4 monitoring years."

21. On page 64799, first column, under "Response y", replace the entire paragraph with:

EPA will keep the visual monitoring requirement waiver for representative outfalls that was contained in the 1995 MSGP. This applies when two or more outfalls at a facility discharge substantially identical effluents. When this occurs, the permittee can perform a visual examination of just one of the discharges, providing he describes in his SWPPP why the other outfalls are expected to discharge essentially the same effluents.

22. On page 64818, third column, in "5.2.4 Representative Outfalls-Essential Identical Discharges", replace the word "Essential" with: Essentially

23. On page 64818, third column, under "5.2.4 Representative Outfalls-Essential Identical Discharges", add the following sentence after the first sentence:

The same outfall monitoring waiver for substantially identical discharges applies to quarterly visual monitoring as well.

24. On page 64873, Addendum D-Notice of Intent Form, under "A. Permit Selection", correct the sentence to read:

If new, enter generic permit, otherwise enter previous permit:

25. On page 64874, column 1, under "Section A. Permit Selection", replace the language in both the original version published on October 29, 2000 and the corrected version published on January 9, 2001 with the following:

If your facility was previously covered by the MSGP 1995 Permit, and you are transferring to the October 29, 2000 version of the MSGP (MSGP 2000), then you must indicate the MSGP 1995 permit number assigned to you by the Storm Water Notice of Intent Center.

If your facility was not previously covered by the MSGP 1995 Permit, and you are applying for new coverage under the MSGP 2000 Permit, you must indicate the "generic" permit number covering your facility area. You will find your generic permit number in the MSGP 2000 Permit, **Federal Register**, Vol. 65, No. 210, Monday, October 30, 2000, on pages 64802-64803. (As an example, the generic permit number for an industrial site in Puerto Rico would be PRR05*###.) The MSGP 2000 Permit is available online at <http://www.epa.gov/owm/sw/industry/msgp/msgp2000.pdf>.

26. On page 64871, column 1, under "Puerto Rico, Commonwealth of", delete "Deputy: Berenice Sueiro, E-Mail: bsueiro@prshpo.prstar.net" and replace "Ms. Lilliane D. Lopez" with: Ms. Enid Torregrosa de la Rosa

27. On page 64826, column 3, under "6.G.6.2.4.4 Capping", replace "6.G.6.1.7" with:

6.G.6.1.6.4

28. On page 64826, column 3, under "6.G.6.2.4.5 Treatment", replace "6.G.6.1.8" with:

6.G.6.1.6.5

Region 1

Signed and issued this 30th day of February 2001.

Susan Studlien,

Deputy Director, Office of Ecosystem Protection.

Region 2

Signed and issued this 28th day of January 2001.

George Pavlou,

Director, Division of Environmental Planning and Protection.

Signed this 2nd day of February, 2001.

Jon M. Capacasa,

Deputy Director, Water Protection Division, Region 3.

Dated: February 12, 2001

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Region 6

Signed and issued this 1st day of February 2001.

Oscar Ramirez, Jr.,

Acting Director, Water Quality Protection Division.

Region 8

Signed and issued this 26th day of January 2001.

Stephen S. Tuber,

Acting Assistant Regional Administrator, Office of Partnerships and Regulatory Assistance.

Region 9

Signed and issued this 24th day of January 2001.

Alexis Strauss,

Director, Water Division.

Region 10

Signed and issued this 29th day of January 2001.

Robert Robichaud,

Acting Director, Office of Water.

BILLING CODE 6560-50-P

Instructions for Completing the Notice of Intent for Storm Water Discharges Associated with INDUSTRIAL ACTIVITY Under the Multi-sector General Permit

Who Must File a Notice of Intent?

Under the provisions of section 402(p) of the Clean Water Act (CWA) and regulations at 40 CFR Part 122, Federal law prohibits "point source" discharges of storm water associated with industrial activity to waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. If you operate a facility which is described in Part 1.2.1. of the Multi-sector General Permit (MSGP) or if you have been designated as needing permit coverage for your storm water discharges by your NPDES permitting authority, and you meet the eligibility requirements in Part 1 of the permit, you may satisfy your CWA obligation for permit coverage by submitting a completed NOI to obtain coverage under the MSGP. If you have questions about whether you need a permit under the NPDES Storm Water Program, contact your NPDES permitting authority (i.e., your EPA Regional storm water coordinator or your State water pollution control agency).

One NOI must be submitted for each facility or site for which you are seeking permit coverage. Only one NOI need be submitted to apply for coverage for all of your activities at each facility (e.g., you do not need to submit a separate NOI for each type of industrial activity located at a facility or industrial complex, provided your storm water pollution prevention plan covers each area for which you are an operator). Finally, the NOI must be submitted in accordance with the deadlines established in Part 2.1 of the MSGP.

When to File the NOI Form

DO NOT FILE THE NOI UNTIL YOU HAVE OBTAINED A COPY OF THE MULTI-SECTOR GENERAL PERMIT. You will need it to determine your eligibility, prepare your storm water pollution prevention plan, and correctly answer all questions on the NOI form — all of which must be done before you can sign the certification statement on the NOI in good faith (and without risk of committing perjury).

If you have a new facility or are the new operator of an existing facility, this form must be postmarked at least 48 hours before you need permit coverage. If your facility was covered under the 1995 Multi-sector General Permit or if you are currently operating without a permit, see Part 2.1 of the MSGP for your deadlines. CAUTION: You must allow enough lead time to gather the information necessary to complete the NOI (especially that related to determining eligibility with regards to endangered species and historic properties) and prepare the pollution prevention plan required by Part 4 of the MSGP prior to submitting your NOI.

Where to File the NOI Form

NOIs must be sent to the following address (do not send Storm Water Pollution Prevention Plans (SWPPPs) to this address):

Storm Water Notice of Intent (4203M)
USEPA
1201 Constitution Avenue
Washington, DC 20460

(For overnight/express delivery of NOIs, add the phone number (202) 564-9537)

NOTE: While not currently available, EPA is exploring the possibility of offering the option to complete the NOI form electronically online via the Internet. If this option does become available, directions will be posted on EPA's web site. To check on the availability of the alternative Online NOI, please visit <http://www.epa.gov/owm/sw>. If the Online NOI is not available, you must file the NOI at the above address.

If your facility discharges through a municipal separate storm sewer system (MS4) that is permitted as a medium or large MS4 under the NPDES Storm Water Program, you must also submit a signed copy of the NOI to the operator of that MS4, in accordance with the deadlines established in Part 2.1 of the permit.

Completing the NOI Form

To complete this form, type or print, using uppercase 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. Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to the address above.

Section A. Permit Selection

If your facility was previously covered by the MSGP 1995 Permit, and you are transferring to the October 29, 2000 version of the MSGP (MSGP 2000), then you must indicate the MSGP 1995 permit number assigned to you by the Storm Water Notice of Intent Center.

If your facility was not previously covered by the MSGP 1995 Permit, and you are applying for new coverage under the MSGP 2000 Permit, you must indicate the "generic" permit number covering your facility area. You will find your generic permit number in the MSGP 2000 Permit, Federal Register, Vol. 65, No. 210, Monday, October 30, 2000, on pages 64802-64803. (As an example, the generic permit number for an industrial site in Puerto Rico would be PRR05###.) The MSGP 2000 Permit is available online at <http://www.epa.gov/owm/sw/industry/msgp/msgp2000.pdf>.

Section B. Facility Operator Information

1. Provide the legal name of the person, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal 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.
2. Provide the telephone number of the facility operator.
3. Provide the mailing address of the facility operator. Include the street address or P.O. Box, city, state, and zip code. All correspondence regarding the permit will be sent to this address, not the facility address in Section C.
4. Indicate the legal status of the facility operator as a Federal, State, Tribal private, or other public entity (other than Federal or State). This refers only to the operator, not the owner or the

land the facility or site is located upon.

Section C. Facility/Site Information

1. Enter the official or legal name of the facility or site.
2. Enter the complete street address (if no street address exists, provide a geographic description [e.g., Intersection of Routes 9 and 55]), city county, state, and zip code. Do not use a P.O. Box. Enter the latitude and longitude of the approximate center of the facility or site in degrees/minutes/seconds. Latitude and longitude can be obtained from U.S. Geological Survey (USGS) quadrangle or topographic maps, by using a GPS unit, by calling 1-(888) ASK-USGS, by searching for your facility's address on several commercial "map" sites on the Internet, or by accessing EPA's web site at <http://www.epa.gov/owm/sw/industry/index.htm> and selecting Latitude and Longitude Finders under the Resources/Permit section.
3. If you are filing as a co-permittee and a storm water general permit number has been issued to the co-permittee, enter the number in the space provided.
4. Indicate whether the facility is located on Indian Country lands (e.g., a federally recognized reservation, etc.).
5. Indicate whether the facility or site discharges storm water into a receiving water(s) and/or a municipal separate storm sewer system (MS4). Enter the name(s) of the closest receiving water(s) and/or the MS4 (An 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 and is designed or used for collecting or conveying storm water.)
6. List your primary and secondary four digit Standard Industrial Classification (SIC) codes or 2-character Activity Codes that best describe the principal products or services provided at the facility or site identified in Section C of this application. For industrial activities defined in 40 CFR 122.26(b)(1)(i)-(ix) and (xi) that do not have SIC codes that accurately describe the principal products produced or services provided, use the following 2-character Activity 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)(1)(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)(1)(v)]; SE = Steam electric power generating facilities, including coal handling sites [40 CFR 122.26(b)(1)(vi)]; 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)(1)(ix)]; or Alternatively, if your facility or site was specifically designated by your NPDES permitting authority (EPA), enter "AD."

Section D. Certification

Certification statement and signature. (CAUTION: An unsigned or undated NOI form will prevent the granting of permit coverage.) 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 for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where 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 municipal, State, Federal, or other public facility: by either a principal executive or ranking elected official.

Paperwork Reduction Act Notice

Public reporting burden for this certification is estimated to average 3.7 hours per certification, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose to provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. 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: Director, Office of Environmental Information Services, Collection Services Division (2823), USEPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OMB control number of this form on any correspondence. Do not send the completed NOI form to this address.