#### 40 CFR Part 124

Administrative practice and procedure, Air pollution control, Hazardous waste, Indian lands, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: July 31, 1995.

### Carol M. Browner,

Administrator.

For the reasons set forth in this preamble, parts 122 and 124 of Title 40 of the Code of Federal Regulations are amended as follows:

# PART 122—[AMENDED]

1. The authority citation for part 122 continues to read as follows:

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

2. Section 122.21 is amended by adding a sentence to the end of paragraph (c)(1) to read as follows:

# § 122.21 Application for a permit (applicable to State programs, see 123.25).

(c) Time to apply.

- (1) \* \* \* New discharges composed entirely of storm water, other than those dischargers identified by § 122.26(a)(1), shall apply for and obtain a permit according to the application requirements in § 122.26(g).
- 3. Section 122.26(a)(1) is amended as follows:
- a. In paragraph (a)(1) the introductory text is amended by revising the date "October 1, 1992" to read "October 1, 1994":
- b. By adding paragraph (a)(9) as set forth below:
- c. By revising the title of paragraph (e) as set forth below;
- d. In paragraph (e)(1)(ii), by revising the phrase "permit application requirements are reserved" to read "permit application requirements are

- contained in paragraph (g) of this section"; and
- e. By adding paragraph (g) as set forth below.

# §122.26 Storm water discharges (applicable to State NPDES programs, see §123.25).

- (a) \* \* \*
- (9) On and after October 1, 1994, dischargers composed entirely of storm water, that are not otherwise already required by paragraph (a)(1) of this section to obtain a permit, shall be required to apply for and obtain a permit according to the application requirements in paragraph (g) of this section. The Director may not require a permit for discharges of storm water as provided in paragraph (a)(2) of this section or agricultural storm water runoff which is exempted from the definition of point source at §§ 122.2 and 122.3.
- (e) Application deadlines under paragraph (a)(1). \* \* \*
- (g) Application requirements for discharges composed entirely of storm water under Clean Water Act section 402(p)(6). Any operator of a point source required to obtain a permit under paragraph (a)(9) of this section shall submit an application in accordance with the following requirements.
- (1) Application deadlines. The operator shall submit an application in accordance with the following deadlines:
- (i) A discharger which the Director determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States shall apply for a permit to the Director within 180 days of receipt of notice, unless permission for a later date is granted by the Director (see 40 CFR 124.52(c)); or

- (ii) All other dischargers shall apply to the Director no later than August 7, 2001
- (2) Application requirements. The operator shall submit an application in accordance with the following requirements, unless otherwise modified by the Director:
- (i) Individual application for nonmunicipal discharges. The requirements contained in paragraph (c)(1) of this section.
- (ii) Application requirements for municipal separate storm sewer discharges. The requirements contained in paragraph (d) of this section.
- (iii) Notice of intent to be covered by a general permit issued by the Director. The requirements contained in 40 CFR 122.28(b)(2).

## PART 124—[AMENDED]

4. The authority citation for part 124 continues to read as follows:

**Authority:** Resource Conservation and Recovery Act, 42 U.S.C. 3901 *et seq.*; Safe Drinking Water Act, 42 U.S.C. 300(f) *et seq.*; Clean Water Act, 33 U.S.C. 1251 *et seq.*; Clean Air Act, 42 U.S.C. 7401 *et seq.* 

5. Section 124.52(c) is amended by revising the parenthetical statement and the next to the last sentence to read as follows:

### § 124.52 Permits required on a case-bycase basis.

(c) \* \* \* (see 40 CFR 122.26 (a)(1)(v), (c)(1)(v), and (g)(1)(i)) \* \* \* The discharger must apply for a permit under 40 CFR 122.26 (a)(1)(v) and (c)(1)(v) within 60 days of notice or under 40 CFR 122.26(g)(1)(i) within 180 days of notice, unless permission for a later date is granted by the Regional Administrator. \* \* \*

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