TABLE 1.—INDUSTRIAL ACTIVITIES COVERED BY TODAY'S GENERAL PERMIT—Continued

Industrial activity	Fact sheet section de- scribing discharges covered	Permit section describing discharges covered
Printing and Publishing Facilities	VIII.Z	XI.X. XI.Y. XI.Z. XI.AA. XI.AB.

A. Limitations on Coverage

Because of the broad scope of today's permit, most industrial activities currently regulated under the storm water program could be covered by the permit. There are, however, several types of storm water discharges which are not covered under today's permit. Storm water discharges subject to an existing NPDES permit are not covered under today's permit, except facilities which are currently subject to the baseline general permit. EPA believes that in most cases these discharges are more appropriately covered under terms and conditions of their existing permit. These discharges may be covered under today's permit only when the existing permit has expired and only when the expired permit did not contain numeric effluent limitations more stringent than those in today's permit. Owners/ operators of facilities currently covered under the baseline general permit who wish to obtain coverage under today's general permit must submit a Notice of Termination (NOT) to terminate coverage under the baseline general permit with a Notice of Intent (NOI) to be covered under today's permit. Storm water discharges that were subject to an NPDES permit that was terminated by the permitting authority are not eligible for coverage under today's permit. Construction activities are not eligible for coverage under this permit. Storm water discharges that were subject to a permit that was terminated as a result of the permittee's request are eligible for coverage under today's permit. Storm water discharges from industrial activities that are not addressed in the appropriate section of Part XI. (see Table 1) of the permit are not eligible for coverage under this permit. These types of industrial activities were not represented in the group application process. Therefore, EPA has no additional information with which to develop permit requirements beyond those developed for the baseline general permit.

(1) Storm Water Discharges Subject to New Source Performance Standards. Section 306 of the Clean Water Act requires EPA to develop performance standards for all new sources described in that section. These standards apply to all facilities which go into operation after the date the standards are promulgated. Section 511(c) of the Clean Water Act requires the Agency to comply with the National Environmental Policy Act prior to issuance of a permit under the authority of Section 402 of the CWA to facilities defined as a new source under Section 306.

Facilities which are subject to the performance standards for new sources as described in this section of the fact sheet must provide EPA with an **Environmental Information Document** pursuant to 40 CFR 6.101 prior to seeking coverage under this permit. This information shall be used by the Agency to evaluate the facility under the requirements of the National Environmental Policy Act (NEPA) in an Environmental Review. The Agency will make a final decision regarding the direct or indirect impact of the discharge. The Agency will follow all administrative procedures required in this process. The permittee must obtain a copy of the Agency's final finding prior to the submittal of a Notice of Intent to be covered by this general permit. In order to maintain eligibility, the permittee must implement any mitigation required of the facility as a result of the NEPA review process. Failure to implement mitigation measures upon which the Agency's NEPA finding is based is grounds for termination of permit coverage. In this way, EPA has established a procedure which allows for the appropriate review procedures to be completed by this Agency prior to the issuance of a permit under Section 402 of the CWA to an operator of a facility subject to the new source performance standards of Section 306 of the CWA. EPA believes that it has fulfilled its requirements under NEPA

for this federal action under Section 402 of the CWA.

(2) Historic Preservation. The National Historic Preservation Act (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 to 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. Therefore, under today's permit a storm water discharge may be covered only if the discharge will not affect a historic property that is listed or is eligible to be listed in the National Historic Register, or the operator has obtained and is in compliance with a written agreement signed by the State Historic Preservation Officer (SHPO) that outlines measures to be taken to mitigate or prevent adverse affects to the historic site.

(3) Endangered Species. The Endangered Species Act (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 NPDEŠ 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 this permit on April 5, 1995. The terms and conditions of this permit reflect the results of that consultation.

Accordingly, storm water discharges that are likely to adversely affect species identified in Addendum H of the permit are not authorized permit coverage