

same individual should carry out the collection and examination of discharges throughout the life of the permit to ensure the greatest degree of consistency possible. Grab samples shall be collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff begins discharging. Reports of the visual examination include: the examination date and time, examination personnel, visual quality of the storm water discharge, and probable sources of any observed storm water contamination. The visual examination reports must be maintained onsite with the pollution prevention plan.

When a discharger is unable to collect samples over the course of the visual examination 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 examinations. 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.).

EPA realizes that if a facility is inactive and unstaffed it may be difficult to collect storm water discharge samples when a qualifying event occurs. Today's final permit has been revised so that inactive, unstaffed facilities can exercise a waiver of the requirement to conduct quarterly visual examination.

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 test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluent. 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.

EPA believes that this quick and simple assessment will allow the permittee to approximate the effectiveness of his/her plan on a regular basis at very little cost. Although the visual examination cannot assess the chemical properties of the storm water discharged from the site, the examination will provide meaningful results upon which the facility may act quickly. The frequency of this visual examination will also allow for timely adjustments to be made to the plan. If BMPs are performing ineffectively, corrective action must be implemented. A set of tracking or follow-up procedures must be used to ensure that appropriate actions are taken in response to the examinations. The visual examination is intended to be performed by members of the pollution prevention team. This hands-on examination will enhance the staff's understanding of the storm water problems on that site and the effects of the management practices that are included in the plan.

EPA believes that with quarterly visual examinations and site compliance evaluations, potential sources of contaminants can be identified and controlled with BMPs. In determining the monitoring requirements, EPA considered the nature of the industrial activities and significant materials exposed at these sites, and performed a review of data provided in Part 2 group applications.

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

1. Discharges Covered Under this Section

On November 16, 1990 (55 FR 47990), EPA promulgated the regulatory definition of "storm water discharges associated with industrial activity." This definition included point source discharges of storm water from 11 major categories of facilities, including: "* * * (xi) Facilities under Standard Industrial Classifications 20, 21 * * *."

This section covers storm water discharges associated with industrial activities from establishments manufacturing or processing foods and beverages for human consumption, and related products, and prepared feeds for animals and fowls. This section also covers establishments engaged in manufacturing cigarettes, cigars, and other tobacco products. Food and kindred products processing facilities subject to requirements under this section include the following types of operations (i.e., subsectors):

- a. Meat Products (generally described by SIC Codes 2011, 2013, and 2015).
- b. Dairy Products (generally described by SIC Codes 2021, 2022, 2023, 2024, and 2026).
- c. Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties (generally described by SIC Codes 2032, 2033, 2034, 2035, 2037, and 2038).
- d. Grain Mill Products (generally described by SIC Codes 2041, 2043, 2044, 2045, 2046, 2047, and 2048).
- e. Bakery Products (generally described by SIC Codes 2051, 2052, and 2053).
- f. Sugar and Confectionery Products (generally described by SIC Codes 2061, 2062, 2063, 2064, 2066, 2067, and 2068).
- g. Fats and Oils (generally described by SIC Codes 2074, 2075, 2076, 2077, and 2079).
- h. Beverages (generally described by SIC Codes 2082, 2083, 2084, 2085, 2086, and 2087).
- i. Miscellaneous Food Preparations and Kindred Products (generally described by SIC Codes 2091, 2092, 2095, 2096, 2097, 2098, and 2099).
- j. Tobacco Products (generally described by SIC Codes 2111, 2121, 2131, and 2141).

Storm water discharges covered by this section include discharges from industrial plant yards; material handling sites; refuse sites; sites used for application or disposal of process wastewaters; sites used for storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw materials and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and where the aforementioned areas are exposed to storm water.

This section does not cover any discharges subject to effluent limitations guidelines, including storm water that combines with process wastewater. Also, storm water that does not come into contact with any raw material, intermediate product, finished product, by-product, or waste product located on the site of the operation are not subject to permitting under this section according to 40 CFR 122.26(b)(14).

When an industrial facility, described by the above coverage provisions of this section, has industrial activities being conducted onsite 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