

building and pavement wash water discharge only be allowed under the permit where there has been no past spill or leaks or where all spilled material has been removed. The commenters indicated that it was not reasonable to require all residue to be removed. Commenters requested a more reasonable cleanup standard. EPA has not modified this provision in today's permit. The non-storm water discharges covered by today's permit are eligible because EPA believes these discharges will not contain contamination. To the contrary, there is a significant possibility that pavement or building wash water from an area in which a pollutant residue remains will contain pollutants which would then be discharged. Such discharges, if they are not completely cleaned up, are required to be permitted, but under a separate NPDES permit. If such discharges are numerous at a facility, the operator of the facility may find it advantageous to apply for an individual NPDES permit which could cover these types of discharges in addition to the storm water and process discharges that may be present. Under any permitting scenario, however, the preferential environmental result is to remove the residual contamination and prevent the contamination of storm water runoff.

Releases in Excess of Reportable Quantities

Under the proposed permit permittees were required to report releases of hazardous substances as required under 40 CFR 117 and 40 CFR 302 that exceed a reportable quantity (RQ). If the spill exceeds the RQ the facility must report the spill to the National Response Center, modify the storm water pollution prevention plan, and notify EPA in writing of the nature of the spill. The permit further required facilities to minimize the discharges of these substances in storm water through the implementation of applicable best management practices. When releases do occur, the facilities are required to submit a written report which outlines the steps to be taken to reduce the chance of further spills in the future. Commenters were concerned about how to interpret the reporting requirements for RQ releases. For instance, at an airport, if individual airlines release ethylene glycol at levels below the RQ, then is the combined discharge from several airlines considered reportable? Commenters also wanted clarification on what constituted a significant spill or leak. Is the spillage of two cups of oil significant if it causes a visible sheen?

Today's permit requires each individual permittee to report spills

equal to or exceeding the RQ levels specified at 40 CFR 110, 117, and 302. If an airport authority is the sole permittee, then the sum total of all spills at the airport would be assessed against the RQ. If the airport authority is a co-permittee with other permittees at the airport, such as numerous different airlines, the assessed amount would be the summation of all spills by each co-permittee. If separate, distinct individual permittees exist at the airport, then the amount spilled by each separate permittee is the assessed amount for RQ determination. These facilities must follow the necessary procedures for reporting spills or leaks equal to or exceeding the RQ level. Where a sole permittee is identified, this permittee would report. Where co-permittees are present, the co-permittees should identify in their pollution prevention plan for the airport who the responsible party is for reporting purposes, otherwise all co-permittees are responsible. In relation to the RQ for oil, quantity does not necessarily matter. The oil RQ is a visible sheen or slick and if such is produced by a spill of oil then the RQ has been exceeded.

Non-Storm Water Discharge Certification

Many commenters felt that the storm water pollution prevention plans should not include an inventory of non-storm water discharges or the NPDES permit numbers that cover those discharges. Today's permit does not require the permittee to list the NPDES permit numbers for the separately permitted non-storm water discharges, however, the permit does require that facilities identify the potential sources of the non-storm water discharges. The list of potential sources will assist the operator in efforts to eliminate or redirect non-storm water discharges.

Deadlines for Preparation, Implementation and Revisions to the Storm Water Pollution Prevention Plan

The proposed multi-sector permit currently requires that all facilities certify that they have prepared and implemented a storm water pollution prevention plan in accordance with part IV of the permit. For existing facilities, the storm water pollution prevention plan must be prepared and implemented within 270 days after permit issuance. New facilities must have prepared and implemented the storm water pollution prevention plan prior to submitting the NOI. Where construction is necessary to implement the plan, the facility should complete construction as soon as possible, but has up to a maximum of 3 years to comply

with the plan. There is also a provision for an extension of the deadline for implementation of the storm water pollution prevention plan where the Director may establish a later date for compliance with the plan where a facility can show good cause.

Oil and gas facilities which have discharges of reportable quantities of oil or a hazardous substance will be required to develop and implement a plan on or before 60 days after first knowledge of a release. EPA requested comment as to whether the multi-sector permit should require all permittees to submit certification that the storm water pollution prevention plan has been prepared and implemented in accordance with the terms and conditions of the permit. The proposed permit also would have required any needed revisions of the plan to be developed within 2 weeks of the Comprehensive Site Compliance Evaluation and implemented no more than 12 weeks after the inspection.

In general, commenters indicated that they needed more time to develop and implement the storm water pollution prevention plan properly because of the complexity and resources involved. These commenters were commenting on both new and existing facility requirements. Five commenters did not like the deadlines for development and implementation of a storm water pollution prevention plan in the multi-sector permit because these deadlines were inconsistent with EPA's baseline storm water general permit. They argued that the multi-sector permit should allow the same time frame of 6 months from the effective date of the permit to develop the plan with 360 days for implementation. Four commenters argued that new facilities should not have to certify that their storm water pollution prevention plan is complete at the time of NOI submittal. They felt that new facilities should be afforded the same compliance deadline as the existing facilities which are given 270 days. One commenter suggested that a more reasonable cut-off time be established for new facilities when the storm water pollution prevention plan would be required to be developed and implemented prior to the NOI. Another commenter argued that new facilities should be given 6 months after submittal of the NOI to develop and implement the plan to allow for the evaluation of plan needs while the facility is in operation. One commenter felt that a minimum of 90 days would be needed for smaller facilities for internal development and training under the storm water pollution prevention plan. Another commenter