monitoring under the terms of the proposed permit.

Second, the benchmark values were used as a standard of comparison for an individual permitted facility that wishes to qualify for the low concentration waiver to be relieved from monitoring in the fourth year of the permit (monitoring cut-off values). The permittee would conduct storm water sampling as required under the permit in the second year of coverage. From this data, the permittee would average the pollutant concentrations for each monitored pollutant and would then compare these averages against the monitoring cut-off values. If the average concentrations were below the cut-off values then the permittee would be relieved from monitoring in the fourth year of the permit on the conclusion that the pollution prevention plan was effective in controlling the discharge of the storm water pollutants of concern.

Although most commenters favored the concept of an incentive approach to monitoring, if monitoring had to be required, a significant number of commenters indicated that the benchmark concentrations/monitoring cut-off values were inappropriate. Reasons given for this comment include the following: (1) The use of water quality criteria is an inappropriate comparison for discharge data, because it does not consider dilution of the discharge in the receiving water; (2) benchmarks should be determined based upon local conditions not by using national standards; (3) EPA should not use NURP median concentrations as benchmark values. These values have no bearing to industrial storm water discharge or to water quality; (4) several of the benchmark values are below the method detection limit (e.g., arsenic) and would therefore be impossible to achieve; (5) other benchmark values are far too stringent, (some are even lower than drinking water standards) and runoff from industrial areas would not meet these benchmarks; (6) many of the commenters were concerned that the benchmark concentrations are, or will become storm water effluent limitations.

Under today's final permit, EPA continues to use benchmark concentrations as a means for selecting priority industries for analytical monitoring and as a means for determining if the facility is eligible for a sampling waiver in the fourth year of permit coverage. However, because of the comments received, the basis for development of the benchmarks/monitoring cut-off values has been reevaluated by EPA.

The revised benchmarks/monitoring cut-off values and the basis for these are presented in the Fact Sheet to today's permit. Changes made to the benchmarks/monitoring cut-off values to address the concerns expressed in the comments are summarized below.

Conventional Pollutants: NURP median data for conventionals have been replaced as benchmark values and monitoring cut-off values for all conventional pollutants except TSS and nitrate plus nitrite nitrogen. The replacement conventional benchmarks are based upon pollutant concentration levels required under the secondary treatment regulations, North Carolina water quality standards and existing storm water effluent guidelines. In most cases, the final benchmarks for conventionals/monitoring cut-off values are at higher concentration levels than the benchmarks in the proposed permit.

Non-Conventional-Inorganic: Acute water quality criteria based upon human consumption (where acute values do not exist) will be retained as benchmarks and monitoring cut-off concentrations for parameters if the values are not lower than method detection limits. Where the values are lower than the method detection limits, the benchmark has been replaced by the minimum level. A minimum level for such a pollutant is the method detection level multiplied by a factor of 3.18. The factor of 3.18 has been determined by EPA to be the most appropriate level above the detection level (for most pollutants) at which reliable quantitation of the pollutant can be analytically accomplished.

Non-Conventional-Organic: Water quality criteria values based on human consumption values are now used as benchmarks. Acute water quality criteria for these pollutants are generally too high to be used as benchmark values.

EPA believes that the revised pollutant benchmarks represent a reasonable standard of comparison for industrial storm water discharges for the two principle purposes described above. All levels are above the method detection limits for the respective parameters and provide a reasonable target for controlling storm water contamination by pollution prevention plans.

EPA emphasizes that the pollutant benchmark concentrations are not storm water effluent limitations, they are simply standards of comparison or targets by which EPA determined if discharges from an industry sector or facility merit monitoring under the terms of the permit. Facilities are not required to meet these concentrations as effluent limitations in their discharges. The benchmarks are designed to assist facility operators in determining if their pollution prevention plans are reducing pollutant concentrations to below levels of concern. Given the purpose of these benchmarks/monitoring cut-off values, EPA does not believe that dilution or background concentrations of each pollutant need to be considered. The monitoring benchmark cutoff values are not effluent limitations. For this same reason, local conditions do not need to be considered.

Facilities wishing to obtain a permit which considers their local conditions have the option of not seeking coverage under this multi-sector general permit but may submit an individual permit application to their applicable EPA permitting authority.

Minimum Required Data Needed for Pollutants To Be Analyzed for Monitoring

When determining industry-specific monitoring requirements for facilities under the multi-sector permit, EPA performed statistical analyses on pollutant data submitted in the group applications. For pollutants of potential concern, (those with at least three observations (outfall samples) within an industrial sector), EPA compared the median values to the benchmark values to determine a potential pollutant for monitoring.

Commenters felt that three observations of a parameter per sector was not a fair minimum representation for the facilities within a sector since the pollutants may all be showing up at three outfalls at only one facility and this facility may not be representative of an entire industry sector. Commenters argued that a parameter should only be considered as a pollutant of concern if it is observed at some significant percentage of the sites sampled within the sector. Other commenters stated that the minimum should be based upon at least three separate facilities instead of outfalls. An entire sector should not be required to monitor based upon the information received from one facility that sampled three outfalls.

EPA agrees with the commenters and the methodology for developing monitoring requirements for today's permit has been revised. In the methodology used for the monitoring provisions for the final permit, EPA only considers a pollutant to be of concern where 3 separate facilities submitted data within a subsector or sector.

Under the methodology for the proposed permit it was possible for an entire sector to be required to monitor