evaluation and the corrections must be implemented within 12 weeks. Most of the industry sectors required the evaluation to be performed annually, however, a few sectors required more frequent comprehensive site compliance evaluations. For example, the chemical and allied products sector of the proposed permit required quarterly comprehensive site compliance evaluations. A few industry sectors allowed less frequent evaluations, for example the ore mining and dressing sector only required evaluations every three years at inactive mine sites.

Commenters expressed several concerns with the comprehensive site compliance evaluation requirements. The primary concern dealt with the required frequency for the evaluation. A number of commenters stated that the evaluation should not be required more frequently than once per year in any industry sector. Commenters stated that an annual evaluation was sufficient to assure compliance of the plan with permit requirements. Commenters also stated that the frequency should be consistent across all sectors unless more frequent evaluations could be justified. Commenters were also concerned with the time frame allowed to modify the pollution prevention plan following the evaluation. Commenters stated that two weeks is not sufficient time to obtain the resources necessary to modify the plan. A few commenters also felt that the comprehensive site compliance evaluation is redundant and duplicative of the inspections required by the storm water pollution prevention plan. The commenters argued that the evaluation should not be required unless the inspections reveal recurring problems with the plan. Finally, one commenter stated that the evaluation should be performed by an outside consultant or corporate official with expertise in storm water pollution prevention.

In response, EPA has reconsidered the frequencies of the comprehensive site compliance evaluation in the proposed permit and has standardized the frequency to once per year in all sectors, unless sector-specific justification is given for a more frequent inspection. EPA also wants to clarify that the comprehensive site compliance evaluation requirements are different from other inspection and monitoring requirements of the permit. The comprehensive site compliance evaluation is intended to be an overall comprehensive inspection that is conducted at a minimum on an annual basis where the pollution prevention plan is totally reviewed. The inspection should 1) confirm the accuracy of the description of potential pollution

sources contained in the pollution prevention plan, 2) determine the effectiveness of the plan, and 3) assess compliance with the terms and conditions of the permit. These goals, in combination, are more comprehensive than the other inspection and monitoring requirements in the permit. The annual comprehensive site compliance evaluation also satisfies the minimum monitoring requirement of all NPDES permits (40 CFR 122.44(i)(4)). Therefore, EPA is retaining the requirement that all industrial sectors conduct an annual comprehensive site compliance evaluation. To the extent that this compliance evaluation overlaps with other inspections (e.g., daily inspections of storage areas), the comprehensive site compliance evaluation can be used in place of the other inspections. Because the comprehensive site compliance evaluations are intended in part to determine the effectiveness of the pollution prevention plan and compliance with the permit, EPA believes it is important that a member of the pollution prevention team be involved in conducting the evaluation.

In response to the concern about the two week timeframe being to short to fully implement changes to the plan if such are necessary as a result of the inspection, EPA disagrees and believes a clarification is necessary. Under the terms of the final permit, if a facility operator determines a deficiency in the storm water pollution prevention plan after conducting the annual comprehensive site compliance evaluation, then the permit provides for up to two weeks to modify the plan and then up to 12 weeks to implement the actual plan modifications. EPA anticipates that many plan changes will be procedural or programmatic in nature and as such should not take an excessive amount of time to perform. EPA expects these to be easily completed within the 12 week deadline. Where major changes are necessary that require construction, such as installation of a new structural BMP, the permit conditions allow for up to three years. EPA believes these timeframes are adequate and therefore no changes to the final permit have been made.

Response to Major Sector-Specific Issues

## Timber Products Facilities

The proposed permit for timber product facilities does not cover nonpoint source silvicultural activities, such as timber harvesting operations and certain other silvicultural activities described under SIC code 2411, which

may be exempt from the National Pollutant Discharge Elimination System (NPDES) permit program as described in the silvicultural definition at 40 CFR Part 122.27. Many commenters agreed that certain silvicultural activities are not covered by NPDES permit requirements and are best controlled under the section 319 nonpoint source program. Because these discharges are addressed by the section 319 nonpoint source program, some commenters recommended that the language in the permit and the fact sheet be changed from providing an "exemption" of these discharges to say that "certain silvicultural activities are not prohibited by or otherwise subject to these regulations." Other commenters requested that the language concerning coverage of silvicultural activities that is in the permit fact sheet, also be placed in the permit to avoid confusion.

In response, EPA believes that nonpoint source silvicultural activities not covered under this permit (e.g., harvesting operations, and certain other activities) are exempt from the NPDES permit program. Exempt activities do not need to obtain an NPDES storm water discharge permit. EPA does not believe that further clarification is necessary beyond that already stated in the fact sheet to the timber products sector. If a facility operator questions its regulatory status after reviewing the fact sheet, the operator should contact the permitting authority for the State in which it is located for additional guidance on its regulatory status.

Many commenters suggested that the definition of timber products activities not required to obtain NPDES permits for storm water discharges be expanded in the fact sheet. Some commenters wanted to include remote log sort/ concentration yards that do not conduct processing activities. These commenters were concerned that the proposed permit groups all log sort/concentration yards into the same category as facilities processing timber products. They stated that the activities performed at these yards are similar to forest harvesting operations including unloading, stacking, storing and reloading roundwood. In addition, they stated that the pesticides, herbicides, and fertilizers presumed present at these sites are not usually there. Another commenter requested that forest roads be included as nonpoint sources, as well as forest recreational sites and national forest administrative sites that do not include treatment facilities. The commenter stated that these facilities could be effectively covered under nonpoint source programs.