these revised monitoring requirements are responsive to the major comments received on the proposed monitoring provisions in that the monitoring is more industry-specific due to the subsector approach and that this approach more accurately identifies the pollutants of concern within each industry subsector. In response to the issue of whether a remote facility should be required to comply with the monitoring provisions, EPA realizes that if a facility is inactive and unstaffed it may be difficult for the operator 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 chemical sampling. In addition, if an active facility cannot collect a sample within a given quarter due to weather problems, inaccessibility, etc. then the permit allows the facility operator to take a replacement sample in the next quarter.

With regard to the requirement to conduct monthly visual examinations, EPA has reduced the visual examination schedule for active sites to only quarterly and has allowed a waiver of this requirement for inactive, unstaffed facilities. The operator should consult their permitting authority. Under these circumstances, the multi-sector storm water permit may not be a feasible permit for the facility and an alternative storm water discharge permit may be more appropriate.

## Chemical and Allied Products Manufacturing

EPA received 19 comments specifically concerning the Chemical and Allied Products Manufacturing sector. A common concern of these commenters was a disagreement with EPA's grouping of all chemical and allied product manufacturers into one sector. Various commenters stated that they should not be in the same sector with certain facilities which they believed posed more of a threat to water quality. Several commenters suggested that this sector be subdivided with different requirements for each of the subdivisions.

Although the proposed permit divided the Chemical and Allied Product Manufacturing sector into eight subsectors, it applied the same requirements to each of these subsectors. Commenters expressed dissatisfaction with this aspect of the proposal. One commenter stated that some groups in this sector should get monitoring exemptions granted if they can demonstrate that they are substantially different from other groups

in the sector. Commenters raised several other issues. One stated that there is no such thing as a typical chemical manufacturing facility and that EPA needs to visit each in the "broad array of chemical facilities" in order to understand the diversity of the industry. EPA understands that there may be significant differences between facilities in each sector and even within a subsector. Each facility has its own unique land features, operations and storage activities, material management practices, and chemical product manufacturing, packaging, and transferring techniques. It is not feasible that EPA visit each facility that will be regulated under this permit and in fact this level of scrutiny would best lead to the development of an individual storm water discharge permit for each chemical manufacturing plant. However, this is not the intent of this permit action, which is to issue a storm water general permit for similar types of industrial activities described under this sector and subsectors. In recognition of the differences between facilities, EPA is issuing a flexible storm water general permit, which allows each permittee to develop a pollution prevention plan for their own facility. This permit also contains an "alternative certification" condition, which allows a waiver for any chemical monitoring requirement for a pollutant that the permittee believes is not present at the facility.

One commenter stated that the proposal arbitrarily and capriciously requires thirty (30) mandatory structural and non-structural Best Management Practices (BMPs) and that EPA should defer BMP selection to the discretion of the facility operators. In response to this concern, EPA has reviewed the requirements in this sector, and for all other sectors, for BMP implementation and has revised the final permit to maintain flexibility in the selection of BMPs to be implemented at any particular industrial activity. The facility operator is allowed to choose the best type of management practices for their facility and their particular storm water problems. The permit does not mandate specific structural controls.

## Asphalt Paving and Roofing Materials and Lubricant Manufacturing Facilities

Several commenters indicated that there should be further subdivision of the industries covered by the asphalt paving and roofing materials manufacturers and lubricant manufacturers sector. Commenters indicated that the industries covered by the sector do not have similar raw materials, finished products or processes. EPA realizes there are differences in the industrial activities covered under this section of the permit. EPA has analyzed the sampling data for the asphalt paving and roofing materials manufacturers separately from the lubricant manufacturers. The determination of the monitoring requirements for the final permit were made based upon the subsector analyses, not upon analyses of the entire sector's data. Although there were differences in the concentrations of pollutants in storm water discharges from these types of facilities, these differences are not substantial. Regardless, the permit requirements allow for variation from facility to facility. The operator must prepare a storm water pollution prevention plan based upon the sources of contamination which they identify.

Commenters also expressed concern with the portion of the proposed permit's fact sheet which discusses the potential pollutants of concern. Commenters stated that they disagreed with EPA's characterization of several pollutants being "of concern". The commenters felt that the part 2 application sampling results clearly indicated that these pollutants were not of concern for the industry.

The pollutants of concern are the parameters listed in the fact sheet as potentially being present in the storm water discharges and they may be different from the pollutants which a sector is required to monitor. These pollutants are listed based upon significant materials and industrial activities and other information submitted in the group applications. The listing of these pollutants provides guidance to facility operators in helping identify potential sources of storm water contamination and in selecting appropriate BMPs. EPA believes that the Part 2 sampling results cannot be the sole factor considered when selecting pollutants of concern for an industry. Permit writers must also consider all significant materials and industrial activities exposed to storm water.

Several commenters reinforced EPA's decision not to include analytical monitoring requirements for the asphalt or lubricant manufacturing facilities. A number of commenters stated their opposition to the alternative monitoring requirements included in the proposed permit's fact sheet. (The alternative monitoring requirements included annual analytical requirements for TSS, COD, pH and oil and grease.) One commenter expressed support for the analytical requirements, indicating that this would be the best way to evaluate the effectiveness of the storm water pollution prevention plan.