more appropriate than the use of numerical effluent limitations.

This comment appears to be related to a previous comment about EPA expanding the scope of discharges from metal mining facilities that are subject to the effluent limitations guidelines (ELG) for the Ore Mining and Dressing Point Source Category (40 CFR Part 440). As previously mentioned, those discharges subject to the ELG are not authorized by the multi-sector permit. The storm water pollution prevention plan requirements in the permit do not include the requirement to use end-ofpipe treatment for those storm water discharges from metal mining operations that can be covered by the permit. In some situations end-of-pipe treatment may be the appropriate means of control and should be used. That would be determined on a case-by-case

With regard to the definition of inactive metal mining and dressing facilities, two commenters stated that the proposed 10-year period for declaring inactive status is arbitrary. They suggest that a more logical date for the distinction between active and inactive facilities would be December 17, 1990, which is now expressly referenced in EPA's storm water regulations at 40 CFR § 122.26(b)(14)(iii).

In response, some metal mining facilities may be temporarily shut down due to poor market conditions (e.g., uranium mines), seasonal conditions (e.g., heavy winter snows), and/or other factors. Some of these facilities are "mothballed" with the intent of bringing them back into operation when conditions improved to an acceptable level. For purposes of the multi-sector permit it was decided to consider such facilities as "temporarily inactive" rather than inactive. The distinction between "temporarily inactive" and "inactive" often is unclear when no reclamation activities have occurred at the site. In the draft permit the distinction between temporarily inactive and inactive was a period of ten (10) years with no mining and/or milling activity at the site. In the final permit the determination will be based on whether or not the facility has an active mining permit issued by the applicable (federal or State) governmental agency that authorizes mining at the site. All States now have agencies that have the authority to authorize mining on non-federal lands. Even though there may be no activity at the facility, it will be considered temporarily inactive as long as it has a permit for mining activity at the site.

The definitions of inactive and temporarily inactive facilities have been revised somewhat to reflect what EPA believes to be the appropriate distinction between the two definitions. In order for a site, or portion thereof, to be considered "inactive," there must not be any current metal mining and/or milling activities, as defined in this permit, at that portion of the site and that portion of the facility does not have an active mining permit issued by the applicable governmental agency that authorizes mining at the site.

A metal mining facility, or portion thereof, is considered to be "temporarily inactive" if metal mining and/or milling activities occurred in the past, but currently are not being actively undertaken, the facility has an active mining permit issued by the applicable governmental agency that authorizes mining at the site. There is no time limitation on how long such a site can be considered to be temporarily inactive. EPA believes such sites should provide the extra storm water pollution prevention requirements that the temporarily inactive status requires compared to what is required for inactive status.

The proposed permit would require metal mining sites to identify, in pollution prevention plans, the outfalls from the site that contain mine drainage or process water and designate for each outfall the boundaries of the area that contribute to such areas. A commenter objected to this permit condition as being beyond the scope of the proposed multi-sector permit. Except for primary metals industrial sector, this is not being required of other industrial sectors.

În response, Part XI.G.3.a(3)(a)(i) of the draft permit stated "A site topographic map shall be included in the plan that indicates, at a minimum: . . . and boundary of area that contributes runoff to outfalls that are subject to effluent limitations guidelines." EPA would like to clarify that the last part should read ". boundary of tributary area that is subject to effluent limitations guidelines.' Those discharges that are subject to effluent limitations guidelines (ELG) need to be regulated under another permit. It is the permittee's responsibility to identify discharges that are not authorized under this permit, but that mix with those storm water discharges that are authorized by the permit. This requirement is included in the metal mining sector because at most metal mines there are numerous areas where the storm water runoff is subject to the ELG. That is not the situation for most of the other sectors covered under the multi-sector permit.

One commenter stated that EPA should clarify that storm water permits are not required for discharges at mining sites which are not contaminated by contact with significant materials. This comment also applies to the coal mining and mineral mining sectors.

In response, based on the definition of storm water discharges associated with industrial activity (40 CFR 122.26(b)(14)(iii)), a permit is required for discharges from mining and milling facilities where the discharge has come into contact with any overburden, raw material, intermediate products, finished products, byproducts, or waste products located on the site. The exception is for discharges from areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(l) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or for discharges from areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990.

Two commenters felt that EPA's proposed analytical monitoring requirements for metal mining facilities should be substantially reduced, and they should be eliminated if EPA does not retract its proposed overly expansive interpretation of the Part 440 regulations.

In response, EPA has reevaluated the monitoring requirements for all the sectors of the multi-sector general permit and the number of pollutants for which monitoring is required for the metal mining sector has been reduced. EPA does not see any reason why the monitoring requirements should be further reduced just because EPA provided clarification as to what sources are subject to the effluent limitations guidelines for Metal Mining and Ore Dressing. The determination of the monitoring requirements for the metal mining sector was based on an evaluation of the monitoring data submitted with the group applications for metal mining facilities. The activity status of many metal mining facilities was taken into consideration in determining the monitoring requirements. Monitoring for the metal mining sector was limited to the active facilities.

Oil and Gas Extraction

Comment on Sector I, the oil and gas extraction sector, focused on coverage allowed under the general permit for oil and gas sites and pollution prevention plan requirements, particularly for remote, unmanned sites.

Representatives of the oil industry made