responsible for establishing criteria for TSS limitations. In the proposed storm water discharge permit EPA did not establish any new storm water effluent limitations. Rather, the limits in the proposed permit are existing effluent guidelines under the NPDES program which the discharger should already be meeting. EPA believes that it would be imprudent to allow industry to establish its own TSS limitations. The method which a owner/operator of a facility chooses to reduce storm water discharges is left to the industrial facility.

In addition, EPA wishes to clarify that the "cut off" concentrations are not the same as effluent limitations. If a facility is unable to verify that its storm water discharge is below the cut-off concentration it will be responsible for the continued monitoring of that pollutant in its storm water discharge. Once again, the "cut off" concentrations are not storm water effluent limitations and should not be viewed as limits that must be met.

Commenters felt that while assessment and implementation of needed BMPs may be necessary, written discussion, documentation and scheduling of this procedure should not be a requirement of the storm water pollution prevention plan. According to the commenters, such assessments and decisions should be made prior to the development of the storm water pollution prevention plan. The outcome of those decisions should be made a part of the storm water pollution prevention plan. The commenters felt that the storm water pollution prevention plan represents the avenue for preventing storm water pollution and should not be used as an engineering report for BMP evaluation and selection.

On page 61162 of the November 19, 1993, Federal Register EPA identified the focus of storm water pollution prevention plans. The plan has "two major objectives: (1) to identify sources of pollution potentially affecting the quality of storm water discharges associated with industrial activity from the facility and (2) to describe and ensure implementation of practices to minimize and control pollutants in storm water discharges associated with industrial activity. . . . " EPA further States the storm water pollution prevention plan requirements are intended to facilitate a process whereby the operator of the industrial facility thoroughly evaluates potential pollutant sources at the site and selects and implements appropriate measures designed to prevent or control the discharge of pollutants in storm water runoff. EPA believes it is necessary to

include the discussion and documentation of BMP selection in the storm water pollution prevention plan to ensure the plan developed for a facility is operating effectively. The storm water pollution prevention plan process involves four steps including the assessment of potential storm water pollution sources, the selection and implementation of appropriate management practices and controls, and the periodic evaluation of the effectiveness of the plan to prevent storm water contamination. Because of the uniqueness of mine sites, the effectiveness of the BMPs can most effectively be evaluated after their implementation.

Commenters requested that EPA provide for reduced inspection and visual examination requirements for active mineral mining and processing sites given the Agency's findings that these sites have "generally low pollutant values." In response, EPA strongly believes that quarterly visual examinations of storm water discharges is appropriate. Since EPA is not proposing the monitoring of storm water discharges from all subsectors, quarterly visual examinations will allow for feedback to be incorporated into a storm water pollution prevention plan.

Commenters requested that EPA provide for flexible inspection requirements and no monitoring requirements for inactive mineral mining and processing facilities, consistent with the Agency's proposed approach for metal mining sites. In response, EPA will require chemical monitoring of storm water discharges only from active sand and gravel and dimensional stone, crushed stone and non-metallic minerals facilities in this sector. The permit still requires quarterly visual examinations of all storm water discharges from active facilities but this requirement can be waived for inactive, unstaffed facilities.

The proposed mineral mining and processing sector permit required annual inspections for temporarily and permanently inactive sites, but did not allow for reduced inspection requirements for remote and inaccessible sites as EPA proposed for inactive ore mining and coal mining sites. Commenters requested that EPA provide the same relief provision for mineral mining sites as it did for coal and ore mining sites. In response, EPA has revised its inspection requirements by reducing the frequency of the comprehensive site compliance evaluation to annual for all active and inactive mineral mining and processing facilities.

Commenters felt that the requirements and conditions for termination of permit coverage would be unworkable because the "background values" for certain parameters, such as total suspended solids, would be highly variable from outfall to outfall and according to the intensity of storm events. In response, EPA has elected to delete the conditions for termination of coverage. These conditions would have been made available only if the alternative monitoring requirements were imposed in the final permit for this sector.

Hazardous Waste Treatment Storage and Disposal Facilities

One commenter questioned the definition of "treatment, storage, or disposal facility" that will be used relative to the storm water regulations. The storm water regulations published in the November 16, 1990 Federal Register apply to "hazardous waste treatment, storage, or disposal facilities that are operating under interim status or a permit under subtitle C of RCRA.' The multi-sector permit requirements in this sector, apply to "facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C." The use of the term "including" is not clear. The same commenter requested clarification regarding the inclusion of hazardous waste generators who operate storage areas (with less than 90-day accumulation) or temporary satellite accumulation areas. In addition, another commenter requested clarification on whether facilities regulated under Subpart X of 40 CFR 264 are subject to the storm water provisions.

EPA's intent regarding storm water permit coverage for facilities under this sector, is to include all treatment, storage, or disposal facilities (TSDFs) operating under interim status (40 CFR 265) and those operating under a permit issued pursuant to 40 CFR Parts 264 and 270. This includes facilities regulated under Subpart X of Part 264. It also includes recycling facilities whose operations are subject to regulation under Part 266, to the extent that these activities also are subject to interim status or permitting requirements under Subtitle C of RCRA. Used oil recycling facilities that are subject to regulations under Part 279 are included in Sector N of this permit, rather than Sector K. Sector K does not include generators who temporarily store hazardous waste pursuant to the requirements in 40 CFR 262. The permit language has been clarified to confirm that the multi-sector permit requirements in this sector apply to facilities that treat, store, or dispose