of hazardous wastes and that are operating under interim status or a permit under subtitle C of RCRA.

Several questions were received regarding the parameters included in the monitoring requirements. More specifically, several commenters questioned the inclusion of Total Kjeldahl Nitrogen (TKN) and Chemical Oxygen Demand (COD) in the industry monitoring requirements in Table K–3, and the exclusion of Total Suspended Solids. The U.S. Army questioned whether the data they submitted was incorporated into Table K-1 on conventional pollutants in storm water. The Army also requested that EPA clarify the form of cyanide that is to be monitored, and suggested that a numerical detection limit should be specified for total recoverable magnesium and cyanide, rather than the words "detection limit."

The monitoring parameters and the cut-off concentrations specified by EPA for this sector primarily were based on the parameters previously established for the baseline general permit. These parameters were based on consideration of significant materials and the industrial activities of facilities in this industry. The amount of storm water data specific to TSDFs that EPA was able to evaluate was very limited; any data submitted from military organizations was evaluated separately and not included in Table K-1. Total recoverable cyanide is to be monitored by TSDFs; the commenter is referred to 40 CFR 136 regarding analytical methods to be used in the storm water program. Regarding the cut-off values for total recoverable magnesium and total cyanide, the concentration for magnesium is .0636 mg/l and the concentration of cyanide is .022 mg/l.

Some commenters questioned Region 6's assertion that storm water from hazardous waste Treatment, Storage, and Disposal Facilities (TSDFs) would not be allowed coverage under the Multi-Sector General Permit in Region 6 States (OK, NM TX, and LA). These commenters asked whether Region 6 intended to exclude only commercial facilities or all TSDFs. A few of these commenters noted that the exclusion of all TSDFs would put a financial and resource burden on both the regulated TSDFs and EPA by requiring all facilities to obtain individual permits. One commenter asked whether this applied to closed TSDFs as well.

Region 6 agrees with the commenters that it would be unduly burdensome to both the industry and the Agency to issue individual permits for all TSDFs. At this time, Region 6 would like to clarify their intent and indicate which

TSD facilities would be allowed to be covered by a general permit; and those the Region specifically believe must obtain individual permits. Region 6 believes that General Permit coverage is appropriate for TSDFs that are self generating and are probably covered by the Multi-Sector General Permit via some other (primary) industrial sector. These facilities would be required to comply with the specific requirements in the Multi-Sector General Permit for their TSDF areas. The Region believes that the Multi-Sector General Permit requirements and monitoring for these facilities are appropriate. This would also apply to facilities that only store hazardous waste and do not treat or dispose of the hazardous materials. Also, the Region believes that disposal facilities that have been properly closed and capped, and have no significant materials exposed to storm water should not require permits in accordance with the description of storm water associated with industrial activity [40 CFR 122.26 (b)(14)].

However, it is Region 6's intent to issue individual permits for all commercial Treatment and Disposal Facilities. Those facilities would only be those which take commercially produced hazardous wastes (not their own) and treat or dispose of those materials. The Region has few of these, and the burden on the Regional permitting staff is small. Only six commercial facilities applied for coverage through the group application process. To date, Region 6 has required individual permit applications from all such facilities; and permits have included specific technology and water quality based limits. To allow existing facilities to obtain permit coverage under the Multi-Sector General Permit would be backsliding, and not allowable under part 402(o) of the CWA. To allow new facilities with permit conditions that are less stringent would not be consistent and would provide an economic advantage to new facilities over existing ones. In addition, Region 6 believes that more careful compliance tracking is warranted for facilities that treat and dispose of hazardous waste as a commercial operation. The Region does not believe that this would be burdensome on the few facilities that fall into this "commercial" category. These are large facilities that treat and dispose of large quantities of hazardous wastes as a service to generators Because individual permits for these commercial hazardous waste treatment and disposal facilities has always been a priority, the Region believes it is consistent and appropriate to require all

such facilities to apply for individual NPDES permits for their storm water discharges. This distinction does not apply to facilities that take and dispose of household (residentially produced) hazardous wastes. Facilities that accept, for disposal or treatment, wastes generated by private individuals at their residence are not required to submit individual applications unless they are a commercial facility for the treatment or disposal of hazardous wastes. Region 6 does not wish to discourage benevolent industry operators from offering this service and thereby discourage the proper disposal of household hazardous wastes by limiting their eligibility under this general permit.

Landfills and Land Application Sites

One commenter stated that the permit should provide reduced monitoring and pollution prevention plan requirements for landfills and land application sites that receive a homogenous waste stream. EPA agrees with the commenter that there are a wide range of industrial landfill and land application types depending on the nature of the waste received/managed. Even where the same waste categories are received by two landfills (or land application sites), waste characteristics may be highly source-specific. For example, ash composition varies significantly depending upon the fuel type/source and the combustion process. Because of this diversity and the limited extent of monitoring data submitted with the group applications, the Agency has established broad monitoring requirements for this sector. Further, the Agency believes that quarterly monitoring during the second year of the permit is necessary to fully characterize storm water discharges from individual sites. The Agency also notes that Section 5.a.(3).(a) of the permit waives monitoring requirements during the fourth year on a pollutant-bypollutant basis where sampling shows concentrations below the threshold levels.

Several commenters expressed concern that a wide variety of pollutants are listed in the monitoring requirements of the proposed permit. Potential source of pollutants and pollutant types vary significantly from landfill to landfill. EPA concurs with the commenter that there are a wide range of industrial landfill types depending on the nature of the waste received/managed. To address the commenter's concern, the Agency has developed the alternative certification described in Section L.5.a.(5) of the permit. This provision will allow