structural controls such as retention ponds and sediment basins. It was further suggested that the results of monitoring data, particularly for total suspended solids (TSS), warranted a more flexible approach to the use of erosion and sediment control measures.

EPA believes that erosion and sediment controls are necessary at scrap recycling facilities due to the large amount of facility property (used for the industrial activities) which is unstabilized exposed soil and which receives large amounts of vehicular traffic similar to a construction site. For these areas, there are many types of erosion and sediment control measures that are appropriate for a recycling facility. A review of the group application information indicates that both structural and non-structural erosion & sediment control practices have been employed at scrap recycling facilities. In addition, scrap recycling facilities also commonly use spray water as a means of dust control. Regardless, EPA believes that these areas are appropriately classified as engaged in industrial activity and require storm water BMPs for controlling pollutant sources. Analysis of the part II sampling data indicates that approximately 22% of the grab samples for TSS were above 500 mg/l and, similarly for approximately 20% of the composite samples. EPA considers the use of erosion and sediment source control measures to reduce sediment loadings to be appropriate for scrap recycling facilities.

The permit does provide the flexibility for operators to select a mix of erosion and sediment control practices to reduce suspended sediment loadings. However, EPA wishes to clarify an issue with regard to requirements for the construction of permanent erosion and sediment controls such as retention ponds and sediment basins. EPA expects that these types of controls, or their equivalent, would only be constructed after the operator has had the opportunity to employ a full range of non-structural type source control measures and where substantial settleable and/or suspended solids loadings still persist. EPA is aware that site-specific conditions could exist which would preclude the siting of a structural control, i.e., a retention pond. Space restrictions caused by permanent buildings, permanently-fixed processing equipment, other semipermanent or permanent obstructions, and/or restrictions posed by property

boundaries would be considered examples where the operator could make a determination that construction of a structural control (i.e., a retention pond or its equivalent) is not a viable option. If such a determination is made by the facility operator, the operator would be required to annotate the plan accordingly. The operator would then update the plan to indicate what modified or additional or BMPs will be implemented to reduce suspended solids loadings.

Many commenters interpreted proposed permit conditions as mandating the use of permanent or semi-permanent covers over stockpiled materials. EPA is not mandating the use of covers over stockpiled materials. Because of the substantial quantities of stockpiled materials typically located at scrap recycling facilities, EPA believes that a requirement to mandate the use of covers is not appropriate and most often would be impracticable. Therefore, the decision whether to construct or install covers is left to the discretion of the facility operator. The proposed permit provides that the operator "shall consider" the use of these types of BMPs, however, the decision whether to use permanent or semi-permanent covers is left to the operator's discretion.

EPA is concerned with controlling storm water contamination from certain types of recyclable materials, specifically significant residual fluids, accumulated particulate matter and shredder fluff that could be exposed to runoff in the absence of any physical means of minimizing contact. Consequently, EPA expects that the plan will include measures to minimize exposure of these materials to surface runoff, where appropriate.

A significant number of commenters expressed concerns about proposed permit requirements that would eliminate exposure of turnings to precipitation or runoff. EPA wishes to clarify that it is primarily concerned with turnings that are produced from certain types of machine tool operations (e.g., milling machines, machine tool centers, and lathes) and which have come in contact with cutting fluids. Because of the potential for significant quantities of residual fluids associated with turnings, EPA believes they pose a substantial risk of contaminating surface runoff. EPA notes that this particular sub-section of the permit does not apply to cuttings or turnings that have not been exposed to cutting fluids.

In the draft permit, EPA required that "all turnings and cuttings shall be handled in such a manner as to prevent exposure to either precipitation or storm

water runoff. . . ." Based on information provided by the industry, EPA believes that the requirement to prevent all exposure of all turning and cuttings would pose an undue burden on the scrap recycling industry. Such information demonstrated that, in most cases, turnings piles can be very large in size and are mostly stored outdoors due to size. Therefore, in the revised permit EPA is requiring scrap recycling facilities to select an appropriate BMP from either two suggested options, or employ an equivalent measure, to help minimize exposure. These options were developed based on input of current practices used by the scrap recycling industry.

The final permit identifies the discharge of fluids from containment areas, in the absence of a storm event, as a non-storm water discharge prohibited under this permit. The operator would be required to obtain a separate NPDES permit for this nonstorm water discharge. Discharges from turnings containment areas to the sanitary sewer system are not covered by this permit. The operator must seek the necessary approval(s), if any, from the appropriate local pretreatment authority.

A substantial number of scrap recycling facilities requested clarification on the prohibition of nonstorm water discharges from oil/water separators. EPA clarifies that in the absence of a storm event, discharges from oil/water separators to a storm sewer system are consider non-storm water discharges, which are not covered under this permit. Discharges from oil/ water separators that occur as a consequence of a storm event, either a current event or past event, are permitted provided that the oil/water separator is properly maintained on a regularly scheduled basis as established in the plan.

Commenters also wanted clarification on the liquids draining requirements as they applied to "white goods," i.e., appliances. EPA clarifies that it is not requiring scrap recycling facilities to drain fluids from appliances or "white goods," oil-filled shock absorbers, and other permanently sealed containers with very small amounts of fluids, though the permittee may elect to do so.

A number of commenters requested clarification on the applicability of other sections of the permit where co-located facilities exist, e.g., equipment and vehicle maintenance in section VIII-P. Section VIII.N.1 specifically provides that scrap and waste recycling facilities that have additional facilities which satisfy the definition of an industrial activity covered by another section of