EPA disagrees with the commenter on this issue and believes that such records are necessary for EPA to verify compliance with the requirements of the permit. Therefore, the records retention requirements were retained in final permit basically as proposed. One relatively minor change was made which standardizes the records retention period for all sectors to 3 years, which is the minimum required by NPDES regulations at 40 CFR 122.42(j). Additional information concerning issues associated with inspections and recordkeeping can be found in the reporting and record keeping portion of this summary.

## Leather Tanning

In response to comments that the leather tanning industry was required to monitor in error and that manganese and aluminum should not be included in the list of monitoring parameters, the final multi-sector permit does not require leather tanning facilities to conduct chemical monitoring. However, the industry must still perform visual examinations. More discussion of the revised monitoring requirements under today's final permit can be found in the monitoring section of this summary.

In response to a comment that EPA should simply adopt the model permit and pollution prevention plan submitted by one industry organization, EPA has determined that the proposed leather tanning permit and pollution prevention plan with BMPs which was published in the Federal Register on November 19, 1993, is best suited to control storm water discharges from this industry.

In response to the comment that facilities submitted chromium data because they were required to (as a categorical pollutant), EPA clarifies that chromium is limited in an effluent guideline for leather tanning process wastewater. The industry was therefore required to submit monitoring data for chromium. The leather industry was also required to submit monitoring data for "those pollutants that they knew or had reason to believe were present.' These pollutants were shown in tables which listed conventional and nonconventional pollutants, toxic pollutants and hazardous pollutants. These tables were included in the permit application Form 2-F.

## Fabricated Metal Products Industry

Many commenters stated that the fabricated metal industry should be further divided into dry and wet fabricating industries. Most explained that the processes and practices vary widely between these two types of

fabricating industries. In particular, many pollutants vary between these groups due to the fact that each of these industries require very different chemicals in their processes. The main concern expressed by commenters was that monitoring for the entire group was based on a wide range of chemicals for both industrial processes that may not be present at a facility if only one process is conducted at the facility.

EPA agrees that the industries covered under this section of the permit should be re-evaluated to examine more carefully inherent differences between subgroups in the industry. As a result, today's rule has identified industry subgroups using the three and four-digit SIC classification for the purposes of determining which industries will conduct monitoring in this sector. Industry subgroups will monitor for specific pollutants where the median value exceeds the revised benchmark levels. EPA has also expanded the flexibility of the monitoring requirement by allowing facilities to certify on a pollutant-by-pollutant basis to no exposure to storm water in lieu of monitoring for that chemical. This can result in some facilities not monitoring and others limiting the number of pollutants required to be monitored.

Several commenters requested that the fabricated metal industry be required to conduct visual examinations and annual site compliance evaluations only. EPA does not agree. Chemical monitoring is still necessary, given the results of the data evaluation conducted on the subsectors. Visual examinations in combination with chemical monitoring and site compliance evaluations will help assess the presence of pollutants of concern in the discharges and the effectiveness of the pollution prevention plan at controlling these.

A commenter requested that EPA clarify whether all of SIC code group 34 is covered in Sector 29, such as the forgings industry. They pointed out a discrepancy between the preamble language and the permit language relating to coverage. In response, EPA inadvertently left out certain SIC code group 34 industries in the proposed permit. The fact sheet contained the entire list of industries covered under this section. EPA has clarified the permit language to correct this omission.

Several commenters suggested that EPA differentiate between dry fabricators and others by adding a definition that placed a qualifier "Metal Treatment Only" to the terms and conditions that apply only to metal treatment operations. Commenters also suggested the permit should require dry fabricators to certify to no metal treatment operations or other operations likely to result in discharges of the pollutants of concern.

EPA has not placed a qualifier on the terms and conditions of the permit. However, using the revised analysis to determine monitoring, addresses some of the concerns about the grouping of sectors. Also, determining site-specific BMPs and certifying, on a pollutant-by-pollutant basis to no exposure to storm water will add more flexibility in determining monitoring requirements.

A commenter requested that EPA expand the definition of fabricated metal industries in the permit language. EPA has not expanded the definition of fabricated metal industries other than including the other industries identified in the proposed fact sheet that were inadvertently left out of the permit language. Other industries that could be related to this sector are covered under the Primary Metals Industry section of the permit. EPA believes that it has listed as eligible for coverage, all industries that participated in the group application process.

Commenters stated that the list of options for controlling pollutants can be expensive and uneconomical. Many thought that the BMPs may later become mandatory and do not allow for alternative measures to control applications of a given site.

pollutants at a given site.

To clarify, EPA has only provided a list of potential BMPs to be considered by each facility operator when preparing a pollution prevention plan. This list is neither totally inclusive nor mandatory. Permittees are free to determine the most economical and effective BMPs specific for a given facility and activity.

Commenters felt that most fabricators do not have process wastewater discharges. Because of this, they requested a waiver on requiring proof of no commingling of process waste water with storm water. Today's permit does not change this requirement. Some fabricators employ acid baths, wash waters and other process wastewater related activities. Certification of no commingling remains an important part of the permit requirements to be included with the storm water pollution prevention plan certification to ensure that storm water discharges are not contaminated by these discharges.

A commenter pointed out that the description of the materials used at facilities in this sector should have noted that many of these materials are not necessarily used at all types of facilities within the sector. The commenter was apparently concerned that this description could erroneously