a final EPA decision indicating that the Agency has determined that the storm water discharge has no direct or indirect impact. This documentation shall be obtained and retained on site prior to the submittal of the Notice of Intent. Operators of these facilities shall not be authorized under the terms and conditions of this permit until the submittal of a Notice of Intent to gain coverage under this permit. Where documentation of the Agency's decision has not been obtained for a facility subject to New Source Performance Standards, the operator must obtain such documentation prior to submitting a NOI. The permittee may use the format in Addendum E to submit information to EPA to initiate the process of the environmental review. The information shall be sent to the appropriate address listed in Part VI.B. of this permit. In order to maintain eligibility, the permittee must implement any mitigation required of the facility as a result of the National Environmental Policy Act (NEPA) review process. Failure to implement mitigation measures upon which the Agency's NEPA finding is based is grounds for termination of permit coverage.

C. Authorization

Dischargers of storm water associated with industrial activity must submit a complete NOI in accordance with the requirements of Part II of this permit, using an NOI form as found in Addendum B (or photocopy thereof), to be authorized to discharge under this general permit. Unless notified by the Director to the contrary, owners or operators who submit such notification are authorized to discharge storm water associated with industrial activity under the terms and conditions of this permit 2 days after the date that the NOI is postmarked. The Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

D. Overview of the Multisector General

Parts I.-X. apply to all facilities. Parts I. and II. describe eligibility requirements and the process for obtaining permit coverage. Parts III.-X. contain "basic" permit requirements.

facilities [40 CFR Part 443 Subpart A (established July 24, 1975)]. NSPS apply only to discharges from those facilities or installations that were constructed after the promulgation of NSPS. For example, storm water discharges from areas where the production of asphalt paving and roofing emulsions occurs are subject to NSPS only if the asphalt emulsion facility was constructed after July

Part XI. provides additional requirements for particular sectors of industrial activity. For example, primary metal facilities add Part XI.F., to the "universal" Parts I.-X. requirements.

Some facilities may have "co-located" activities that are described in more than one sector and need to comply with applicable conditions of each sector. For example, a chemical manufacturing facility could have a land application site and be subject to Part XI.C.—Chemical and Allied products Manufacturing sector (primary activity), with runoff from the land application site (co-located activity) also subject to conditions in the Part XI.L.—Landfills and Land Application Sites sector.

Part XII of the permit contains conditions (e.g., effluent limitations or special reporting requirements) that only apply to facilities located in a particular State, EPA Region, or other area. Those special conditions are in addition to, or in lieu of, the "generic" Parts I.-XI. permit requirements.

Part XII of the permit also contains differences in permit eligibility and availability. For example, only the permits for Louisiana, New Mexico, Oklahoma, and Texas allow coverage of certain mine dewatering discharges from construction sand and gravel, industrial sand, and crushed stone mines (subject to additional permit conditions) under Sector J.—Mineral Mining and Processing.

Addendum D. lists large and medium municipal separate storm sewer systems (MS4s). Facilities located in these jurisdictions have special responsibilities (described in the permit) with regard to compliance with local requirements and providing information to the operator of the MS4).

II. Notification Requirements

A. Deadlines for Notification

1. Existing Facility. Except as provided in paragraphs II.A.4. (New Operator), and II.A.5. (Late Notification), individuals who intend to obtain coverage for an existing storm water discharge associated with industrial activity under this general permit shall submit an NOI in accordance with the requirements of this part on or before [insert date 90 days after permit finalization];

2. New Facility. Except as provided in paragraphs II.A.3. (Oil and Gas Operations), II.A.4. (New Operator), and II.A.5. (Late Notification), operators of facilities that begin industrial activity after [insert date 90 days after permit finalization | shall submit an NOI in accordance with the requirements of

this part at least 2 days prior to the commencement of the industrial activity at the facility

3. Oil and Gas Operations. Operators of oil and gas exploration, production, processing, or treatment operations or transmission facilities, that are not required to submit a permit application as of [insert date 90 days after permit finalization] in accordance with 40 CFR 122.26(c)(1)(iii), but that after [insert date 90 days after permit finalization] have a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6, 40 CFR 117.21, or 40 CFR 302.6. must submit an NOI in accordance with the requirements of Part II.C. of this permit within 14 calendar days of the first knowledge of such release.

4. New Operator. Where the operator of a facility with a storm water discharge associated with industrial activity that is covered by this permit changes, the new operator of the facility must submit an NOI in accordance with the requirements of this part at least 2 days prior to the change.

5. Late Notification. An operator of a storm water discharge associated with industrial activity is not precluded from submitting an NOI in accordance with the requirements of this part after the dates provided in Parts II.A.1., 2., 3., or

4. (above) of this permit.

6. Part II.A.6 Facilities Previously Subject to the Baseline General Permit. Eligible facilities previously covered by EPA's 1992 Baseline General Permits for Storm Water Discharges Associated with Industrial Activity (57 FR 41297 or 57 FR 44438) may elect to be covered by this permit by submitting an NOI in accordance with the requirements of this Part within [insert date 90 days after permit finalization]. To avoid a lapse in permit coverage should reissuance or termination of the 1992 Baseline General Permits eliminate coverage for certain industries under those permits, NOIs from eligible facilities may also be submitted during the period 90 days prior to the expiration date of the applicable Baseline General Permit.

B. Contents of Notice of Intent

The NOI shall be signed in accordance with Part VII.G. (Signatory Requirements) of this permit and shall include the following information:

- 1. Permit. An indication of which NPDES storm water general permit is being applied for (either baseline general, baseline construction, or multisector);
- 2. Name. The operator's name, address, telephone number, and status