

management requirements common to all permits.

IV. State Certification

Section 401 of the CWA provides that no Federal license or permit, including NPDES permits, to conduct any activity that may result in any discharge into navigable waters shall be granted until the State in which the discharge originates certifies that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the CWA. The section 401 certification is under process for all States. In addition the State of Massachusetts and EPA jointly issue the final permit.

V. Administrative Aspects

A. Request To Be Covered

A facility is not covered by any of these general permits until it meets the following requirements. First, it must send a notice of intent to EPA and the appropriate State indicating it meets the requirements of the permit and wants to be covered. And second, it must be notified in writing by EPA that it is covered by this general permit.

Any facility operating under any effective individual NPDES permit may request that the individual permit be revoked and that coverage under the general permit granted, as outlined in 40 CFR 122.28(b)(3)(v). If EPA grants coverage under the general permit, EPA will so notify the facility and revoke the individual permit.

Facilities with expired individual permits that have been administratively continued in accordance with § 122.6, may apply for coverage under this general permit. When coverage is granted, the expired individual permit automatically will cease being in effect.

B. The Coastal Zone Management Act

The Coastal Zone Management Act (CZMA), 16 U.S.C. 1451 *et seq.*, and its implementing regulations [15 CFR Part 930] requires that any federally licensed activity affecting the coastal zone with an approved Coastal Zone Management Program (CZMP) be determined to be consistent with the CZMP. EPA, New England Region, has determined that these general NPDES permits are consistent with the CZMP. EPA has sent copies of the draft general NPDES permits to the Massachusetts, Maine, and New Hampshire coastal zone agencies for a determination that they are consistent with their respective State policies.

C. The Endangered Species Act

EPA, New England Region, has concluded that the discharges to be

covered by the general NPDES permits will not affect or jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service have been forwarded copies of the draft general NPDES permits for concurrence.

D. Environmental Impact Statement Requirements

The general permits do not authorize the construction of any water resources project or the impoundment of any water body or have any effect on historical property, and are not major Federal activities needing preparation of any Environmental Impact Statement. Therefore, the Wild and Scenic Rivers Act, 16 U.S.C. 1273 *et seq.*, the National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*, the Fish and Wildlife Coordination Act, 16 U.S.C. 661 *et seq.*, and the National Environmental Policy Act, 33 U.S.C. 4321 *et seq.*, do not apply to the issuance of this general NPDES permit.

E. This Permit Does Not Constitute Authorization Under 33 U.S.C. 1344 (Section 404 of the Clean Water Act) of any Stream Dredging or Filling Operation.

VI. Other Legal Requirements

A. Economic Impact (Executive Order 12291)

EPA has reviewed the effect of Executive Order 12291 on this draft general permit and has determined that it is not a major rule under that order. This regulation was submitted previously to the Office of Management and Budget for review as required by Executive Order 12291. The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

B. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities by these draft general NPDES permits under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of these draft permits have already been approved by the Office of Management and Budget under submissions made for the NPDES permit program under the provisions of the Clean Water Act. No comments from the Office of Management and Budget or the public were received on the information collection requirements in these permits.

C. The Regulatory Flexibility Act

After review of the facts presented in the notice printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that this permit does not have a significant impact on a substantial number of small entities. Moreover, the draft permit will reduce a significant administrative burden on regulated sources.

Dated: November 22, 1995.

John P. DeVillars,
Regional Administrator.

Appendix A—Draft General Permit Under the National Pollutant Discharge Elimination System (NPDES)

Note: The Following general NPDES permit is a combination of three permits for purposes of this Federal Register notice in order to eliminate duplication of material common to all permits for the individual states.

1. Massachusetts, Maine and New Hampshire General Permit.

In compliance with the provisions of the Federal Clean Water Act, as amended, (33 U.S.C. 1251 *et seq.* the "CWA") operators of facilities may discharge groundwater and stormwater from construction dewatering facilities into waters of the respective states in accordance with effluent limitations, monitoring requirements and other conditions set forth herein. This permit does not authorize to discharge stormwater associated with Industrial activities from construction sites which disturb greater than 5 acres of land [40 CFR 122.26(b)(14)(x)].

This permit shall become effective when issued.

This permit and the authorization to discharge expire at midnight, five years from the effective date of the Federal Register Publication.

This permit consists of Part I below including effluent limitations, monitoring requirements etc. and Part II General Requirements.

Operators of facilities within the general permit area who fail to notify the Director of their intent to be covered by this general permit and receive no written notification of permit coverage or those who are denied by the Director are not authorized under this general permit to discharge from those facilities to the receiving waters.

Signed this _____ day of _____
David A. Fierra Director, Office of Ecosystem Protection, Environmental Protection Agency, Region I, Boston, Massachusetts.

Andrew Gottlieb, Director, Office of Watershed Management, Department of Environmental Protection,