



## Archived Publication

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The Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (2000 MSGP), issued in October 2000, expired at midnight on October 30, 2005. A new permit, the 2008 Multi-Sector General Permit (2008 MSGP) was issued on September 29, 2008. Visit [www.epa.gov/npdes/stormwater/msgp](http://www.epa.gov/npdes/stormwater/msgp) to view the final 2008 MSGP and supporting documents.



TABLE AA-1.—SECTOR-SPECIFIC NUMERIC LIMITATIONS AND BENCHMARK MONITORING

Subsector (Discharges may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark, monitoring, cutoff, concentration <sup>1</sup>	Numeric limitation
<b>Part of Permit Affected/Supplemental Requirements</b>			
Fabricated Metal Products Except Coating (SIC 3411–3471, 3482–3499, 3911–3915).	Total Recoverable Aluminum.	0.75 mg/L.	
	Total Recoverable Iron .....	1.0 mg/L.	
	Total Recoverable Zinc .....	0.117 mg/L.	
	Nitrate plus Nitrite Nitrogen	0.68 mg/L.	
Fabricated Metal Coating and Engraving (SIC 3479) .....	Total Recoverable Zinc .....	0.117 mg/L.	
	Nitrate plus Nitrite Nitrogen	0.68 mg/L.	

<sup>1</sup> Monitor once/quarter for the year 2 and year 4 Monitoring Years

## 6.AB Sector AB—Transportation Equipment, Industrial or Commercial Machinery

### 6.AB.1 Covered Storm Water Discharges

The requirements in Part 6.AB apply to storm water discharges associated with industrial activity from Transportation Equipment, Industrial or Commercial Machinery facilities as identified by the Activity Code specified under Sector AB in Table 1–1 of Part 1.2.1.

### 6.AB.2 Industrial Activities Covered by Sector AB

The types of activities that permittees under Sector AB are primarily engaged in are:

6.AB.2.1 Industrial and Commercial Machinery (except Computer and Office Equipment) (see Sector AC); and

6.AB.2.2 Transportation Equipment (except Ship and Boat Building and Repairing) (see Sector R).

### 6.AB.3 Storm Water Pollution Plan (SWPPP) Requirements

In addition to the following requirements, you must also comply with the requirements listed in Part 4.

6.AB.3.1 *Drainage Area Site Map.* (See also Part 4.2.2.3) Identify where any of the following may be exposed to precipitation/surface runoff: vents and stacks from metal processing and similar operations.

6.AB.3.2 *Non-Storm Water Discharges.* (See also Part 4.4) If your facility has a separate NPDES permit (or has applied for a permit) authorizing discharges of wastewater, attach a copy of the permit (or the application) to your SWPPP. Any new wastewater permits issued/reissued to you must then replace the old one in your SWPPP. If you discharge wastewater, other than solely domestic wastewater, to a Publicly Owned Treatment Works (POTW), you must notify the POTW of the discharge (identify the types of

wastewater discharged, including any storm water). As proof of this notification, attach to your SWPPP a copy of the permit issued to your facility by the POTW or a copy of your notification to the POTW.

## 6.AC Sector AC—Electronic, Electrical Equipment and Components, Photographic and Optical Goods

### 6.AC.1 Covered Storm Water Discharges

The requirements in Part 6.AC apply to storm water discharges associated with industrial activity from facilities that manufacture Electronic, Electrical Equipment and Components, Photographic and Optical Goods as identified by the SIC Codes specified in Table 1–1 of Part 1.2.1.

### 6.AC.2 Industrial Activities Covered by Sector AC

The types of manufacturing activities that permittees under Sector AC are primarily engaged in are:

6.AC.2.1 Measuring, analyzing, and controlling instruments;

6.AC.2.2 Photographic, medical and optical goods;

6.AC.2.3 Watches and clocks; and

6.AC.2.4 Computer and office equipment.

### 6.AC.3 Additional Requirements

No additional sector-specific requirements apply to this sector.

## 6.AD Storm Water Discharges Designated by the Director as Requiring Permits

### 6.AD.1 Covered Storm Water Discharges

Sector AD is used to provide permit coverage for facilities designated by the Director as needing a storm water permit, or any discharges of industrial activity that do not meet the description of an industrial activity covered by Sectors A–AC. Therefore, almost any type of storm water discharge could be covered under this sector. You must be

assigned to Sector AD by the Director and may NOT choose sector AD as the sector describing your activities on your own.

6.AD.1.1 *Eligibility for Permit Coverage.* Because this Sector only covers discharges designated by the Director as needing a storm water permit (which is an atypical circumstance) or your facility's industrial activities were inadvertently left out of Sectors A–AC, and your facility may or may not normally be discharging storm water associated with industrial activity, you must obtain the Director's written permission to use this permit prior to submitting a Notice of Intent. If you are authorized to use this permit, you will be required to ensure your discharges meet the basic eligibility provisions of this permit at Part 1.2.

### 6.AD.2 Storm Water Pollution Prevention Plan (SWPPP) Requirements

The Director will establish any additional Storm Water Pollution Prevention Plan requirements for your facility at the time of accepting your Notice of Intent to be covered by this permit. Additional requirements would be based on the nature of activities at your facility and your storm water discharges.

### 6.AD.3 Monitoring and Reporting Requirements

The Director will establish any additional monitoring and reporting requirements for your facility at the time of accepting your Notice of Intent to be covered by this permit. Additional requirements would be based on the nature of activities at your facility and your storm water discharges.

## 7. Reporting

### 7.1 Reporting Results of Monitoring

Depending on the types of monitoring required for your facility, you may have to submit the results of your monitoring or you may only have to keep the results

with your Storm Water Pollution Prevention Plan. You must follow the reporting requirements and deadlines in Table 7-1 that apply to the types of monitoring that apply to your facility.

If required by the conditions of the permit that apply to your facility, you must submit analytical monitoring results obtained from each outfall associated with industrial activity (or a certification as per 5.3.1) on a Discharge

Monitoring Report (DMR) form (one form must be submitted for each storm event sampled). An example of a form is found in the Guidance Manual for the Monitoring and Reporting Requirements of the NPDES Storm Water Multi-Sector General Permit. A copy of the DMR is also available on the Internet at <http://www.epa.gov/own/sw/permits-and-forms/index.htm>. The signed DMR must

be sent to: MSGP DMR (4203), US EPA, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

**Note:** If EPA notifies dischargers (either directly, by public notice or by making information available on the Internet) of other DMR form options that become available at a later date (e.g., electronic submission of forms), you may take advantage of those options to satisfy the DMR use and submission requirements of Part 7.

TABLE 7-1.—DMR/ALTERNATIVE CERTIFICATION SUBMISSION DEADLINES

Type of monitoring	Reporting deadline (postmark)
Monitoring for Numeric Limitation .....	Submit results by the 28th day of the month following the monitoring period.
Benchmark Monitoring:	
Monitoring Year 2001-2002 .....	Save and submit all results for year in one package by January 28, 2003.
Monitoring Year 2003-2004 .....	Save and submit all results for year in one package by January 28, 2005.
Biannual Monitoring for Metal Mining Facilities (see Part 6.G).	Save and submit all results for year in one package by January 28 of the year following the monitoring year.
Visual Monitoring .....	Retain results with SWPPP—do not submit unless requested to do so by Permitting Authority.
State/Tribal/Territory—Specific Monitoring .....	See Part 13 (conditions for specific States, Indian country, and Territories).

**7.2 Additional Reporting for Dischargers to a Large or Medium Municipal Separate Storm Sewer System**

If you discharge storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more), you must also submit signed copies of your discharge monitoring reports to the operator of the municipal separate storm sewer system in accordance with the dates provided in Table 7-1.

**7.3 Miscellaneous Reports**

You must submit any other reports required by this permit to the Director of the NPDES program at the address of the appropriate Regional Office listed in Part 8.3.

**8. Retention of Records**

**8.1 Documents**

In addition to the requirements of Part 9.16.2, you must retain copies of Storm Water Pollution Prevention Plans and all reports and certifications required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date that the facility's coverage under this permit expires or is terminated. This period may be extended by request of the Director at any time.

**8.2 Accessibility**

You must retain a copy of the Storm Water Pollution Prevention Plan required by this permit (including a copy of the permit language) at the

facility (or other local location accessible to the Director, a State, Tribal or Territorial agency with jurisdiction over water quality protection; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site) from the date of permit coverage to the date of permit coverage ceases. You must make a copy of your Storm Water Pollution Prevention Plan available to the public if requested to do so in writing.

**8.3 Addresses**

Except for the submittal of NOIs and NOTs (see Parts 2.1 and 11.2, respectively), all written correspondence concerning discharges in any State, Indian country land, Territory, or from any Federal facility covered under this permit and directed to the EPA, including the submittal of individual permit applications, must be sent to the address of the appropriate EPA Regional Office listed below:

**8.3.1 Region 1: CT, MA, ME, NH, RI, VT**

EPA Region 1, Office of Ecosystem Protection, One Congress Street—CMU, Boston, MA 02114.

**8.3.2 Region 2: NJ, NY, PR, VI**

United States EPA, Region 2, Caribbean Environmental Protection Division, Environmental Management Branch, Centro Europa Building, 1492 Ponce de Leon Ave., Suite 417, San Juan, PR 00907-4127.

**8.3.3 Region 3: DE, DC, MD, PA, VA, WV**

EPA Region 3, Water Protection Division (3WP13), Storm Water Coordinator, 1650 Arch Street, Philadelphia, PA 19103.

**8.3.4 Region 4: AL, FL, GA, KY, MS, NC, SC, TN**

Environmental Protection Agency, Region 4, Clean Water Act Enforcement Section, Water Programs Enforcement Branch, Water Management Division, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA 30303.

**8.3.5 Region 5: IL, IN, MI, MN, OH, WI**

(Coverage Not Available Under This Permit.)

**8.3.6 Region 6: AR, LA, OK, TX, NM**

(Except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands)

United States EPA, Region 6, Storm Water Staff, Enforcement and Compliance Assurance Division (GEN-WC), EPA SW MSGP, P.O. Box 50625, Dallas, TX 75205.

**8.3.7 Region 7:**

(Coverage Not Available Under This Permit.)

**8.3.8 Region 8: CO, MT, ND, SD, WY, UT**

(Except see Region 9 for Goshute Reservation and Navajo Reservation lands), the Ute Mountain Reservation in NM, and the Pine Ridge Reservation in NE

United States EPA, Region 8, Ecosystems Protection Program (8EPR-

EP), Storm Water Staff, 999 18th Street, Suite 300, Denver, CO 80202-2466.

**8.3.9 Region 9: AZ, CA, HI, NV, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Goshute Reservation in UT and NV, the Navajo Reservation in UT, NM, and AZ, the Duck Valley Reservation in ID, Fort McDermitt Reservation in OR**

United States EPA, Region 9, Water Management Division, WTR-5, Storm Water Staff, 75 Hawthorne Street, San Francisco, CA 94105.

**8.3.10 Region 10: ID, WA, OR**

(Except see Region 9 for Fort McDermitt Reservation.)

United States EPA, Region 10, Office of Water OW-130, 1200 6th Avenue, Seattle, WA 98101.

**8.4 State, Tribal, and Other Agencies**

See Part 13 for addresses of States or Tribes that require submission of information to their agencies.

**9. Standard Permit Conditions**

**9.1 Duty To Comply**

9.1.1 You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

9.1.2 *Penalties for Violations of Permit Conditions:* The Director will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (**Federal Register:** December 31, 1996, Volume 61, Number 252, pages 69359-69366, as corrected, March 20, 1997, Volume 62, Number 54, pages 13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every four years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties listed below were adjusted for inflation starting in 1996.

9.1.2.1 *Criminal Penalties.*

9.1.2.1.1 *Negligent Violations.*

The CWA provides that any person who negligently violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day

of violation, or by imprisonment for not more than 1 year, or both.

9.1.2.1.2 *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

9.1.2.1.3 *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.

9.1.2.1.4 *False Statement.* The CWA provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See section 309(c)(4) of the Clean Water Act.)

9.1.2.2 *Civil Penalties.* The CWA provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$27,500 per day for each violation.

9.1.2.3 *Administrative Penalties.* The CWA provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

9.1.2.3.1 *Class I Penalty.* Not to exceed \$11,000 per violation nor shall the maximum amount exceed \$27,500.

9.1.2.3.2 *Class II Penalty.* Not to exceed \$11,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$137,500.

**9.2 Continuation of the Expired General Permit**

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

9.2.1 Reissuance or replacement of this permit, at which time you must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or

9.2.2 Your submittal of a Notice of Termination; or

9.2.3 Issuance of an individual permit for your discharges; or

9.2.4 A formal permit decision by the Director not to reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

**9.3 Need To Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**9.4 Duty To Mitigate**

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**9.5 Duty To Provide Information**

You must furnish to the Director or an authorized representative of the Director any information which is requested to determine compliance with this permit or other information.

**9.6 Other Information**

If you become aware that you have failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Director, you must promptly submit such facts or information.

**9.7 Signatory Requirements**

All Notices of Intent, Notices of Termination, Storm Water Pollution Prevention Plans, reports, certifications or information either submitted to the Director or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by you, must be signed as follows:

9.7.1 All notices of intent and notices of termination must be signed as follows:

9.7.1.1 *For a corporation:* By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

9.7.1.2 *For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or

9.7.1.3 *For a municipality, State, Federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (1) The chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (*e.g.*, Regional Administrators of EPA).

9.7.2 All reports required by this permit and other information must be signed as follows:

9.7.2.1 All reports required by this permit and other information requested by the Director or authorized representative of the Director must be signed by a person described in Part 9.7.1 or by a duly authorized representative of that person.

9.7.2.2 A person is a duly authorized representative only if the authorization is made in writing by a person described Part 9.7.1 and submitted to the Director.

9.7.2.3 The authorization must specify either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or

an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

9.7.3 *Changes to Authorization.* If the information on the NOI filed for permit coverage is no longer accurate because a different operator has responsibility for the overall operation of the facility, a new Notice of Intent satisfying the requirements of Part 2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative. The change in authorization must be submitted within the time frame specified in Part 2.1, and sent to the address specified in Part 2.4.

9.7.4 *Certification.* Any person signing documents under Part 9.7 must make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

### 9.8 Penalties for Falsification of Reports

Section 309(c)(4) of the Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both.

### 9.9 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibilities, liabilities, or penalties to which you are or may be subject under section 311 of the CWA or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

### 9.10 Property Rights

The issuance of this permit does not convey any property rights of any sort,

nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

### 9.11 Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

### 9.12 Requiring Coverage Under an Individual Permit or an Alternative General Permit

9.12.1 Eligibility for this permit does not confer a vested right to coverage under the permit.

The Director may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Director to take action under this paragraph. Where the Director requires a permittee authorized to discharge under this permit to apply for an individual NPDES permit, the Director will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for you to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit will automatically terminate. Applications must be submitted to the appropriate Regional Office indicated in Part 8.3 of this permit. The Director may grant additional time to submit the application upon request of the applicant. If a permittee fails to submit in a timely manner an individual NPDES permit application as required by the Director under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified by the Director for application submittal.

9.12.2 Any permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, you must submit an individual application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the Director at the address for the appropriate Regional

Office indicated in Part 8.3 of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by you are adequate to support the request.

9.12.3 When an individual NPDES permit is issued to a permittee otherwise subject to this permit, or the permittee is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Director.

9.12.4 The Director's notification that coverage under an alternative permit is required does not imply that any discharge that did not or does not meet the eligibility requirements of Part 1.2 is or has been covered by this permit.

### 9.13 State/Tribal Environmental Laws

9.13.1 Nothing in this permit will be construed to preclude the institution of any legal action or relieve you from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by section 510 of the Act.

9.13.2 No condition of this permit releases you from any responsibility or requirements under other environmental statutes or regulations.

### 9.14 Proper Operation and Maintenance

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit and with the requirements of Storm Water Pollution Prevention Plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of this permit.

### 9.15 Inspection and Entry

You must allow the Director or an authorized representative of EPA, the State/Tribe, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal owner/operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

9.15.1 Enter upon your premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

9.15.2 Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

9.15.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

### 9.16 Monitoring and Records

9.16.1 *Representative Samples/Measurements.* Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

9.16.2 *Retention of Records.*

9.16.2.1 You must retain records of all monitoring information, and copies of all monitoring reports required by this permit for at least three (3) years from the date of sample, measurement, evaluation or inspection, or report. This period may be extended by request of the Director at any time. Permittees must submit any such records to the Director upon request.

9.16.2.2 You must retain the Storm Water Pollution Prevention Plan developed in accordance with Part 4 of this permit, including the certification required under Section 2.2.4.3 of this permit, for at least 3 years after the last modification or amendment is made to the plan.

9.16.3 *Records Contents.* Records of monitoring information must include:

9.16.3.1 The date, exact place, and time of sampling or measurements;

9.16.3.2 The initials or name(s) of the individual(s) who performed the sampling or measurements;

9.16.3.3 The date(s) analyses were performed;

9.16.3.4 The time(s) analyses were initiated;

9.16.3.5 The initials or name(s) of the individual(s) who performed the analyses;

9.16.3.6 References and written procedures, when available, for the analytical techniques or methods used; and

9.16.3.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

9.16.4 *Approved Monitoring Methods.* Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

### 9.17 Permit Actions

This permit may be modified; revoked and reissued; or terminated for cause. Your filing of a request for a permit modification; revocation and reissuance; or your submittal of a notification of planned changes or anticipated non-compliance does not automatically stay any permit condition.

## 10. Reopener Clause

### 10.1 Water Quality Protection

If there is evidence indicating that the storm water discharges authorized by this permit cause, have the reasonable potential to cause, or contribute to a violation of a water quality standard, you may be required to obtain an individual permit or an alternative general permit in accordance with Part 3.3 of this permit, or the permit may be modified to include different limitations and/or requirements.

### 10.2 Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

## 11. Transfer or Termination of Coverage

### 11.1 Transfer of Permit Coverage

Automatic transfers of permit coverage under 40 CFR 122.61(b) are not allowed for this general permit.

11.1.1 Transfer of coverage from one operator to a different operator (e.g., facility sold to a new company): the new owner/operator must complete and file an NOI in accordance with Part 1.3 at least 2 days prior to taking over operational control of the facility. The old owner/operator must file an NOT (Notice of Termination) within thirty (30) days after the new owner/operator has assumed responsibility for the facility.

11.1.2 Simple name changes of the permittee (e.g., Company "A" changes name to "ABC, Inc." or Company "B" buys out Company "A") may be done by filing an amended NOI referencing the facility's assigned permit number and requesting a simple name change.

## 11.2 Notice of Termination (NOT)

You must submit a completed Notice of Termination (NOT) that is signed in accordance with Part 9.7 when one or more of the conditions contained in Part 1.4 (Terminating Coverage) have been met. The NOT form found in Addendum E will be used unless it has been replaced by a revised version by the Director. The Notice of Termination must include the following information:

11.2.1 The NPDES permit number for the storm water discharge identified by the Notice of Termination;

11.2.2 An indication of whether the storm water discharges associated with industrial activity have been eliminated (*i.e.*, regulated discharges of storm water are being terminated); you are no longer an operator of the facility; or you have obtained coverage under an alternative permit;

11.2.3 The name, address and telephone number of the permittee submitting the Notice of Termination;

11.2.4 The name and the street address (or a description of location if no street address is available) of the facility for which the notification is submitted;

11.2.5 The latitude and longitude of the facility; and

11.2.6 The following certification, signed in accordance with Part 9.7 (signatory requirements) of this permit. For facilities with more than one permittee and/or operator, you need only make this certification for those portions of the facility where the you were authorized under this permit and not for areas where the you were not an operator:

I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that authorized by a general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

## 11.3 Addresses

All Notices of Termination must be submitted using the form provided by the Director (or a photocopy thereof) to the address specified on the NOT form.

## 11.4 Facilities Eligible for "No Exposure" Exemption for Storm Water Permitting

By filing a certification of "No Exposure" under 40 CFR 122.26(g), you are automatically removed from permit coverage and a NOT to terminate permit coverage is not required.

## 12. Definitions

*Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

*Commencement of Construction* the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

*Control Measure* as used in this permit, refers to any Best Management Practice or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

*CWA* means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*

*Director* means the Regional Administrator of the Environmental Protection Agency or an authorized representative.

*Discharge* when used without qualification means the "discharge of a pollutant."

*Discharge of Storm Water Associated with Construction Activity* as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (*e.g.*, clearing, grading, or excavation), construction materials or equipment storage or maintenance (*e.g.*, fill piles, borrow areas, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (*e.g.*, concrete or asphalt batch plants) are located. (See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15) for the two regulatory definitions on regulated storm water associated with construction sites).

*Discharge of Storm Water Associated with Industrial Activity* is defined at 40 CFR 122.26(b)(14).

*Facility or Activity* means any NPDES "point source" or any other facility

or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

*Flow-Weighted Composite Sample* means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

*Indian country*, as defined in 18 USC 1151, means: (a) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

*Industrial Activity* as used in this permit refers to the eleven categories of industrial activities included in the definition of "discharges of storm water associated with industrial activity".

*Industrial Storm Water* as used in this permit refers to storm water runoff associated with the definition of "discharges of storm water associated with industrial activity".

*Large and Medium Municipal Separate Storm Sewer Systems* are defined at 40 CFR 122.26(b)(4) and (7), respectively and means all municipal separate storm sewers that are either:

1. Located in an incorporated place (city) with a population of 100,000 or more as determined by the 1990 Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR 122); or
2. Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR 122); or
3. Owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium

municipal separate storm sewer system.

*Municipal Separate Storm Sewer* is defined at 40 CFR 122.26.

*No exposure* means that all industrial materials or activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff.

*NOI* means Notice of Intent to be covered by this permit (see Part 2 of this permit.)

*NOT* means Notice of Termination (see Part 11.2 of this permit).

*Owner or operator* means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

*Point source* means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

*Pollutant* is defined at 40 CFR 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

*Runoff coefficient* means the fraction of total rainfall that will appear at the conveyance as runoff.

*Special Aquatic Sites*, as defined at 40 CFR 230.3(q-1), means those sites identified in 40 CFR 230 Subpart E. They are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region. (See 40 CFR 230.10(a)(3)).

*Storm Water* means storm water runoff, snow melt runoff, and surface runoff and drainage.

*Storm Water Associated with Industrial Activity* refers to storm water, that if allowed to discharge, would constitute a "discharge of storm water associated with industrial activity" as defined at 40 CFR

122.26(b)(14) and incorporated here by reference.

*Waters of the United States* means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate "wetlands";
3. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs (1) through (4) of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1. through 6. of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds for steam electric generation stations per 40 CFR 423) which also meet the criteria of this definition) are not waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

*You* and *Your* as used in this permit is intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's facility or responsibilities. The use of "you" and "your" refers to a particular facility and not to all facilities operated by a particular entity. For example, "you must submit" means the permittee must submit something for that particular

facility. Likewise, "all your discharges" would refer only to discharges at that one facility.

### 13. Permit Conditions Applicable to Specific States, Indian Country Lands, or Territories

The provisions of Part 13 provide modifications or additions to the applicable conditions of Parts 1 through 12 of this permit to reflect specific additional conditions required as part of the State or Tribal CWA Section 401 certification process, or Coastal Zone Management Act certification process, or as otherwise established by the permitting authority. The additional revisions and requirements listed below are set forth in connection with, and only apply to, the following States, Indian country lands and Federal facilities.

#### 13.1 Region 1

13.1.1 *CTR05\*##I*: Indian country lands within the State of Connecticut.

13.1.2 *MAR05\*###*: Commonwealth of Massachusetts, except Indian country lands.

13.1.2.1 Discharges covered by the general permit must comply with the provisions of 314 CMR 3.00; 314 CMR 4.00; 314 CMR 9.00; and 310 CMR 10.00 and any other related policies adopted under the authority of the Massachusetts Clean Waters Act, M.G.L. c.21, ss. 26-53 and Wetlands Protection Act, M.G.L., s.40. Specifically, new facilities or the redevelopment of existing facilities subject to this permit must comply with applicable storm water performance standards prescribed by state regulation or policy. A permit under 314 CMR 3.04 is not required for existing facilities which meet state storm water performance standards. An application for a permit under 314 CMR 3.00 is required only when required under 314 CMR 3.04(2)(b) (designation of a discharge on a case-by-case basis) or is otherwise identified in 314 CMR 3.00 or Department policy as a discharge requiring a permit application. Department regulations and policies may be obtained through the State House Bookstore or online at [www.magnet.state.ma.us/dep](http://www.magnet.state.ma.us/dep).

13.1.2.2 The department may request a copy of the Storm Water Pollution Prevention Plan (SWPPP) or conduct an inspection of any facility covered by this permit to ensure compliance with state law requirements, including state water quality standards. The Department may enforce its certification conditions.

13.1.2.3 The results of any quarterly monitoring required by this permit must be sent to the appropriate Regional

Office of the Department where the monitoring identifies violations of effluent limits or benchmarks for any parameter for which monitoring is required under this permit.

13.1.3 *MAR05\*##I*: Indian country lands within the Commonwealth of Massachusetts.

13.1.4 *MER05\*###*: State of Maine, except Indian country lands.

13.1.5 *MER05\*##I*: Indian country lands within the State of Maine.

13.1.6 *NHR05\*###*: State of New Hampshire.

13.1.7 *RIR05\*##I*: Indian country lands within the State of Rhode Island.

13.1.8 *VTR05\*##F*: Federal Facilities in the State of Vermont.

### 13.2. Region 2

13.2.1 *PRR05\*###*: The Commonwealth of Puerto Rico. No additional requirements

### 13.3 Region 3

13.3.1 *DCR05\*###*: The District of Columbia.

13.3.2 *DER05\*##F*: Federal Facilities in the State of Delaware.

### 13.4 Region 4

13.4.1 *ALR05\*##I*: Indian country lands within the State of Alabama.

13.4.2 *FLR05\*##I*: Indian country lands within the State of Florida.

13.4.3 *MSR05\*##I*: Indian country lands within the State of Mississippi.

13.4.4 *NCR05\*##I*: Indian country lands within the State of North Carolina.

### 13.5 Region 5

Permit coverage not available.

### 13.6 Region 6

13.6.1 *LAR05\*##I*: Indian Country lands within the State of Louisiana. No additional requirements.

13.6.2 *NMR05\*###*: The State of New Mexico, except Indian Country lands.

13.6.2.1 *Discharges to Water Quality Impaired/Water Quality Limited Waters*:

Any operator who intends to obtain authorization under the MSGP for all new and existing storm water discharges to water quality-impaired (303(d)) waters (see <http://www.nmenv.state.nm.us/>) from facilities where there is a reasonable potential to contain pollutants for which the receiving water is impaired must satisfy the following conditions prior to the authorization. Signature of the NOI (which includes certifying eligibility for permit coverage) will be deemed the operator's certification that this eligibility requirement has been satisfied.

13.6.2.1.1 Prior to submitting a Notice of Intent (NOI) for coverage

under the MSGP, provide an estimate of pollutant loads in storm water discharges from the facility to the New Mexico Environment Department, Surface Water Quality Bureau (SWQB). This estimate must include the documentation upon which the estimate is based (e.g., sampling data from the facility, sampling data from substantially identical outfalls at similar facilities, modeling, etc.). Existing facilities must base this estimate on actual analytical data, if available.

13.6.2.1.2 Eligibility Requirements for New Discharges.

13.6.2.1.2.1 If a Total Maximum Daily Load (TMDL) has been developed, permit coverage is available only if the operator has received notice from the SWQB confirming eligibility.

**Note:** Following receipt of the information required under Part 13.6.2.1.1, SWQB anticipates using the following process in making eligibility determinations for new discharges into 303(d) waters where a TMDL has been developed:

- SWQB will notify the facility operator and EPA that the estimated pollutant load is consistent with the TMDL and that the proposed storm water discharges meet the eligibility requirements of Part 1.2.3.8 of the MSGP and may be authorized under this NPDES permit; or
- SWQB will notify the facility operator and EPA that the estimated pollutant load is not consistent with the TMDL and that the proposed storm water discharges do not meet the eligibility requirements of Part 1.2.3.8 of the MSGP and can not be authorized under this NPDES permit.

13.6.2.1.2.2 If a Total Maximum Daily Load (TMDL) has not been developed, permit coverage is not available under this permit for discharges to 303(d) waters and the operator must seek coverage under a separate permit.

**Note:** Following receipt of the information required under Part 13.6.2.1.1, SWQB anticipates using the following process in making eligibility determinations for new discharges into 303(d) waters where a TMDL has not yet been developed: SWQB will notify the facility operator and EPA that the proposed storm water discharges do not meet the eligibility requirements of Part 1.2.3.8 of the MSGP and can not be authorized under this NPDES permit.

13.6.2.1.3 *Eligibility Requirements for Existing Discharges*:

13.6.2.1.3.1 If a Total Maximum Daily Load (TMDL) has been developed, permit coverage is available only if the operator has received notice from the SWQB confirming eligibility.

**Note:** Following receipt of the information required under Part 13.6.2.1.1, SWQB anticipates using the following process in

making eligibility determinations for existing discharges into 303(d) waters where a TMDL has been developed:

- SWQB will notify the facility operator and EPA that the estimated pollutant load is consistent with the TMDL and that the proposed storm water discharges meet the eligibility requirements of Part 1.2.3.8 of the MSGP and may be authorized under this NPDES permit; or
- SWQB will notify the facility operator and EPA that the estimated pollutant load is not consistent with the TMDL and that the proposed storm water discharges do not meet the eligibility requirements of Part 1.2.3.8 of the MSGP and can not be authorized under this NPDES permit.

13.6.2.1.3.2 If a Total Maximum Daily Load (TMDL) has not been developed at the time of permit authorization, but is later developed during the term of this permit and identifies existing permitted discharges as having a reasonable potential to contain pollutants for which the receiving water is impaired, these discharges shall no longer be authorized by this permit unless, following notification by the SWQB:

- The operator completes revisions to his/her Storm Water Pollution Prevention Plan (SWPPP) to include additional and/or modified Best Management Practices (BMPs) designed to comply with any applicable Waste Load Allocation (WLA) established his/her discharges within 14 calendar days following notification by SWQB; and
- The operator implements the additional and/or modified BMPs before the next anticipated discharge following revision of the SWPPP; and
- A report is submitted to SWQB

which documents actions taken to comply with this condition, including estimated pollutant loads, within 30 calendar days following implementation of the additional and/or modified BMPs.

13.6.2.1.4 *Additional Monitoring*—perform analytical monitoring for each outfall at least annually for any pollutant(s) for which the 303(d) water is impaired where there is a reasonable potential for discharges to contain any or all of these pollutants. Submit monitoring results to SWQB within 45 calendar days following sample collection. These monitoring requirements are not eligible for any waivers listed elsewhere in the permit.

13.6.2.2 *Permit Eligibility Regarding Protection of Water Quality Standards and Compliance with State Anti-degradation Requirements*: Storm water discharges associated with industrial activity to 303(d) waters as well as all other "waters of the State" that SWQB has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard

and/or that do not comply with the applicable anti-degradation provisions of the State's WQS are not authorized by this permit.

**Note:** Upon receipt of this determination, NMED anticipates that, within a reasonable period of time, EPA will notify the general permittee to apply for and obtain an individual NPDES permit for these discharges per 40 CFR 122.28(b)(3).

13.6.2.3 Signed Copies of discharge monitoring reports, individual permit applications, the data and reports addressed in Part 13.6.2.1, and all other reports required herein, shall be submitted to the appropriate state office address: New Mexico—Program Manager, Point Source Regulation Section, Surface Water Quality Bureau, New Mexico Environment Department, P.O. Box 26110, Santa Fe, New Mexico 87502.

13.6.3. NMR05\*##I: Indian Country lands in the State of New Mexico, except Navajo Reservation lands (see Region 9) and Ute Mountain Reservation lands (see Region 8).

13.6.3.1 *Pueblo of Isleta* The following conditions apply only to discharges on the Pueblo of Isleta.

13.6.3.1.1 Copies of "Certification of Eligibility of Coverage" under Part 1.2.3.6.3 (Endangered Species) and Part 1.2.3.7 (Historical Properties), and their justifications, must be provided to the Tribe 10 days prior to filing the Notice of Intent (NOI).

13.6.3.1.2 A copy of the Storm Water Pollution Prevention Plan (SWPPP) must be provided to the Tribe 5 days prior to filing the NOI.

13.6.3.1.3 A copy of the NOI must be provided to the Tribe at the same time it is sent to the Environmental Protection Agency.

13.6.3.1.4 A copy of the Notice of Termination (NOT) must be provided to the Tribe at the same time it is sent to the Environmental Protection Agency.

13.6.3.1.5 Any notice of release of hazardous substances (Part 3.1.2) shall also be sent to the Tribe at the same time it is sent to the Environmental Protection Agency. Notification of a release of hazardous substances shall also be made to the Pueblo's Police Department (505-869-3030) or Governor's Office (505-869-3111) or Environment Department (505-869-5748).

13.6.3.1.6 Copies of all "Routine Inspection Reports: (Part 4.2.7.2.1.5) and "Comprehensive Inspection Reports" (Part 4.9) shall be sent to the Tribe within 5 days of completion.

13.6.3.1.7 All analytical data (e.g., Discharge Monitoring Reports, etc.) shall be provided to the Tribe at the same time it is provided to the EPA.

13.6.3.1.8 Exceedance of any EPA-established "Benchmark Value" for any pollutant will require quarterly monitoring for that pollutant until such time as analytical results from 4 consecutive quarters are below the "Benchmark."

13.6.3.1.9 Any permittee in Sector F shall monitor for all Clean Water Act Section 307(a) priority pollutants used in any of their processes. Monitoring shall be on a quarterly basis.

13.6.3.1.10 Any permittee in Sector M shall monitor for total oil & grease, glycols, and those solvents regulated under Safe Drinking Water Act mandates at 40 CFR 141.61(a) in addition to those parameters identified in Table M-1. Monitoring shall be on a quarterly basis.

13.6.3.1.11 Any permittee in Sector N shall monitor for PCBs in addition to those parameters identified in Table N-1. Monitoring shall be on a quarterly basis.

13.6.3.1.12 All written reports shall be sent to: Director, Environment Department, Pueblo of Isleta, Isleta, NM 87022.

13.6.3.2 *Pueblo of Nambe*. The following conditions apply only to discharges on the Pueblo of Nambe. No additional requirements.

13.6.3.3 *Pueblo of Picuris*. The following conditions apply only to discharges on the Pueblo of Picuris.

13.6.3.4 *Pueblo of Pojoaque*. The following conditions apply only to discharges on the Pueblo of Pojoaque.

13.6.3.4.1 Notices of Intent (NOI) and notices of Termination (NOT) shall be submitted to the Pueblo of Pojoaque Environment Department at the same time they are submitted to EPA.

13.6.3.4.2 Storm Water Pollution Prevention Plans (SWPPP) shall be submitted to the Pueblo of Pojoaque Environment Department 30 days before commencement of the project.

13.6.3.4.3 If requested by the Pueblo of Pojoaque Environment Department (PPED), the permittee shall provide additional information necessary for a "case by case" eligibility determination to assure compliance with Pojoaque Pueblo Water Quality Standards.

**Note:** Upon receipt of an determination by the Pueblo of Pojoaque that discharges from a facility have the reasonable potential to be causing or contributing to a violation of Pojoaque Pueblo Water Quality Standards, EPA would notify the general permittee to either improve their Storm Water Pollution Prevention Plan to achieve compliance with Pojoaque Pueblo Water Quality Standards or apply for and obtain an individual NPDES permit for these discharges per 40 CFR 122.28(b)(3).

13.6.3.4.4 All written reports shall be sent to: Pueblo of Pojoaque

Environment Department, 2 W. Gutierrez, Santa Fe, NM 87501; Phone (505) 455-2087; FAX (505) 455-2177.

13.6.3.5 *Pueblo of San Juan*. The following conditions apply only to discharges on the Pueblo of San Juan.

13.6.3.5.1 Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) shall be provided to the Pueblo five (5) days prior to the time it is provided to the Environmental Protection Agency. A copy of the Storm Water Pollution Prevention Plan shall be provided to the Pueblo five (5) days prior to the time the NOI is submitted to the Environmental Protection Agency.

13.6.3.5.2 All analytical data (e.g., Discharge Monitoring Reports, etc.) shall be provided to the Pueblo at the same time it is provided to the Environmental Protection Agency. Monitoring activities must be coordinated with the Director of the Environment Department to insure consistency with the Pueblo of San Juan Surface Water Quality Monitoring Program.

13.6.3.5.3 Copies of all written reports required under the permit shall be sent to: Director, Environment Department, San Juan Pueblo, P.O. Box 717, San Juan Pueblo, NM 87566. For questions or coordination, you may contact the Director at (505) 852-4212.

13.6.3.6 *Pueblo of Sandia*. The following conditions apply only to discharges on the Pueblo of Sandia.

13.6.3.6.1 Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) shall be provided to the Pueblo at the same time it is provided to the Environmental Protection Agency. A copy of the Storm Water Pollution Prevention Plan must also be provided to the Pueblo at the time the NOI is submitted.

13.6.3.6.2 All analytical data (e.g., Discharge Monitoring Reports, etc) shall be provided to the Pueblo at the same time it is provided to the Environmental Protection Agency.

13.6.3.6.3 All written reports shall be sent to: Director, Environment Department, Pueblo of Sandia, Box 6008, Bernalillo, NM 87004.

13.6.3.7 *Pueblo of Tesuque*. The following conditions apply only to discharges on the Pueblo of Tesuque. No additional requirements.

13.6.3.8 Santa Clara Pueblo. The following conditions apply only to discharges on the Santa Clara Pueblo. No additional requirements.

13.6.3.9 *All Other Indian Country lands in New Mexico*. No additional requirements.

13.6.4. OKR05\*##I: Indian Country lands within the State of Oklahoma. No additional requirements.

13.6.5. OKR05\*##F: Facilities in the State of Oklahoma not under the jurisdiction of the Oklahoma Department of Environmental Quality, except those on Indian Country lands.

13.6.5.1 Ineligible Discharges to the Oklahoma Scenic Rivers System and Outstanding Resource Waters—New or proposed discharges to the Oklahoma Scenic Rivers System, including the

Illinois River, Flint Creek, Barren Fork Creek, Mountain Fork, Little Lee Creek, and Big Lee Creek or to any water designated an “Outstanding Resource Water” (ORW) in Oklahoma’s Water Quality Standards are not eligible for coverage under the MSGP. Existing discharges of storm water in these watersheds may be permitted under the MSGP only from point sources existing as of June 25, 1992, whether or not such storm water discharges were permitted as point sources prior to June 25, 1992.

13.6.6. TXR05\*###: The State of Texas, except Indian Country lands.  
13.6.6.1 The following limitations, independently required under the Texas Water Quality Standards (31 TAC 319.22 and 319.23), apply to discharges authorized by the permit:

13.6.6.1.1 *All Discharges to Inland Waters:* The maximum allowable concentrations of each of the hazardous metals, stated in terms of milligrams per liter (mg/l), for discharges to inland waters are as follows:

Total metal	Monthly average	Daily composite	Single grab
Arsenic .....	0.1	0.2	0.3
Barium .....	1.0	2.0	4.0
Cadmium .....	0.05	0.1	0.2
Chromium .....	0.5	1.0	5.0
Copper .....	0.5	1.0	2.0
Lead .....	0.5	1.0	1.5
Manganese .....	1.0	2.0	3.0
Mercury .....	0.005	0.005	0.01
Nickel .....	1.0	2.0	3.0
Selenium .....	0.05	0.1	0.2
Silver .....	0.05	0.1	0.2
Zinc .....	1.0	2.0	6.0

13.6.6.1.2 *All Discharges to Tidal Waters:* The maximum allowable concentrations of each of the hazardous metals, stated in terms of milligrams per liter (mg/l), for discharges to tidal waters are as follows:

Total metal	Monthly average	Daily composite	Single grab
Arsenic .....	0.1	0.2	0.3
Barium .....	1.0	2.0	4.0
Cadmium .....	0.1	0.2	0.3
Chromium .....	0.5	1.0	5.0
Copper .....	0.5	1.0	2.0
Lead .....	0.5	1.0	1.5
Manganese .....	1.0	2.0	3.0
Mercury .....	0.005	0.005	0.01
Nickel .....	1.0	2.0	3.0
Selenium .....	0.10	0.2	0.3
Silver .....	0.05	0.1	0.2
Zinc .....	1.0	2.0	6.0

13.6.6.1.3 Definitions:  
*Inland Waters*—all surface waters in the State other than “tidal waters” as defined below.

*Tidal Waters*—those waters of the Gulf of Mexico within the jurisdiction of the State of Texas, bays and estuaries thereto, and those portions of the river systems which are subject to the ebb and flow of the tides, and to the intrusion of marine waters.

13.6.7. TXR05\*##I: Indian Country lands within the State of Texas. No additional requirements.

13.7. *Region 7. Permit Coverage Not Available.*

13.8. *Region 8.*

13.8.1. COR05\*##F: Federal Facilities in the State of Colorado, except those located on Indian country lands.

13.8.2. COR05\*##I: Indian country lands within the State of Colorado, including the portion of the Ute Mountain Reservation located in New Mexico.

13.8.3. MTR05\*##I: Reserved

13.8.4. NDR05\*##I: Indian country lands within the State of North Dakota, including that portion of the Standing Rock Reservation located in South Dakota except for the Lake Traverse Reservation which is covered under South Dakota permit SDR05\*##I listed below.

13.8.5. SDR05\*##I: Indian country lands within the State of South Dakota, including the portion of the Pine Ridge Reservation located in Nebraska and the portion of the Lake Traverse Reservation located in North Dakota except for the Standing Rock Reservation which is

covered under North Dakota permit NDR05\*##I listed above.

13.8.6. UTR05\*##I: Indian country lands in the State of Utah, except Goshute and Navajo reservation lands (see Region 9).

13.8.7. WYR05\*##I: Indian country lands in the State of Wyoming.

13.9. *Region 9.*

13.9.1. ASR05\*###: The Island of American Samoa.

13.9.1.1. Copies of NOIs shall also be submitted to the American Samoa Environmental Protection Agency at the following address concurrently with NOI submittal to EPA: American Samoa Environmental Protection Agency, Executive Office Building, Pago Pago, American Samoa 96799.

13.9.1.2. Updated storm water pollution prevention plans must be

submitted to the American Samoa Environmental Protection Agency at the following address for review and approval as soon as they are completed: American Samoa Environmental Protection Agency, Executive Office Building, Pago Pago, American Samoa 96799.

13.9.2. AZR05\*###: The State of Arizona, except Indian country lands.

13.9.2.1. Discharges authorized by this permit shall not cause or contribute to a violation of any applicable water quality standard of the State of Arizona (Arizona Administrative Code, Title 18, Chapter 11).

13.9.2.2. Notices of Intent (NOIs) shall also be submitted to the State of Arizona Department of Environmental Quality at the following address: Storm Water Coordinator, Arizona Department of Environmental Quality, 3033 N. Central Avenue, Phoenix, Arizona 85012. NOIs submitted to the State of Arizona shall include the well registration number if storm water associated with industrial activity is discharged to a dry well or an injection well.

13.9.2.3. Notices of Termination (NOTs) shall also be submitted to the State of Arizona Department of Environmental Quality at the following address: Storm Water Coordinator, Arizona Department of Environmental Quality, 3033 N. Central Avenue, Phoenix, Arizona 85012.

13.9.2.4. For facilities which submit a no exposure certification in accordance with Part 1.5 of the permit, the operator shall submit a copy of the no exposure certification to the State of Arizona Department of Environmental Quality at the following address: Storm Water Coordinator, Arizona Department of Environmental Quality, 3033 N. Central Avenue, Phoenix, Arizona 85012.

13.9.2.5. SARA Section 313 (Community Right to Know) facilities shall have the following requirement: Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of such chemicals. Appropriate measures to minimize discharges of Section 313 chemicals shall include: provision of secondary containment for at least the entire contents of the largest tank plus sufficient freeboard to allow for the 25-year, 24-hour precipitation event; a strong spill contingency and integrity testing plan, and/or other equivalent measures.

13.9.2.6. Delineation of Facility Areas Within the 100-Year Floodplain. All facilities or any portion of a facility that is located at or within the 100-year floodplain shall be delineated on the

site map. The base flood elevation, if known, shall also be reported.

13.9.2.7. Facilities subject to monitoring and reporting requirements shall also submit Discharge Monitoring Report Form(s) (DMR) and other required monitoring information to the State of Arizona Department of Environmental Quality at the following address: Storm Water DMR Coordinator, Arizona Department of Environmental Quality, 3033 N. Central Avenue Phoenix, Arizona 85012.

13.9.2.8. The term "Significant Sources of Non-Storm Water" includes, but is not limited to discharges which could cause or contribute to violations of water quality standards of the State of Arizona, and discharges which could include releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (see CFR 302.4).

13.9.2.9. The term "Base Flood Elevation" as defined by Federal Emergency Management Agency (FEMA) is the height of the base (100-year) flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 of North American Vertical Datum of 1988. This is the elevation of the 100-year flood waters relative to "mean sea level."

13.9.2.10. The term "100-year flood" means the flood having a one percent chance of being equaled or exceeded in magnitude in any given year.

13.9.2.11. The term "100-year floodplain" means that area adjoining a river, stream, or watercourse covered by water in the event of a 100-year flood.

13.9.3. AZR05\*##I: Indian country lands within the State of Arizona, including Navajo Reservation lands in New Mexico and Utah.

13.9.3.1. White Mountain Apache Tribe. The following condition applies only on the White Mountain Apache Tribe: All NOIs for proposed storm water discharge coverage shall be provided to the following address: Tribal Environmental Planning Office, Attn: Brenda Pusher-Begay, P.O. Box 1000, Whiteriver, AZ 85941.

13.9.4. CAR05\*##I: Indian country lands within the State of California No additional requirements.

13.9.5. GUR05\*###: The Island of Guam.

13.9.5.1. Facilities ineligible for Multi-Sector General Permit coverage which are required to submit an individual NPDES permit application must send a copy to the following address at the time of submittal to EPA: Guam Environmental Protection

Agency, P.O. Box 22439 GMF, Barrigada, Guam 96921.

13.9.5.2. Copies of NOIs shall also be submitted to the following address concurrently with NOI submittal to EPA: Guam Environmental Protection Agency, P.O. Box 22439 GMF, Barrigada, Guam 96921.

13.9.5.3. Permittees required by the Director to submit an individual NPDES permit application or alternative general NPDES permit application must send a copy to the following address at the time of submittal to EPA: Guam Environmental Protection Agency, P.O. Box 22439 GMF, Barrigada, Guam 96921.

13.9.6. JAR05\*###: Johnston Atoll. No additional requirements.

13.9.7. MWR05\*###: Midway Island and Wake Island. No additional requirements.

13.9.8. NIR05\*###: Commonwealth of the Northern Mariana Islands (CNMI)

13.9.8.1. All conditions and requirements set forth in the USEPA final NPDES MSGP must be complied with.

13.9.8.2. A storm water pollution prevention plan (SWPPP) for storm water discharges associated with industrial activity must be approved by the Director of the CNMI DEQ prior to the submission of the NOI to USEPA. The CNMI address for the submittal of the SWPPP for approval is: Commonwealth of the Northern Mariana Islands, Office of the Governor, Director, Division of Environmental Quality (DEQ), P.O. Box 501304 C.K., Saipan, MP 96950-1304.

13.9.8.3. An NOI to be covered by the storm water MSGP for discharges associated with industrial activity must be submitted to CNMI DEQ (use above address) and USEPA, Region 9, in the form prescribed by USEPA, accompanied by a SWPPP approval letter from CNMI DEQ.

13.9.8.4. The NOI must be postmarked seven (7) calendar days prior to any stormwater discharges and a copy must be submitted to the Director of CNMI DEQ (use above address) no later than seven (7) calendar days prior to any stormwater discharges.

13.9.8.5. All monitoring reports required by the MSGP must be submitted to CNMI DEQ (use above address).

13.9.8.6. In accordance with section 10.3(h) and (i) of CNMI water quality standards, CNMI DEQ reserves the right to deny coverage under the MSGP and to require submittal of an application for an individual NPDES permit based on a review of the NOI or other information made available to the Director.

13.9.9. NVR05\*##I: Indian country lands within the State of Nevada, including the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Goshute Reservation in Utah. No additional requirements.

13.10. *Region 10.*

13.10.1. (The terms and conditions of the 1995 Multi-Sector General Permit are effective for facilities in the State of Alaska through February 9, 2001.)

13.10.2. AKR05\*##I: Indian country Lands within the State of Alaska.

13.10.3. IDR05\*### The State of Idaho, except Indian country lands.

13.10.4. IDR05\*##I: Indian country lands within the State of Idaho, except Duck Valley Reservation lands (see Region 9).

13.10.5. ORR05\*##I: Indian country lands in the State of Oregon except Fort McDermitt Reservation lands (see Region 9).

13.10.6. WAR05\*##I: Indian country lands within the State of Washington

13.10.6.1 Permittees on Chehalis Reservation lands must also meet the following conditions:

1. The permittee shall be responsible for achieving compliance with Confederated Tribes of Chehalis Reservation's Water Quality Standards, and

2. The permittee shall be responsible for submitting all Storm Water Pollution Prevention Plans to the Chehalis Tribal Department of Natural Resources at the following address for review and approval prior to the beginning of any discharge activities taking place: Confederated Tribes of Chehalis Reservation, Department of Natural Resources, 420 Howanut Road, Oakville, WA 98568.

13.10.6.2 Permittees on Puyallup Reservation lands must also meet the following conditions:

1. The permittee shall be responsible for achieving compliance with Puyallup Tribe's Water Quality Standards;

2. The permittee shall submit a copy of the Notice of Intent to be covered by the general permit to the Puyallup Tribe Environmental Department at the address listed below at the same time it is submitted to U.S. EPA;

3. The permittee shall be responsible for submitting all Storm Water Pollution Prevention Plans to the Puyallup Tribe Environmental Department at the following address for review and approval prior to the beginning of any discharge activities taking place: Puyallup Tribe Environmental Department, 2002 East 28th Street, Tacoma, WA 98404.

13.10.7. WAR05\*##F: Federal Facilities in the State of Washington,

except those located on Indian country lands.

13.10.7.1 Discharges authorized by this permit shall not cause or contribute to a violation of any applicable water quality standard of the State of Washington. These standards are found at Chapter 173–201A WAC (Water Quality Standards for Surface Waters), Chapter 173–204 WAC (Sediment Management Standards) and the National Toxics Rule for human health standards (57 FR 60848–60923).

13.10.7.2 Any operator of a facility in Sectors A, D, E, F, G, H, J, L, M, N, or U who intends to obtain authorization under the MSGP–2000 for all new and existing storm water discharges must conduct and report benchmark monitoring for turbidity with a cutoff concentration of 50 NTU.

### Addendum A—Endangered Species Guidance

#### I. Assessing Permit Eligibility Regarding Endangered Species

##### A. Background

To meet its obligations under the Clean Water Act and the Endangered Species Act (ESA) and to promote those Acts' goals, the Environmental Protection Agency (EPA) is seeking to ensure the activities regulated by this Multi-Sector General Permit (MSGP) pose no jeopardy to endangered and threatened species and critical habitat. To ensure that those goals are met, applicants for MSGP coverage are required under Part 1.2.3.6 to assess the impacts of their storm water discharges, allowable non-storm water discharges, and discharge-related activities on Federally listed endangered and threatened species ("listed species") and designated critical habitat ("critical habitat") by following the process listed below. EPA strongly recommends that you follow these steps at the earliest possible stage to ensure that measures to protect listed species and critical habitat are incorporated early in your planning process.

You also have an independent ESA obligation to ensure that your activities do not result in any prohibited "takes" of listed species.<sup>1</sup> Many of the measures required in the MSGP and in these instructions to protect species may also assist you in ensuring that your activities do not result in a prohibited take of species in violation of section 9 of the ESA. If you have or plan activities in areas that harbor endangered and threatened species, you may wish to ensure that you are protected from potential takings liability under ESA section 9 by obtaining an ESA

<sup>1</sup> Section 9 of the ESA prohibits any person from "taking" a listed species (e.g., harassing or harming it) unless: (1) the taking is authorized through a "incidental take statement" as part of undergoing ESA section 7 formal consultation; (2) where an incidental take permit is obtained under ESA section 10 (which requires the development of a habitat conservation plan); or (3) where otherwise authorized or exempted under the ESA. This prohibition applies to all entities including private individuals, businesses, and governments.

section 10 permit or, if there is a separate federal action regarding the facility, by requesting formal consultation under ESA section 7 regarding that action. If you are not sure whether to pursue a section 10 permit or a section 7 consultation for takings protection, you should confer with the appropriate Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service (NMFS) (collectively the "Services") office.

#### B. How Does The Basic Eligibility Assessment Process Work?

In order to determine if you are eligible to use the permit, you need to go through a series of steps to determine:

1. Are there any listed endangered or threatened species or critical habitat in proximity to your facility or the point where your discharges reach a receiving water?

2. If there are listed species in proximity, are your discharges or discharge-related activities going to adversely affect them?

3. If adverse effects on listed species or critical habitat are likely, what can you do to eliminate or reduce these effects?

4. Have any adverse effects already been addressed under the Endangered Species Act?

5. Which, if any, of the eligibility criteria make you eligible for permit coverage?

#### C. What Are the Eligibility Criteria?

The Part 1.2.3.6 eligibility requirement may be satisfied by documenting that one or more of the following criteria has been met:

*Criteria A. No Listed Species or Critical Habitat Are in Proximity to Your Facility or the Point Where Authorized Discharges Reach a Water of the United States (See Part 1.2.3.6.3.1)*

Using the latest County Species List available from EPA and any other relevant information sources, you have determined that no listed species or critical habitat are in proximity to your facility. Listed species and critical habitat are in proximity to a facility when they are:

- Located in the path or immediate area through which or over which contaminated point source storm water flows from industrial activities to the point of discharge into the receiving water. This may also include areas where storm water from your facility enters groundwater that has a direct hydrological connection to a receiving water (e.g., groundwater infiltrates at your facility and re-emerges to enter a surface waterbody within a short period of time.)

- Located in the immediate vicinity of, or nearby, the point of discharge into receiving waters.

- Located in the area of a facility where storm water BMPs are planned or are to be constructed.

Please be aware that no protection from incidental takings liability is provided under this criteria.

*Criteria B. An ESA Section 7 Consultation Has Been Performed for a Separate Federal Action Regarding Your Facility (See Part 1.2.3.6.3.2)*

A formal or informal ESA § 7 consultation on a separate federal action (e.g., New Source review under NEPA, application for a dredge