

Landfill NPDES Parts I & II - Application Parts I & II

PART I
MARICOPA COUNTY LAND FILL

NPDES

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Group Application

SOLID WASTE MANAGEMENT DEPARTMENT

April 27, 1993

MEMO TO: John E. Stufflebean, P.E., Director
FROM: Nicholas J. P. Sciarro, Landfill Administrator
SUBJECT: Hassayampa Landfill (Superfund Site) Notice of Intent
within NPDES Stormwater Permit Application Process

According to the attached memo from the Flood Control District, the Hassayampa Landfill was removed from the Group application process due to the superfund site litigation. At that time Mr. G. Sudbeck, Acting Solid Waste Director and Mr. Gene Neil, Deputy County Attorney were administering site specific requirements and the Notice of Intent submittal necessary to comply with the General NPDES application guidelines.

To date neither Flood Control nor Solid Waste Management have received completed copies of the N.O.I. . According to most recent information, the deadline for the N.O.I. was believed to be May 1993, however, confirmation via the NPDES hotline indicated it was October 1, 1992.

Flood Control is interested in assisting us in preparation of a draft Stormwater Pollution Prevention Plan (SWPPP) for the Hassayampa Landfill which is also a requirement for the NPDES process.

I have attached a blank copy of the N.O.I. form for our county attorney to review and submit to the Hassayampa Steering Committee for possible consultant preparation. If an N.O.I. has already been submitted, please let us know if we could be of assistance in draft preparation of the SWPPP.

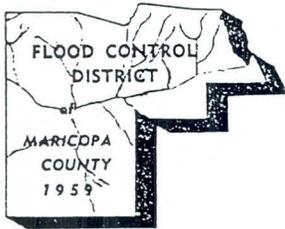
Thank you,



Nicholas J.P. Sciarro
506-7060

NJPS:ns
Copy: C.W. Moore, Flood Control
D.G. Phillips, Flood Control

FLOOD CONTROL DISTRICT RECEIVED	
APR 28 1993	
CH ENG	P & PM
DEP	HYDRO
ADMIN	LMGT
FINANCE	FILE
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ENGR	a DGP
REMARKS	



FLOOD CONTROL DISTRICT

of

Maricopa County

2801 West Durango Street • Phoenix, Arizona 85009
Telephone (602) 506-1501
Fax (602) 506-4601
TDD (602) 506-5897

BOARD OF DIRECTORS
Betsey Bayless
James D. Bruner
Ed King
Tom Rawles
Mary Rose Garrido Wilcox

Neil S. Erwin, P.E., Chief Engineer and General Manager

DATE: April 5, 1993

MEMO TO: Nick Sciarro, Solid Waste Administrator

VIA: Catesby W. Moore, Environmental Program Manager

FROM: David G. Phillips, Environmental Engineering Associate

SUBJECT: NPDES Stormwater Deadlines for Hassayampa Landfill, 57 FR 41306

Several months ago, the Environmental Protection Agency (EPA) asked us to remove the Hassayampa Landfill from the not-yet-formed landfill group due to the fact that it is a superfund site. Since that time, we have brought to your attention that the only NPDES stormwater permitting option available for Hassayampa Landfill is to obtain coverage under the Baseline General Permit by submitting a Notice of Intent (NOI) to EPA.

You cautioned us that all information/actions concerning Hassayampa Landfill must go through your attorneys due to a current lawsuit. In response, we provided you with a blank NOI form to forward to your attorney for their consideration. We have not heard whether a NOI has been submitted to EPA, allowing Hassayampa Landfill to legally operate.

It is also important to mention that the District had received erroneous information; that the deadline for submittal of a NOI was May 1993. According to a recent conversation with the NPDES Stormwater Hotline, [(703) 821-4823], the deadline for Hassayampa Landfill was October 1, 1992. The deadline to generate a Stormwater Pollution Prevention Plan (SWPPP) was April 1, 1993, and the deadline to implement the provisions stated in the SWPPP is October 1, 1993.

I recommend that you submit this memo to your attorneys and ask for a response. Depending on their counsel, I recommend further that Solid Waste quickly generate a rough draft SWPPP for Hassayampa Landfill to have on-site. If Solid Waste would like District help with the SWPPP draft, please let us know. It is *much* better to have a sketchy SWPPP than none at all.

David G. Phillips



NPDES
FORM



United States Environmental Protection Agency
Washington, DC 20460

Notice of Termination (NOT) of Coverage Under the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity

Submission of this Notice of Termination constitutes notice that the party identified in Section II of this form is no longer authorized to discharge storm water associated with industrial activity under the NPDES program. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.

I. Permit Information

NPDES Storm Water
General Permit Number: _____

Check Here if You are No Longer
the Operator of the Facility:

Check Here if the Storm Water
Discharge is Being Terminated:

II. Facility Operator Information

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

III. Facility/Site Location Information

Name: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Latitude: _____ Longitude: _____ Quarter: _____ Sector: _____ Township: _____ Range: _____

IV. Certification: I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by a NPDES 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.

Print Name: _____ Date: _____

Signature: _____

Instructions for Completing Notice of Termination (NOT) Form

Who May File a Notice of Termination (NOT) Form

Permittees who are presently covered under the EPA issued National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharge Associated with Industrial Activity may submit a Notice of Termination (NOT) form when their facilities no longer have any storm water discharges associated with industrial activity as defined in the storm water regulations at 40 CFR 122.26 (b)(14), or when they are no longer the operator of the facilities.

For construction activities, elimination of all storm water discharges associated with industrial activity occurs when disturbed soils at the construction site have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time, or that all storm water discharges associated with industrial activity from the construction site that are authorized by a NPDES general permit have otherwise been eliminated. Final stabilization means that all soil-disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures (such as the use of riprap, geotextiles, or geocells) have been employed.

Where to File NOT Form

Send this form to the the following address:

Storm Water Notice of Termination
P.O. Box 1185
Newington, VA 22122

Completing the Form

Type or print, using upper-case letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, call the Storm Water Hotline at (703) 821-4823.

PLEASE SEE REVERSE OF THIS FORM FOR FURTHER INSTRUCTIONS

Instructions * EPA Form 3510-7
Notice of Termination (NOT) of Coverage
Under the NPDES General Permit for
Storm Water Discharges Associated With Industrial Activity

Section I Permit Information

Enter the existing NPDES Storm Water General Permit number assigned to the facility or site identified in Section III. If you do not know the permit number, contact the Storm Water Hotline at (703) 821-4823.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box:

If there has been a change of operator and you are no longer operator of the facility or site identified in Section III, check the corresponding box.

If all storm water discharges at the facility or site identified in Section III have been terminated, check the corresponding box.

Section II Facility Operator Information

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same name as the facility. The operator of the facility is the legal entity which controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

Section III Facility/Site Location Information

Enter the facility's or site's official or legal name and complete address, including city, state, and ZIP code. If the facility or site lacks a street address, indicate the state the latitude and longitude of the facility to the nearest 15 seconds or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site.

Section V Certification

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means (i) 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, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor, or

For a municipality, a state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 0.5 hours per application, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460, or Director, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

For a corporation: by a responsible corporate officer, which means (i) 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, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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NPDES
FORM



United States Environmental Protection Agency
Washington, DC 20460

Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity Under the NPDES General Permit

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a NPDES permit issued for storm water discharges associated with industrial activity in the State identified in Section II of this form. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.

I. Facility Operator Information

Name: _____ Phone: _____
Address: _____ Status of Owner/Operator:
City: _____ State: _____ ZIP Code: _____

II. Facility/Site Location Information

Name: _____ Is the Facility Located on Indian Lands? (Y or N)
Address: _____
City: _____ State: _____ ZIP Code: _____
Latitude: _____ Longitude: _____ Quarter: _____ Section: _____ Township: _____ Range: _____

III. Site Activity Information

MS4 Operator Name: _____
Receiving Water Body: _____
If You are Filing as a Co-permittee, Enter Storm Water General Permit Number: _____ Are There Existing Quantitative Data? (Y or N) Is the Facility Required to Submit Monitoring Data? (1, 2, or 3)
SIC or Designated Activity Code: Primary: _____ 2nd: _____ 3rd: _____ 4th: _____
If This Facility is a Member of a Group Application, Enter Group Application Number: _____
If You Have Other Existing NPDES Permits, Enter Permit Numbers: _____

IV. Additional Information Required for Construction Activities Only

Project Start Date: _____ Completion Date: _____ Estimated Area to be Disturbed (in Acres): _____ Is the Storm-Water Pollution Prevention Plan in Compliance with State and/or Local Sediment and Erosion Plans? (Y or N)

V. 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 gather and evaluate 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.

Print Name: _____ Date: _____

Signature: _____

Instructions * EPA Form 3510-6
Notice of Intent (NOI) for
Storm Water Discharges Associated with Industrial Activity
To Be Covered Under the NPDES General Permit

Who Must File A Notice of Intent (NOI) Form

Federal Law at CFR Part 122 prohibits point source discharges of storm water associated with industrial activity to water body(ies) of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. The operator on an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under the NPDES Storm Water General Permit. If you have questions about whether you need a permit under the NPDES Storm Water program, or if you need information as to whether a particular program is administered by EPA or a state agency, contact the Storm Water Hotline at (703) 821-4823.

Where To File NOI Form

NOI's must be sent to the following address:

Storm Water Notice of Intent
P.O. Box 1215
Newington, VA 22122

Completing the Form

You must type or print using upper-case letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form call the Storm Water Hotline at (703) 821-4823.

Section I Facility Operator Information

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

Enter the appropriate letter to indicate the legal status of the operator of the facility.

F = Federal
federal or state)
S = State

M = Public (other than
P = Private

Section II Facility/Site Location Information

Enter the facility's or site's official or legal name and complete street address including city, state, and ZIP code. If the facility or site lacks a street address, indicate the state, the latitude and longitude of the facility to the nearest 15 seconds, or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site.

Indicate whether the facility is located on Indian lands.

Section III Site Activity Information

If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name) and the receiving water of the discharge from the MS4. (A MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body which is designed or used for collecting or conveying storm water.)

If the facility discharges storm water directly to receiving water(s), enter the name of the receiving water.

If you are filing as a co-permittee and a storm water general permit number has been issued, enter that number in the space provided.

Indicate whether or not the owner or operator of the facility has existing quantitative data that represent the characteristics and concentration of pollutants in storm water discharges.

Indicate whether the facility is required to submit monitoring data by entering one of the following:

- 1 = Not required to submit monitoring data;
- 2 = Required to submit monitoring data;

Enter the appropriate letter to indicate the legal status of the operator of the facility.

F = Federal
federal or state)
S = State

M = Public (other than
P = Private

Section II Facility/Site Location Information

Enter the facility's or site's official or legal name and complete street address including city, state, and ZIP code. If the facility or site lacks a street address, indicate the state, the latitude and longitude of the facility to the nearest 15 seconds, or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site.

Indicate whether the facility is located on Indian lands.

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If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name) and the receiving water of the discharge from the MS4. (A MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body which is designed or used for collecting or conveying storm water.)

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Indicate whether or not the owner or operator of the facility has existing quantitative data that represent the characteristics and concentration of pollutants in storm water discharges.

Indicate whether the facility is required to submit monitoring data by entering one of the following:

- 1 = Not required to submit monitoring data;
- 2 = Required to submit monitoring data;

3 = Not required to submit monitoring data; submitting certification for monitoring exclusion.

Those facilities that must submit monitoring data (e.g. choice 2) are: Section 313 EPCRA facilities; primary metal industries; and disposal units\incinerators BIFs; wood treatment facilities; facilities with coal pile runoff; and battery reclaimers.

List in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility site identified in Section II of this application.

HZ = Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA [40 CFR 122.26(b)(14)(v)];

LF = Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those that are subject to regulation under subtitle D of RCRA [40 CFR 122.26 (b)(14)(v)];

SE = Steam electric power generating facilities, including coal handling sites [40 CFR 122.26 (b)(14)(vii)]; or

TW = Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage [40 CFR 122.26 (b)(14)(ix)], or,

CO = Construction activities [40 CFR 122.26 (b)(14)(x)].

If the facility listed in Section II has participated in Part I of an approved storm water group application and a group number has been assigned, enter the group application number in the space provided.

If there are other NPDES permits presently issued for the facility or sites listed in Section II, list the permit numbers. If an application for the facility has been submitted but no permit number has been assigned, enter the application number.

Section IV Additional Information Required For Construction Activities Only

Construction activities must complete Section IV in addition to Section I through III. Only construction activities need to complete Section IV.

Enter the project start date and the estimated completion date for the entire development plan.

Provide an estimate of the total number of acres of the site on which soil will be distributed (round to the nearest acre).

Indicate whether the storm water pollution prevention plan for the site is in compliance with approved state and/or local sediment and erosion plans, permits, or storm water management plans.

Section V Certification

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means (i) 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, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor, or

For a municipality, a state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 0.5 hours per application, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, or Director, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Enter the project start date and the estimated completion date for the entire development plan.

Provide an estimate of the total number of acres of the site on which soil will be distributed (round to the nearest acre).

Indicate whether the storm water pollution prevention plan for the site is in compliance with approved state and/or local sediment and erosion plans, permits, or storm water management plans.

Section V Certification

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 29 1992

MAY 20 1992

CHENG	P.C. 201
EOP	OFFICE OF WATER
ADMIN	ENR
FINANCE	FILE
C&O	
ENGR	CWM
REMARKS	

Ms. Catesby W. Moore
Environmental Program Manager
Flood Control District of Maricopa County
3335 West Durango Street
Phoenix, AZ 85009

Dear Ms. Moore:

The U.S. Environmental Protection Agency (EPA), Office of Wastewater Enforcement and Compliance, hereby approves part one of the storm water discharge group application submitted by the Flood Control District of Maricopa County representing nine municipally owned landfills in Maricopa County, Arizona, which was initially received by EPA on March 18, 1991, and supplemented with additional information on November 27, 1991, September 27, 1991, and March 17, 1992. We look forward to receiving part two of the application.

Part two applications must be submitted to this office by October 1, 1992. Part two of the group application requires the submission of representative quantitative data from the facilities that you have identified as responsible for submitting that data. Quantitative data requirements are found in the storm water regulation at 40 CFR 122.21(g)(7) and 40 CFR 122.26(c)(1)(i)(E). The quantitative data submittal for part two of the group application should be presented on the applicable sections of the enclosed Form 2F, along with the certification required in Section X of Form 2F.

Please note that rule changes and clarifications may affect group applications with 20 or fewer members or those containing municipally owned or operated industrial facilities. Attached for further information is a fact sheet describing these recent changes.

Please send part two of the application to the Director, Office of Wastewater Enforcement and Compliance, U.S. EPA, 401 M Street, S.W., Washington, DC 20460, attention of William F. Swietlik (EN-336).

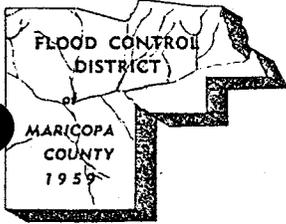
Your group application has been assigned the number 154. Please refer to this number when submitting part two information or when sending other material regarding the Flood Control District of Maricopa County's group application. If you have any questions pertaining to the submission of part two quantitative data or how recent regulatory changes may affect your group, please contact the EPA Storm Water Hotline at (703) 821-4823 or write to William F. Swietlik at the above address.

Sincerely yours,

Michael B. Cook

Michael B. Cook
Director,
Office of Wastewater Enforcement
and Compliance

Enclosure



FLOOD CONTROL DISTRICT

of

Maricopa County

3335 West Durango Street • Phoenix, Arizona 85009
Telephone (602) 262-1501

BOARD OF DIRECTORS

Betsy Bayless
James D. Bruner
Carole Carpenter
Tom Freestone
Ed Pastor

D. E. Sagramoso, P.E., Chief Engineer and General Manager

September 17, 1991

Mr. Ephraim King, Chief
NPDES Program Branch
Permits Division
Office of Wastewater Enforcement and Compliance
United States Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

SUBJECT: GROUP APPLICATION IDENTIFICATION CODE NUMBER: 154

Dear Mr. King:

The Flood Control District of Maricopa County is pleased to submit our response to your request for more information on our group application for landfills in Maricopa County, Arizona.

The Town of Wickenburg has joined in our Group Application since the original list was submitted to your office. Please find the enclosed Certification and include it in the file.

Sincerely,

Catesby W. Moore
Environmental Program Manager

Enclosures

CWM/VAR/dms

Coord: ODE

Info: VAR

File: Environmental Correspondence

Group Application for Landfills for Participating Municipalities
within Maricopa County, Arizona

Response to request for additional information

Identification Code Number: 154

The following pages contain the additional information requested in EPA's June 29, 1991 response to our group application #154. In addition to the requested information, we are amending the application to include an additional participant. The new group member is identified below.

Submission Requirement: A. Identify the participants in the group application by name and location.

Response: There are nine participants in this group application. In addition to the eight participants previously identified, a new participant is being added. The new participant is identified below.

Wickenburg
Wickenburg Landfill
Sabin Brown Road
Wickenburg, Arizona
Sec. 8, T7N, R5W

Ephraim King, Chief NPDES Program Branch
Permits Division
Office of Wastewater Enforcement & Compliance
US EPA
401 M Street, S.W.
Washington, D.C. 20460

OR
Eugene Bromely, Region IX
(415) 744-1906

Identification code number: 154

- Response to:
1. Adequate description of industrial activities of the group members.
 2. Adequate explanation of why the participants are sufficiently similar.

Submission Requirement:

B. Include a narrative description summarizing the industrial activities of participants of group application and explaining why the participants, as a whole, are sufficiently similar to be covered by a general permit.
[40 CFR 126.26(c)(2)(i)(A)]

Response:

The facilities included in this group are sufficiently similar to be grouped together. All sites are municipally owned and operated landfills. The facilities accept and bury solid waste. Exhibit 1 lists the industrial activities of each facility. The following list is a narrative description of each activity.

Solid waste disposal - the acceptance of solid non-hazardous waste from residential, commercial, and industrial sites. The wastes are placed on the active area, compacted, then covered with soil at the end of each day. Each layer is termed a lift.

Equipment parking - an area in which equipment is parked when it is not in service.

Vehicle refueling - the dispensing of diesel fuel into site equipment.

Vehicle washing - the removal of debris and dirt by means of washing.

Vehicle maintenance - activities such as oil changes, tune-ups, and other routine maintenance is conducted on the equipment.

Dust control - water is sprayed on roads and other areas where dust is a problem to keep dust from blowing into the air.

Excavation operations - areas are excavated and the soil used to cover the waste at the end day.

EXHIBIT 1
Industrial Activities of Participants

Landfills	Owner	Facility Type	Industrial Activities											
			A	B	C	D	E	F	G	H	I	J	K	
Queen Creek	Maricopa County	Landfill	X			X	X	X	X	X	X	X	X	X
Cave Creek	Maricopa County	Landfill	X			X	X	X	X	X	X	X	X	X
New River	Maricopa County	Landfill	X	X		X	X	X	X	X	X	X	X	X
Northwest Regional	Maricopa County	Landfill	X			X	X	X	X	X	X	X	X	X
Hassayampa	Maricopa County	Landfill	X	X	X	X	X	X	X	X	X	X	X	X
Gila Bend	Maricopa County	Landfill	X	X		X	X	X	X	X	X	X	X	X
Glendale	City of Glendale	Landfill	X		X	X	X	X	X	X	X	X	X	X
McQueen	City of Chandler	Landfill	X			X	X			X	X	X	X	X
Wickenburg	Town of Wickenburg	Landfill	X			X	X				X	X	X	X

Key to Industrial Activities

- A = Solid Waste Disposal
- B = Liquid Waste Disposal
- C = Asbestos Waste Disposal
- D = Equipment Parking
- E = Equipment Refueling (Diesel Fuel)
- F = Vehicle Washing
- G = Vehicle Maintenance - Major
- H = Vehicle Maintenance - Minor
- I = Dust Control
- J = Excavation Operations
- K = Waste Burial

Identification code number: 154

- Response to:
1. List significant materials stored outside by each participant.
 2. Describe material management practices employed by each participant.

Submission Requirement: C. Include a list of significant materials stored by group application participants that are exposed to precipitation and a description of materials management practices employed to diminish contact of these materials with precipitation and storm water runoff. [40 CFR 126.26(c) (2)(i)(C)]

Response: Stored Materials:
All participants have engine oil, grease, diesel fuel, and vehicles on site. Some of the participants contract with companies to operate the landfill; this includes operation and maintenance of the heavy equipment. Although the participant is not directly responsible for the everyday operation of the facility, it does have ultimate responsibility for the total operation of the landfill. Exhibit 2 lists stored materials at each landfill.

Storm Water Management Practices:
Storm water management practices to limit the contact between stored materials, storm water, and precipitation include: infiltration basins, runoff channels, catch basins, berms, and dikes. Exhibit 3 lists Municipal Management Practices at each facility. Listed is a description of each method:

Infiltration basin - an area of depressed land where runoff flows and is retained. The water does not have a specific outlet, thus it infiltrates into the ground or evaporates into the air. Basins may be designed to retain a specific frequency and duration storm, but not all the runoff may be conveyed into the basins.

Channel - conveys stormwater runoff from one point to another, usually to some type of basin. A channel could also convey runoff off-site.

Catch basin - an area of depressed land used to catch debris and prevent it from flowing off-site with runoff.

Berm - an embankment which keeps runoff from contacting solid wastes.

Dike - a large embankment which prevents large amounts of runoff from contacting stored materials.

EXHIBIT 2
Significant Materials Stored Outside at Each Site

Landfills	Owner	Facility Type	Significant Materials											
			A	B	C	D	E	F	G	H	I	J		
Queen Creek	Maricopa County	Landfill	X	X		X		X	X	X				
Cave Creek	Maricopa County	Landfill	X	X		X		X	X	X				
New River	Maricopa County	Landfill	X	X		X		X	X	X	X			
Northwest Regional	Maricopa County	Landfill	X	X		X		X	X	X				
Hassayampa	Maricopa County	Landfill	X	X		X		X	X	X	X	X		X
Gila Bend	Maricopa County	Landfill	X	X		X		X	X	X	X			X
Glendale	City of Glendale	Landfill	X	X	X	X	X	X		X				
McQueen	City of Chandler	Landfill	X	X							X			
Wickenburg	Town of Wickenburg	Landfill						X	X	X				

Key to Significant Materials

- A = Oil
- B = Grease
- C = Solvents
- D = Diesel Fuels
- E = Tires
- F = Vehicles
- G = Lead/Acid Batteries
- H = Solid Waste
- I = Liquid Waste
- J = Lime

EXHIBIT 3
Materials Management Practices of Participants

Landfills	Owner	Facility Type	Materials Management Practices				
			A	B	C	D	E
Queen Creek	Maricopa County	Landfill			X	X	
Cave Creek	Maricopa County	Landfill			X	X	
New River	Maricopa County	Landfill			X	X	
Northwest Regional	Maricopa County	Landfill	X	X		X	
Hassayampa	Maricopa County	Landfill			X	X	
Gila Bend	Maricopa County	Landfill			X	X	
Glendale	City of Glendale	Landfill				X	X
McQueen	City of Chandler	Landfill		X		X	
Wickenburg	City of Wickenburg	Landfill				X	X

Key:

- A = Infiltration Basins
- B = Runoff Channels
- C = Catch Basins
- D = Berms
- E = Dikes

Identification code number: 154

Response to: 1. Adequate explanation of why facilities conducting sampling are representative of the group in terms of operations, significant materials exposed, and materials management practices.

Submission Requirement: D. Identify at least half of the group applicants to submit quantitative data for Part 2 of the application.

Response: The amended group application consists of nine participants. The sampling subgroup has been amended to consist of five participants. Four of the members of the subgroup have been previously identified. The fifth member is

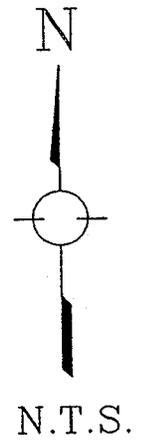
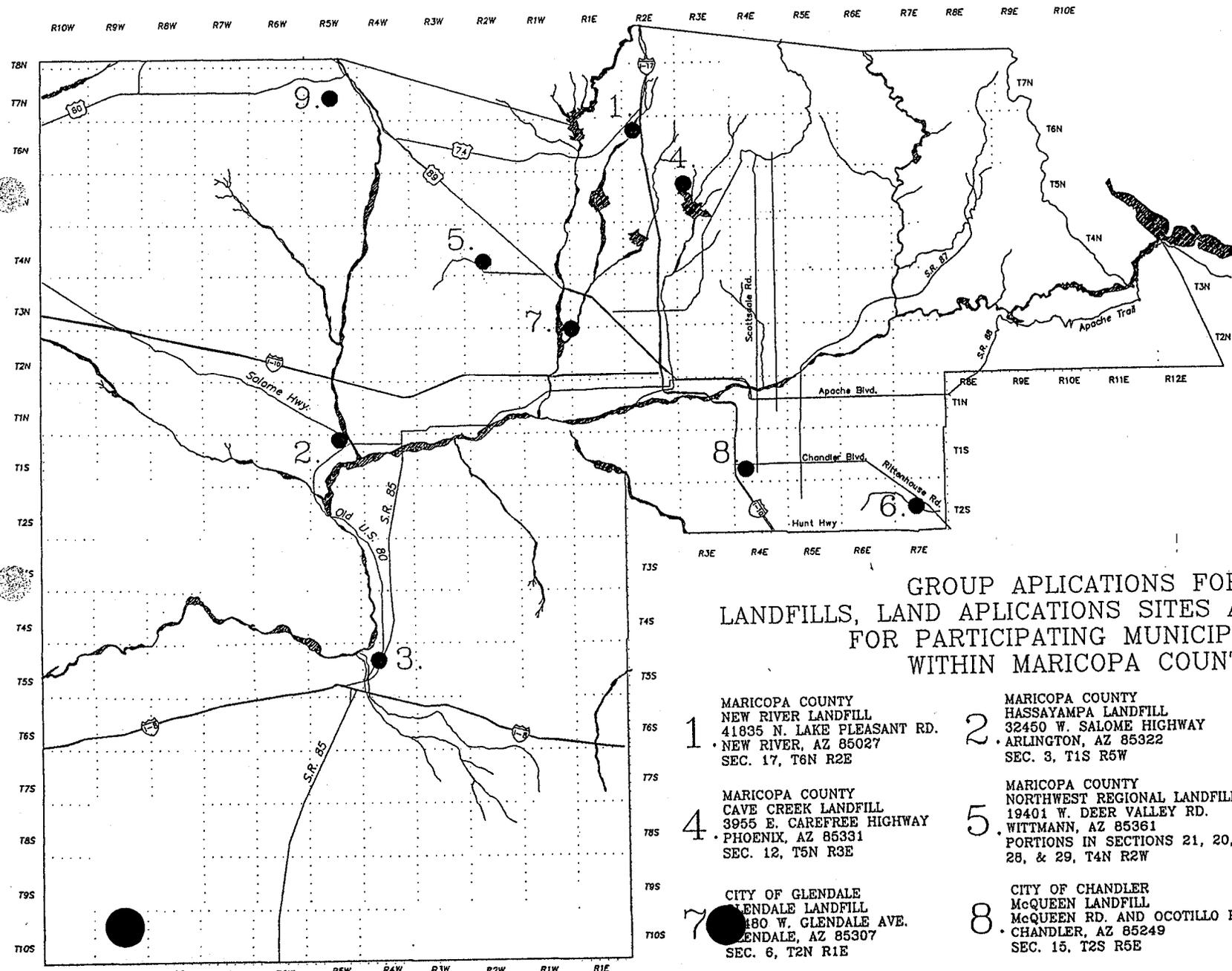
Maricopa County
Gila Bend Landfill
50252 South Old U.S. 80
Gila Bend, AZ 85337
Sec. 16, T5S R4W

The sampling subgroup represents the sites in terms of industrial activities, stored materials, and materials management practices for all the sites.

The industrial activities of this subgroup represents all solid wastes, except asbestos and lime, accepted by the total group. (Lime is accepted by only one site and asbestos is only accepted by two, therefore, we feel that those sites are not representative of the total group.) The disposal of liquid wastes is also represented in this subgroup.

The subgroup represents stored materials of oil, grease, diesel fuel, vehicles, lead/acid batteries, and solid wastes.

The subgroup represents materials management practices using catch basins and berms to retain runoff from a design storm. The use of infiltration basins and runoff channels are also represented in the subgroup.



**GROUP APPLICATIONS FOR
LANDFILLS, LAND APPLICATIONS SITES AND OPEN DUMPS
FOR PARTICIPATING MUNICIPALITIES
WITHIN MARICOPA COUNTY**

- | | | |
|--|--|--|
| <p>1 MARICOPA COUNTY
NEW RIVER LANDFILL
41835 N. LAKE PLEASANT RD.
NEW RIVER, AZ 85027
SEC. 17, T6N R2E</p> | <p>2 MARICOPA COUNTY
HASSAYAMPA LANDFILL
32450 W. SALOME HIGHWAY
ARLINGTON, AZ 85322
SEC. 3, T1S R5W</p> | <p>3 MARICOPA COUNTY
GILA BEND LANDFILL
50252 S. OLD U.S. 80
GILA BEND, AZ 85337
SEC. 16, T5S R4W</p> |
| <p>4 MARICOPA COUNTY
CAVE CREEK LANDFILL
3955 E. CAREFREE HIGHWAY
PHOENIX, AZ 85331
SEC. 12, T5N R3E</p> | <p>5 MARICOPA COUNTY
NORTHWEST REGIONAL LANDFILL
19401 W. DEER VALLEY RD.
WITTMANN, AZ 85361
PORTIONS IN SECTIONS 21, 20,
28, & 29, T4N R2W</p> | <p>6 MARICOPA COUNTY
QUEEN CREEK LANDFILL
26402 S. HAWES RD.
QUEEN CREEK, AZ 85242
SEC. 28, T2S R7E</p> |
| <p>7 CITY OF GLENDALE
GLENDALE LANDFILL
180 W. GLENDALE AVE.
GLENDALE, AZ 85307
SEC. 6, T2N R1E</p> | <p>8 CITY OF CHANDLER
McQUEEN LANDFILL
McQUEEN RD. AND OCOTILLO RD.
CHANDLER, AZ 85249
SEC. 15, T2S R5E</p> | <p>9 CITY OF WICKENBURG
WICKENBURG LANDFILL
WICKENBURG RD.
WICKENBURG, AZ 85358
SEC. 8, T7N R5W</p> |



TOWN OF WICKENBURG

P.O. Box 1269 Wickenburg, Arizona 85358 (602) 684-5451

WICKENBURG LANDFILL 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 gather and evaluate 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.

Date: 4/29/91

By: B. J. Nardelli
B. J. Nardelli

Title: Town Manager

MARICOPA COUNTY LANDFILL DEPARTMENT

3325 West Durango Street
Phoenix, Arizona 85009

FLOOD CONTROL DISTRICT RECEIVED	
APR 30 1991	
	P & PM
	HYDRO
	LMGT
	FILE
C & O	CWM
(02) 269-2681	
REMARKS	

NPDES GROUP APPLICATION

Interim Agreement

DATE: April 29, 1991

TO: Flood Control District of Maricopa County

FROM: Maricopa County Landfill Department

The Flood Control District of Maricopa County (District) is coordinating a group permit application for stormwater discharges associated with industrial activity from county and municipal landfills and vehicle maintenance yards as required by the Federal NPDES regulations.

Maricopa County Landfill Department wishes to participate in the group permit for the following facilities:

New River Landfill
41835 N. Lake Pleasant Road
New River, AZ 85027

Hassayampa Landfill
32450 W. Salome Highway
Arlington, AZ 85322

Gila Bend Landfill
50252 S. Old U.S. 80
Gila Bend, AZ 85337

Cave Creek Landfill
3955 E. Carefree Highway
Phoenix, AZ 85311

Northwest Regional Landfill
19401 W. Deer Valley Road
Wittmann, AZ 85361

Queen Creek Landfill
26402 S. Harco Road
Queen Creek, AZ 85242

The deadline for filing this application is March 18, 1991. To meet this deadline, the Maricopa County Landfill Department of Maricopa County agrees as follows:

1. To participate fully in the collection and submittal of information as required by the group application and to review the application.
2. To perform stormwater sampling and analysis associated with Part II permit application requirements with the understanding that reimbursement for these services will be the subject of future formal intergovernmental agreement negotiations and will be mutually agreed to by all parties to the group application.
3. By coordinating this group application the District takes no responsibility for the individual parties, but rather encourages each party to participate fully to ensure that the application is completed in conformance with the applicable state and federal law.
4. Any party may, with written notice to other parties and EPA, withdraw from the group application at time. Any party withdrawing will take full responsibility for compliance with the Federal NPDES regulations for its own facilities.

The Maricopa County Landfill Department agrees to sign the attached certification to accompany the group application. The certification was prepared in accordance with the requirements of 40 CFR 122.22.

Date:

4/29/91

By:

Rich Scarrow

Title:

Administrator, Landfill Dept.
A duly authorized
representative of
Maricopa County
Landfill Department



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 WASHINGTON, D.C. 20460

MAY 29 1992

MAY 20 1992

CHENG	PCRM
CCP	OFFICE OF WATER
ADMIN	
FINANCE	FILE
C&O	
ENGR	CWM
REMARKS	

Ms. Catesby W. Moore
 Environmental Program Manager
 Flood Control District of Maricopa County
 3335 West Durango Street
 Phoenix, AZ 85009

Dear Ms. Moore:

The U.S. Environmental Protection Agency (EPA), Office of Wastewater Enforcement and Compliance, hereby approves part one of the storm water discharge group application submitted by the Flood Control District of Maricopa County representing nine municipally owned landfills in Maricopa County, Arizona, which was initially received by EPA on March 18, 1991, and supplemented with additional information on November 27, 1991, September 27, 1991, and March 17, 1992. We look forward to receiving part two of the application.

Part two applications must be submitted to this office by October 1, 1992. Part two of the group application requires the submission of representative quantitative data from the facilities that you have identified as responsible for submitting that data. Quantitative data requirements are found in the storm water regulation at 40 CFR 122.21(g)(7) and 40 CFR 122.26(c)(1)(i)(E). The quantitative data submittal for part two of the group application should be presented on the applicable sections of the enclosed Form 2F, along with the certification required in Section X of Form 2F.

Please note that rule changes and clarifications may affect group applications with 20 or fewer members or those containing municipally owned or operated industrial facilities. Attached for further information is a fact sheet describing these recent changes.

Please send part two of the application to the Director, Office of Wastewater Enforcement and Compliance, U.S. EPA, 401 M Street, S.W., Washington, DC 20460, attention of William F. Swietlik (EN-336).

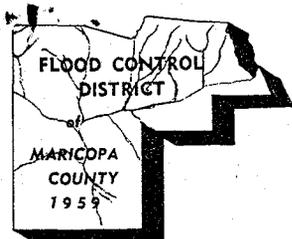
Your group application has been assigned the number 154. Please refer to this number when submitting part two information or when sending other material regarding the Flood Control District of Maricopa County's group application. If you have any questions pertaining to the submission of part two quantitative data or how recent regulatory changes may affect your group, please contact the EPA Storm Water Hotline at (703) 821-4823 or write to William F. Swietlik at the above address.

Sincerely yours,

Michael B. Cook

Michael B. Cook
Director,
Office of Wastewater Enforcement
and Compliance

Enclosure



FLOOD CONTROL DISTRICT

of

Maricopa County

2801 West Durango Street • Phoenix, Arizona 85009

Telephone (602) 506-1501

Fax (602) 506-4601

TDD (602) 506-5897

BOARD OF DIRECTORS

Betsey Bayless

James D. Bruner

Ed King

Tom Rawles

Mary Rose Garrido Wilcox

Neil S. Erwin, P.E., Chief Engineer and General Manager

May 13, 1993

Mr. William F. Swietlik

Office of Wastewater Enforcement and Compliance (EN-336)

U.S. Environmental Protection Agency

401 M Street, SW

Washington, D.C. 20460

SUBJECT: GROUP #154 PART 2 NPDES STORMWATER PERMIT APPLICATION FOR MUNICIPALLY-OWNED LANDFILLS.

Dear Mr. Swietlik:

The Flood Control District of Maricopa County (District) hereby submits a portion of the information required by EPA to comply with the Part 2 NPDES stormwater regulations. We regret that we have not been able to retrieve samples to generate the quantitative data requirement of Part 2.

Although District personnel chased storms and waited long hours in hopes of collecting needed samples, we found that the storms were very difficult to track and developed cells quickly. We remain in ready mode to capture storms as they appear, and can submit data if necessary. We are currently entering into our region's driest season and do not expect measurable precipitation until our summer monsoon--July and August.

You may recall that Group #154 was reduced from 9 to 8 members at EPA's request, therefore, only 4 group members must provide quantitative data. In order to better facilitate mobilization efforts, which include driving between 50 to 70 miles to reach the landfill sample sites, the District has installed telemetered raingauges at each landfill with the capability of providing hourly precipitation information via a touch-tone telephone. We are currently investigating means to install automatic samplers at the two remote sites.

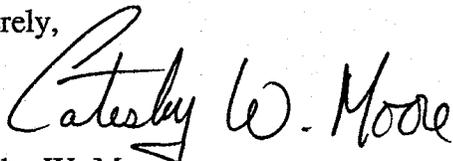
Since permits must be written without supporting quantitative data, we have enclosed information that, hopefully, will provide some guidance. An aerial photo of each of the sampling landfills is included: Cave Creek, Gila Bend, Northwest Regional, and Queen Creek with drainage basins delineated and outfalls identified. A narrative description of each drainage basin is also included.

Group #154 Part 2 NPDES Stormwater Permit
Application for Municipally-Owned Landfills.
Page 2 of 2

I have enclosed a Petition to Sample Substantially Identical Outfalls for the industrially active areas at the Gila Bend Landfill.

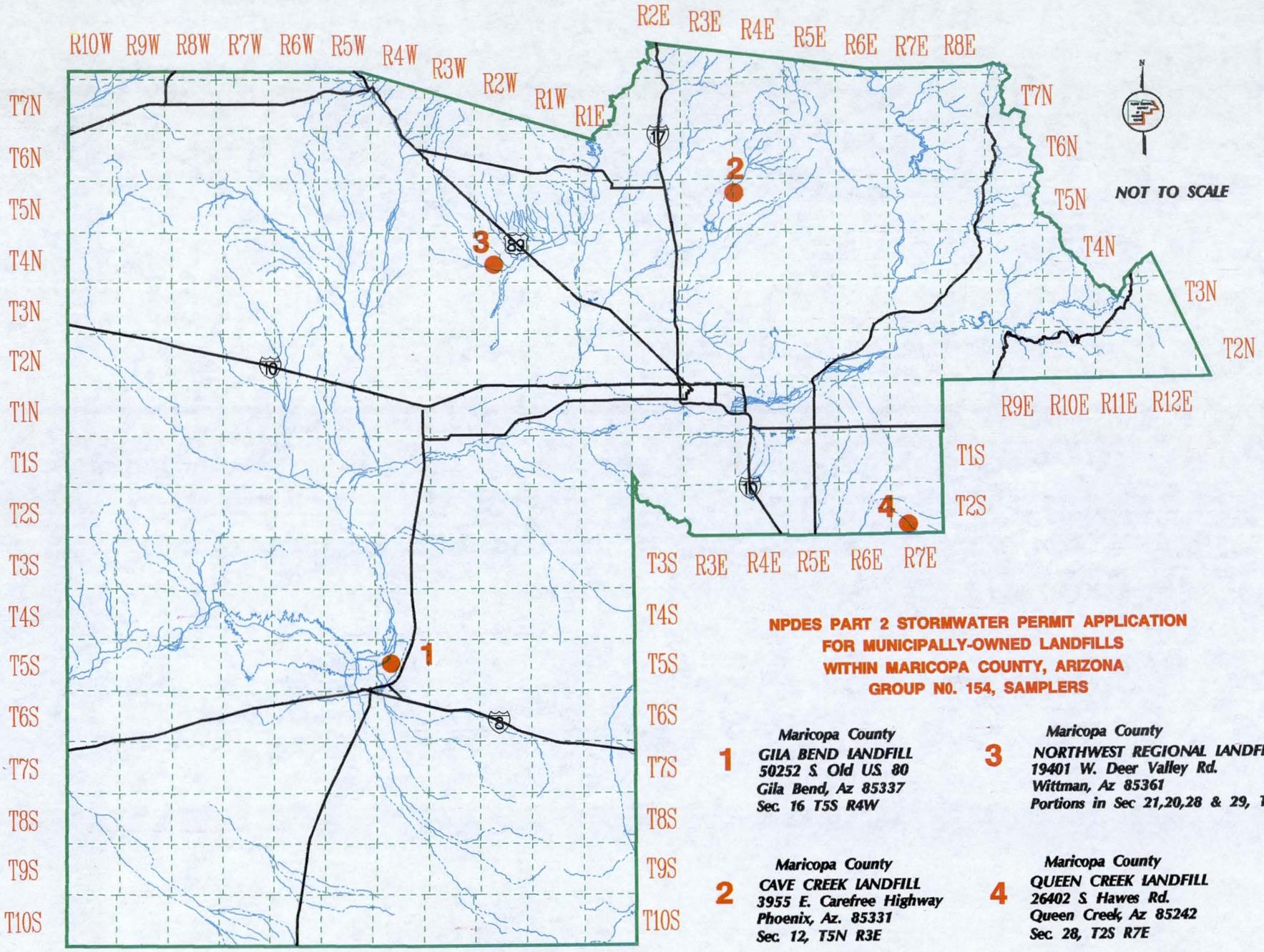
If you have any questions or need more information, please call me at 506-8127.

Sincerely,

A handwritten signature in cursive script that reads "Catesby W. Moore". The signature is written in dark ink and is positioned above the typed name.

Catesby W. Moore
Environmental Program Manager

dms
Enclosures



**NPDES PART 2 STORMWATER PERMIT APPLICATION
FOR MUNICIPALLY-OWNED LANDFILLS
WITHIN MARICOPA COUNTY, ARIZONA
GROUP NO. 154, SAMPLERS**

- | | | | |
|----------|---|----------|--|
| 1 | <p><i>Maricopa County</i>
GILA BEND LANDFILL
50252 S. Old US 80
Gila Bend, Az 85337
Sec. 16 T5S R4W</p> | 3 | <p><i>Maricopa County</i>
NORTHWEST REGIONAL LANDFILL
19401 W. Deer Valley Rd.
Wittman, Az 85361
Portions in Sec 21,20,28 & 29, T4N R</p> |
| 2 | <p><i>Maricopa County</i>
CAVE CREEK LANDFILL
3955 E. Carefree Highway
Phoenix, Az. 85331
Sec. 12, T5N R3E</p> | 4 | <p><i>Maricopa County</i>
QUEEN CREEK LANDFILL
26402 S. Hawes Rd.
Queen Creek, Az 85242
Sec. 28, T2S R7E</p> |

R10W R9W R8W R7W R6W R5W R4W R3W R2W R1W R1E

Gila Bend Landfill
(Sampler #4)

Continued from Page 2

VII. Discharge Information

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.

Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

2. Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below)

No (go to Section IX)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below)

No (go to Section IX)

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm?

N/A

Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below)

No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X. 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 gather and evaluate 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.

Name & Official Title (type or print) John E. Stufflebean, Director	B. Area Code and Phone No. 602 506 8726
C. Signature 	D. Date Signed 5-12-93



Photo #2: Cipoletti Weir at Gila Bend Landfill (Outfall O1)

PETITION TO SAMPLE SUBSTANTIALLY IDENTICAL OUTFALLS

AT THE GILA BEND LANDFILL

A Member of Group #154

I. BACKGROUND

The Solid Waste Department of Maricopa County, Arizona, owns and operates 5 municipal landfills. Pursuant to the November 16, 1990 stormwater permit application regulations, these landfills are considered to be "engaging in industrial activity" for the purposes of stormwater application requirements in 40 CFR 122.26(b)(14)(v). In response, Maricopa County joined with other landfills operated by small municipalities and submitted a Part 1 group application, which was designated Group Number 154. Part 1 was approved on 20 May 1992. Through various clarifications of the November Rule, it was determined that for groups consisting of between 4 and 20 members, 50% of the group must submit quantitative data.

Group #154 consists of 8 members, 4 of which are required to submit quantitative data. (The group was reduced from 9 to 8 members at the request of EPA). Maricopa County will provide the required quantitative data from 4 of the 5 County-owned and operated landfills. Of these 4, only Gila Bend Landfill has more than one outfall from an active area.

II. PETITION

"When an applicant has two or more outfalls with substantially identical effluents, the Director may allow the applicant to test only one outfall and report that the quantitative data also apply to the substantially identical outfalls." [40 CFR 122.21(g)(7)]

In accordance with 40 CFR 122.21(g)(7) of the NPDES regulations, the Maricopa County Solid Waste Department hereby petitions the Environmental Protection Agency for approval to sample one representative stormwater outfall of 2 that are substantially identical. The County will demonstrate that the 2 outfalls discharging stormwater from the Gila Bend Landfill are substantially identical and should be grouped together, according to: (1) substantially identical activities and processes that are occurring outdoors, (2) substantially identical significant materials that may be exposed to stormwater (including fuels and other maintenance materials), and (3) substantially identical flows, as determined by runoff coefficient and approximate drainage area at each outfall.

III. JUSTIFICATION FOR PETITION

A. Description of activities at the Gila Bend Landfill

The Gila Bend Landfill is a municipal waste landfill that accepts only solid, non-hazardous

wastes from residential, commercial, and industrial sites in the Gila Bend area. Since Gila Bend is 65 miles from a major city (Phoenix), most contributors are from the small town of Gila Bend (pop. 1,747; 1990 census.). The Gila Bend Landfill is slated to close by October, 1993.

B. Description of Drainage Characteristics (Please refer to the aerial photo)

The Gila Bend Landfill is bisected by a desert wash, which crosses the paved highway (Old highway 80), and continues along a northwesterly direction through the landfill. This wash receives runoff from drainage areas along both sides of the wash. This basin has been labeled B3 (See Attachment D). The contributing area southwest of the wash should be considered an industrially active area, since it includes portions of the haul road. The contributing area northeast of the wash, however, should not be considered fully active because no hauling, dumping, or other significant activities have occurred there. Nevertheless, the ground within the area northeast of the wash has been routinely disturbed, which could be considered industrial activity. It is important to note that the northeast portion of Basin B3, (north of the wash) has not been used to bury waste and is mostly undisturbed sparse desert vegetation. This desert wash exits the landfill at the northwest corner and is labeled "O3".

The haul road represents the drainage boundary between basins B3 and B1. Basin B1 slopes off toward the southwest where runoff normally sheet flows (outfalls) into a wash that intersects the southwest corner of the landfill. A flow-measuring (Cipoletti) weir has been installed at this outfall (O1) to collect quantitative data samples. Berms have also been installed to concentrate the runoff through the weir.

Basin B2 represents the drainage area that encompasses the dumping area. Stormwater runoff is 100% retained within this basin.

Basin B4 is located near the main gate and includes the office, parking ramada, fuel tank (with secondary containment), and an empty storage shed. Stormwater is retained in a depression near the northwest corner of the basin. Basin B5 contains a transportation storage yard with office building and a water tank. The runoff is retained just south of the office building in a shallow depression.

C. Demonstration of Why Outfalls are Substantially Identical in Terms of Outdoor Activities.

The outdoor activities occurring within basins B1 and B3 are substantially identical. As mentioned above, the common drainage boundary is the haul road the dumping area (Basin B2), therefore, both outfalls receive drainage from the haul road. Both basins have been

disturbed such that there is very little natural vegetation remaining. There are no structures, stored materials, equipment parking or maintenance within either basin.

D. Substantially Identical in Terms of Significant Materials that Potentially May be Exposed to Stormwater

There are no significant materials within either basin.

E. Demonstration of Why Outfalls are Substantially Identical in Terms of Flow, as Determined by the Estimated Runoff Coefficient and Approximate Drainage Area at Each Outfall.

Basin B1 is totally bare ground. The basin slopes toward the southwest beginning with a slight slope, which increases to approximately 3% near the outfall. The estimated runoff coefficient for Basin B1 is: 0.35.

Basin B3 is drained by a natural wash that traverses the basin. The contributing area south of the wash is bare ground, while the north portion is both bare ground and undisturbed desert. The estimated runoff coefficient for Basin B3 is: 0.35.

Basin B1 covers approximately 12 acres. Basin B3 covers 19 acres. Although Basin B3 is larger, the 6.1 acres south of the wash, plus approximately one half of the area north of the wash (6.5 acres, due to ground disturbance) represent industrial activity. Therefore, the area within basin B1 (12 acres) and Basin B3 (12.6 acres) are substantially identical.

F. Conclusion

Outfalls O1 and O3 are substantially identical.

EPA ID Number (copy from item 1 of Form 1)

Queen Creek Landfill
(Sampler #3)

Continued from Page 2

VII. Discharge Information

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.

Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

2: Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below)

No (go to Section IX)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below)

No (go to Section IX)

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm? *N/A*

Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below)

No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X. 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 gather and evaluate 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.

A. Name & Official Title (type or print) John E. Stufflebean, Director	B. Area Code and Phone No. 602 506 8726
C. Signature <i>John E. Stufflebean</i>	D. Date Signed 5-12-93

**NARRATIVE DESCRIPTION OF DRAINAGE BASINS WITHIN
GILA BEND LANDFILL
GROUP #154**

The most recent aerial photo is attached (See **Attachment D**). The Gila Bend Landfill is slated for closure by October 1993. The stormwater regulations, however, require stormwater runoff quantitative data for up to three years after closure. The current plans are to cap the landfill and install a transfer station.

The Gila Bend Landfill covers approximately 36 acres and has 5 distinct drainage basins, which are delineated and numbered on the aerial map. Basin B1 includes portions of the main haul road and recently-covered landfill area. Basin B1 discharges into a wash that intersects the southwest corner of the property. Basin B2 includes the dumping area, which at this time, is a deep pit. Basin B3 discharges into the wash that traverses the landfill property. The southern half of Basin B3 includes the main haul road, and thus, represents industrial activity. The northern half is mostly undisturbed or lightly disturbed desert area, which should not be considered industrially active since no waste materials are buried there.

Basin B4 includes the office building, the parking ramada, an empty storage shed, and a diesel gasoline storage tank with concrete secondary containment. The dozer is parked in this area and vehicle maintenance is also performed here. The Basin B4 boundaries are represented by the perimeter of the transfer station, which is bermed and fenced. Basins B2, B4, and B5 retain all stormwater. Basin B5 includes a seldom-used transportation office and a graveled area where signs, barricades, and materials, such as gravel, are stored. There is also an outside water storage tank. Basin B5 retains water on the south side of the office building.

Industrial activity (access roads, dumping area, routinely disturbed ground, etc.) occurs within all 5 basins, however, only basins B1 and B3 produce discharges.

Basin	Area (acres)
B1	12
B2	19
B3	3.2
B4	2.3
<u>B5</u>	<u>0.2</u>
TOTAL	36.7 acres

Since there are 2 industrially active basins that discharge stormwater from the landfill (Basins B1 and B3), both must be sampled. The EPA does, however, provide flexibility that allows

quantitative data to be generated from only one outfall if it can be shown that the other outfalls discharge "substantially identical" effluents. A petition to sample substantially identical outfalls is included in this section.

The selected sample point is the outfall O1. A (Cipoletti) weir has been installed to measure discharges from this outfall (See **Photo #2**). This outfall is the preferred sampling point because flows sampled here will represent runoff from discrete active areas whereas O3, a continuation of a wash, would contain comingled flows from both industrially active and inactive areas as well as offsite flows.

**NARRATIVE DESCRIPTION OF DRAINAGE BASINS WITHIN
QUEEN CREEK LANDFILL
GROUP #154**

The aerial photo is attached (See **Attachment C**). Except for a small drainage area near the entrance of Queen Creek Landfill, there are no outfalls from the landfill property. The landfill property is surrounded by berms, preventing the discharge of stormwater runoff. The Queen Creek Landfill covers approximately 112 acres and has 5 drainage basins, which are delineated and numbered on the attached aerial map. Basin B1 drains a portion of the main entrance road and a paved parking area. Although basin B1 is small (0.6 acres), it may produce runoff during an extreme storm event. Basin B2 drains the after hours transfer station area; all stormwater is retained within the basin. Basin B3 includes the dumping area, which, at this time, is a deep depression. Basin B4 represents a natural desert area that is basically undisturbed and inactive. Since the landfill will retain all runoff, the remaining landfill area has been designated Basin B5. There may be subbasins within B5 but all stormwater will be retained within the berms.

Basin	Area (acres)
B1	0.6
B2	0.7
B3	23.0
B4	7.0
Other basins	<u>81.1</u>
TOTAL	112.4 acres

The selected sample point is outfall O1, as this is the only outfall.

Northwest Regional Landfill
(Sampler #2)

EPA ID Number (copy from Item 1 of Form 1)

Continued from Page 2

VII. Discharge Information

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.

Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

2: Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below)

No (go to Section IX)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below)

No (go to Section IX)

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm?

N/A

Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below)

No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X. 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 gather and evaluate 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.

A. Name & Official Title (type or print)

John E. Stufflebean, Director

B. Area Code and Phone No.

602 506 87

C. Signature

John E. Stufflebean

D. Date Signed

5-12-97



Photo # 1: 3-foot diameter CMP pipes at Northwest Regional Landfill
(Outfall O3)

**NARRATIVE DESCRIPTION OF DRAINAGE BASINS WITHIN
NORTHWEST REGIONAL LANDFILL
GROUP #154**

The Northwest Regional Landfill is the most recently designed County-owned landfill in operation. An aerial photo is attached (See **Attachment B**). The natural flow is toward the southeast. The landfill property covers approximately 1200 acres, however, only about 175 acres are currently being used. The landfill property is partitioned into 4 quadrants, or phases, which will be brought into use according to future demands. The landfill has been operating in Phase 1, which encompasses the northwest quadrant. Just recently (March 1993), approximately 40 acres were graded and prepared for use as a waste tire storage area within the Phase 2 area east of Phase 1. The remaining areas are undisturbed desert and do not contain industrial activity.

The landfill has been configured with drainage controls. The entire perimeter of the Northwest Regional Landfill has been bermed to prevent stormwater run-on from outside the landfill. Potential stormwater run-on from the north and west are diverted using soil cement channels. Stormwater runoff generated within the landfill property is channeled into existing washes, which eventually flow off-site.

The drainage areas within the Northwest Regional Landfill have been identified and labeled on the aerial photograph. Three of the 4 drainage basins, B1, B2, and B4, contain no industrially active areas, therefore, quantitative data is not required from the corresponding outfalls O1, O2, and O4. All current industrially active areas occur within basin B3, which discharges through outfall O3. The industrially active areas include a vehicle maintenance yard, the main haul road, a graded area for tire storage, and the dumping area. At this time, drainage within the dumping area is retained, however, as the elevation increases, dumping area drainage will be represented at outfall O3.

Basin	Area (Acres)
B1	125
B2	280
B3	665
<u>B4</u>	<u>120</u>
TOTAL	1190

Since all industrial activity occurs within basin B3, outfall O3 has been selected as the sample collection point. Outfall O3 consists of 4, 36-inch corrugated metal pipes (See **Photo #1**).

Cave Creek Landfill
(Sander #1)

Continued from Page 2

VII. Discharge Information

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.

Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

E: Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below)

No (go to Section IX)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below)

No (go to Section IX)

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm? *N/A*

Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below)

No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X. 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 gather and evaluate 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.

<p>A. Name & Official Title (type or print)</p> <p>John Stufflebeon, Director</p>	<p>B. Area Code and Phone No.</p> <p>602 506 8726</p>
<p>C. Signature</p> <p><i>[Signature]</i></p>	<p>D. Date Signed</p> <p>5-12-93</p>

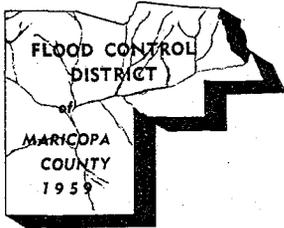
**NARRATIVE DESCRIPTION OF DRAINAGE BASINS WITHIN
CAVE CREEK LANDFILL
GROUP #154**

The most recent aerial photo of the Cave Creek Landfill is attached (See **Attachment A**). The natural drainage flows in a southwesterly direction. The landfill perimeter berms intercept 2 natural washes (wash #1 and wash #2). Wash #1 flows around the south side of the landfill; wash 2, to the north, is captured before it reaches the landfill. The large square area to the north of the active area is landfill that has been capped. The capping was completed in October, 1989.

The Cave Creek Landfill covers approximately 37 acres (excluding the capped area) and has 3 distinct drainage basins, which are delineated and identified on the aerial map. Industrial activity (access roads, dumping area, routinely disturbed ground, etc.) occurs within all 3 basins, however, only basin B1 has potential to produce a discharge. Basin B1 is a small (1.8 acres) drainage area near the entrance of Cave Creek Landfill. In the event of an extremely large storm, stormwater will discharge from the property at outfall O1. Basin B2 drains portions of the vehicle maintenance yard, the after hours dumping area ramp, and a small portion of the capped area. All stormwater within Basin B2 is retained. Basin B3 encompasses the dumping area and a borrow pit at the southern end of the property. The borrow pit extends to 80 feet below grade. The landfill property is surrounded by berms, preventing the discharge of stormwater runoff. There may be subbasins within basin B3, but any stormwater will be retained.

Basin	Area (acres)
B1	1.8
B2	0.9
B3	<u>33.9</u>
TOTAL	36.6 acres

The selected sample point is outfall O1, as this is the only outfall. The chance of discharge is small, therefore, rather than designing a mobilization program, a crest gauge has been installed to verify the occurrence of any discharges. If it is discovered that a discharge has occurred, mobilization and sample collection procedures will be implemented.



FLOOD CONTROL DISTRICT

of

Maricopa County

2801 West Durango Street • Phoenix, Arizona 85009
Telephone (602) 506-1501
Fax (602) 506-4601
TDD (602) 506-5897

BOARD OF DIRECTORS
Betsey Bayless
James D. Bruner
Ed King
Tom Rawles
Mary Rose Garrido Wilcox

Neil S. Erwin, P.E., Chief Engineer and General Manager

May 13, 1993

Mr. William F. Swietlik
Office of Wastewater Enforcement and Compliance (EN-336)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

**SUBJECT: GROUP #154 PART 2 NPDES STORMWATER PERMIT APPLICATION FOR
MUNICIPALLY-OWNED LANDFILLS.**

Dear Mr. Swietlik:

The Flood Control District of Maricopa County (District) hereby submits a portion of the information required by EPA to comply with the Part 2 NPDES stormwater regulations. We regret that we have not been able to retrieve samples to generate the quantitative data requirement of Part 2.

Although District personnel chased storms and waited long hours in hopes of collecting needed samples, we found that the storms were very difficult to track and developed cells quickly. We remain in ready mode to capture storms as they appear, and can submit data if necessary. We are currently entering into our region's driest season and do not expect measurable precipitation until our summer monsoon--July and August.

You may recall that Group #154 was reduced from 9 to 8 members at EPA's request, therefore, only 4 group members must provide quantitative data. In order to better facilitate mobilization efforts, which include driving between 50 to 70 miles to reach the landfill sample sites, the District has installed telemetered raingauges at each landfill with the capability of providing hourly precipitation information via a touch-tone telephone. We are currently investigating means to install automatic samplers at the two remote sites.

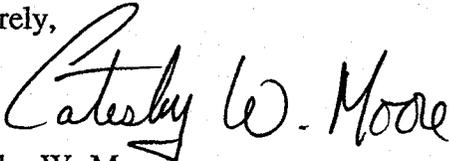
Since permits must be written without supporting quantitative data, we have enclosed information that, hopefully, will provide some guidance. An aerial photo of each of the sampling landfills is included: Cave Creek, Gila Bend, Northwest Regional, and Queen Creek with drainage basins delineated and outfalls identified. A narrative description of each drainage basin is also included.

Group #154 Part 2 NPDES Stormwater Permit
Application for Municipally-Owned Landfills.
Page 2 of 2

I have enclosed a Petition to Sample Substantially Identical Outfalls for the industrially active areas at the Gila Bend Landfill.

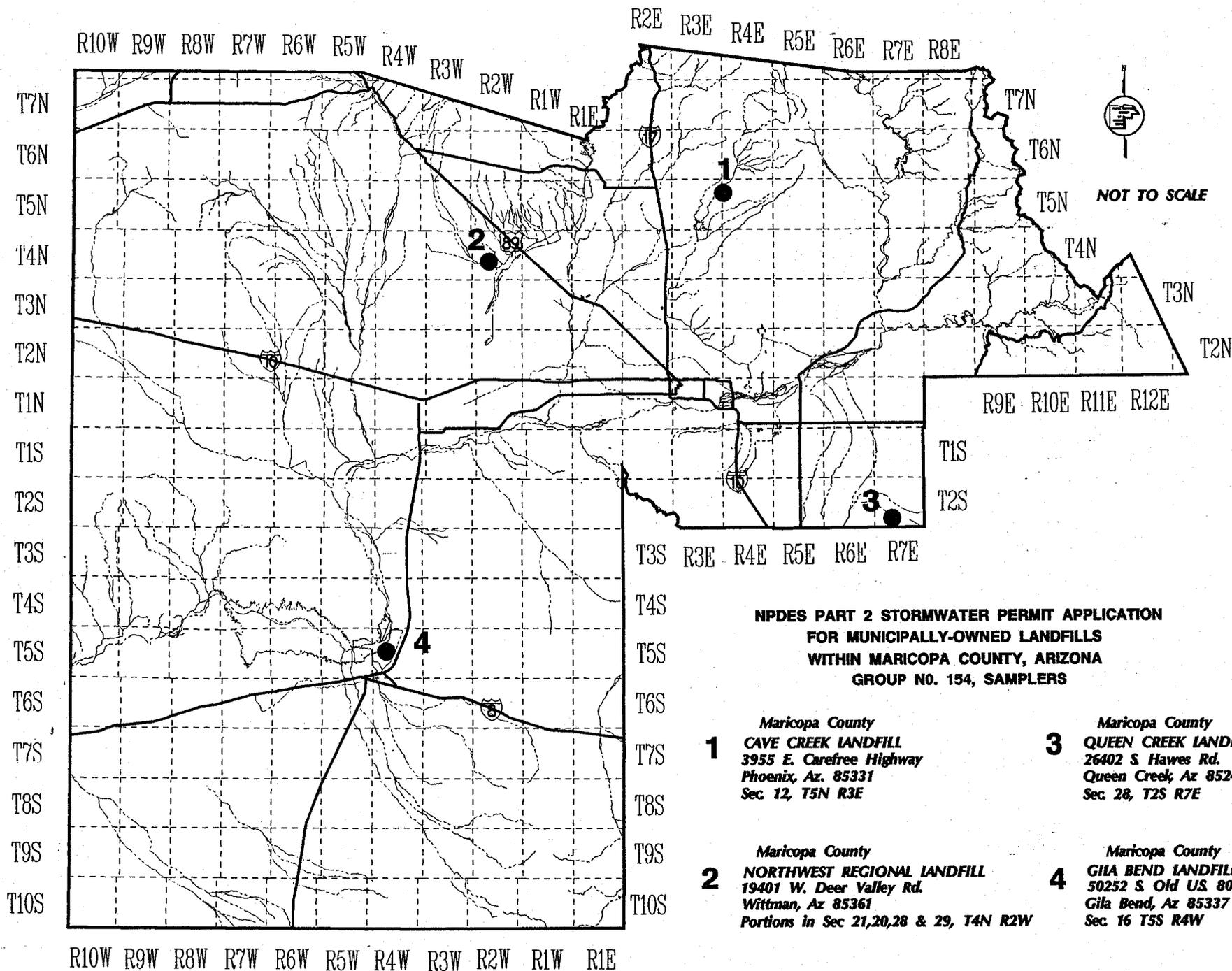
If you have any questions or need more information, please call me at 506-8127.

Sincerely,

A handwritten signature in cursive script that reads "Catesby W. Moore". The signature is written in black ink and is positioned above the typed name.

Catesby W. Moore
Environmental Program Manager

dms
Enclosures



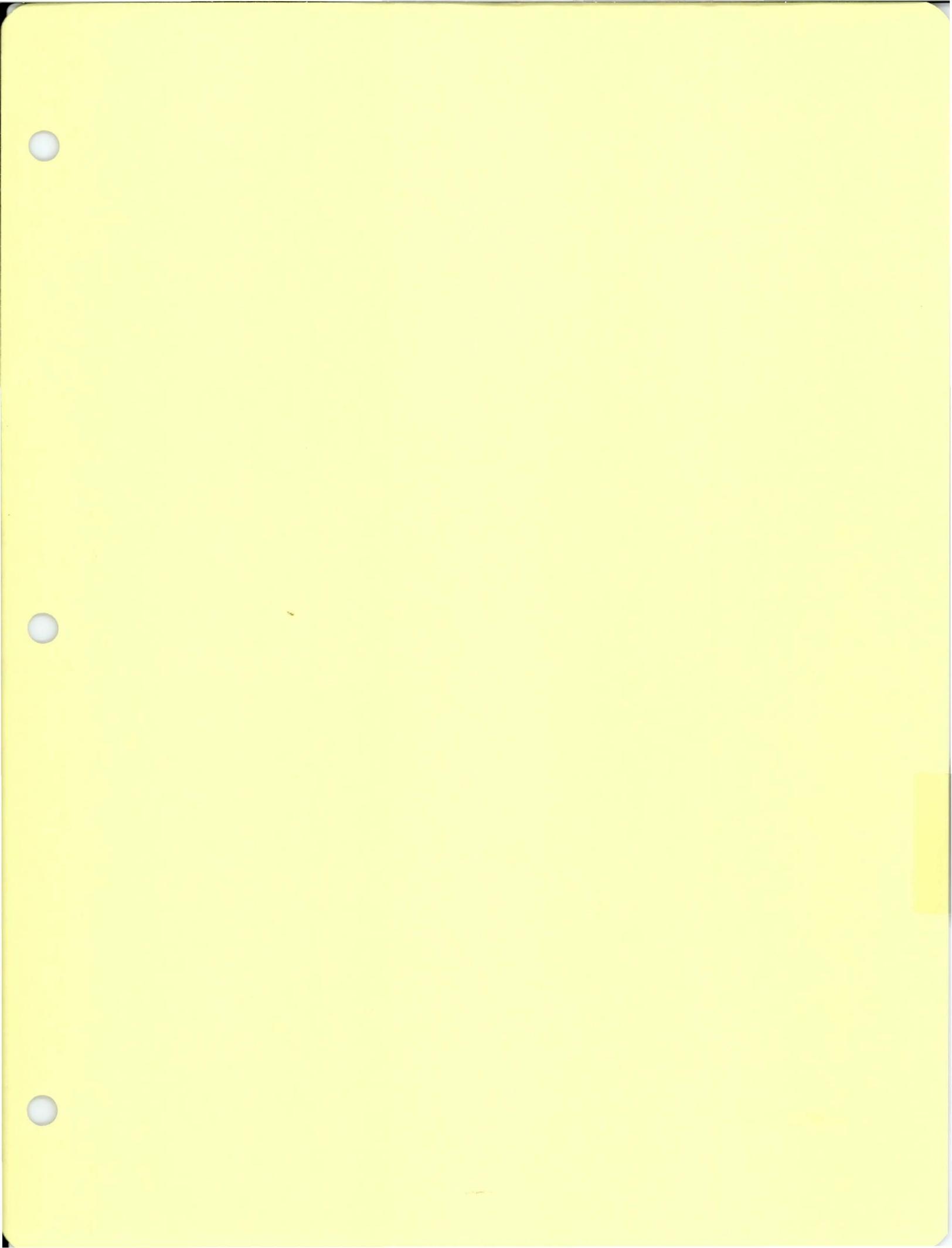
**NPDES PART 2 STORMWATER PERMIT APPLICATION
FOR MUNICIPALLY-OWNED LANDFILLS
WITHIN MARICOPA COUNTY, ARIZONA
GROUP NO. 154, SAMPLERS**

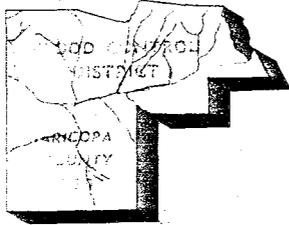
1 *Maricopa County*
CAVE CREEK LANDFILL
3955 E. Carefree Highway
Phoenix, Az. 85331
Sec. 12, T5N R3E

3 *Maricopa County*
QUEEN CREEK LANDFILL
26402 S Hawes Rd.
Queen Creek, Az 85242
Sec. 28, T2S R7E

2 *Maricopa County*
NORTHWEST REGIONAL LANDFILL
19401 W. Deer Valley Rd.
Wittman, Az 85361
Portions in Sec 21,20,28 & 29, T4N R2W

4 *Maricopa County*
GILA BEND LANDFILL
50252 S Old US 80
Gila Bend, Az 85337
Sec. 16 T5S R4W





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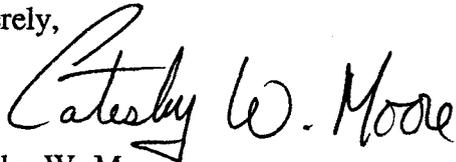
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Group #154 Part 2 NPDES Stormwater Permit
Application for Municipally-Owned Landfills.
Page 2 of 2

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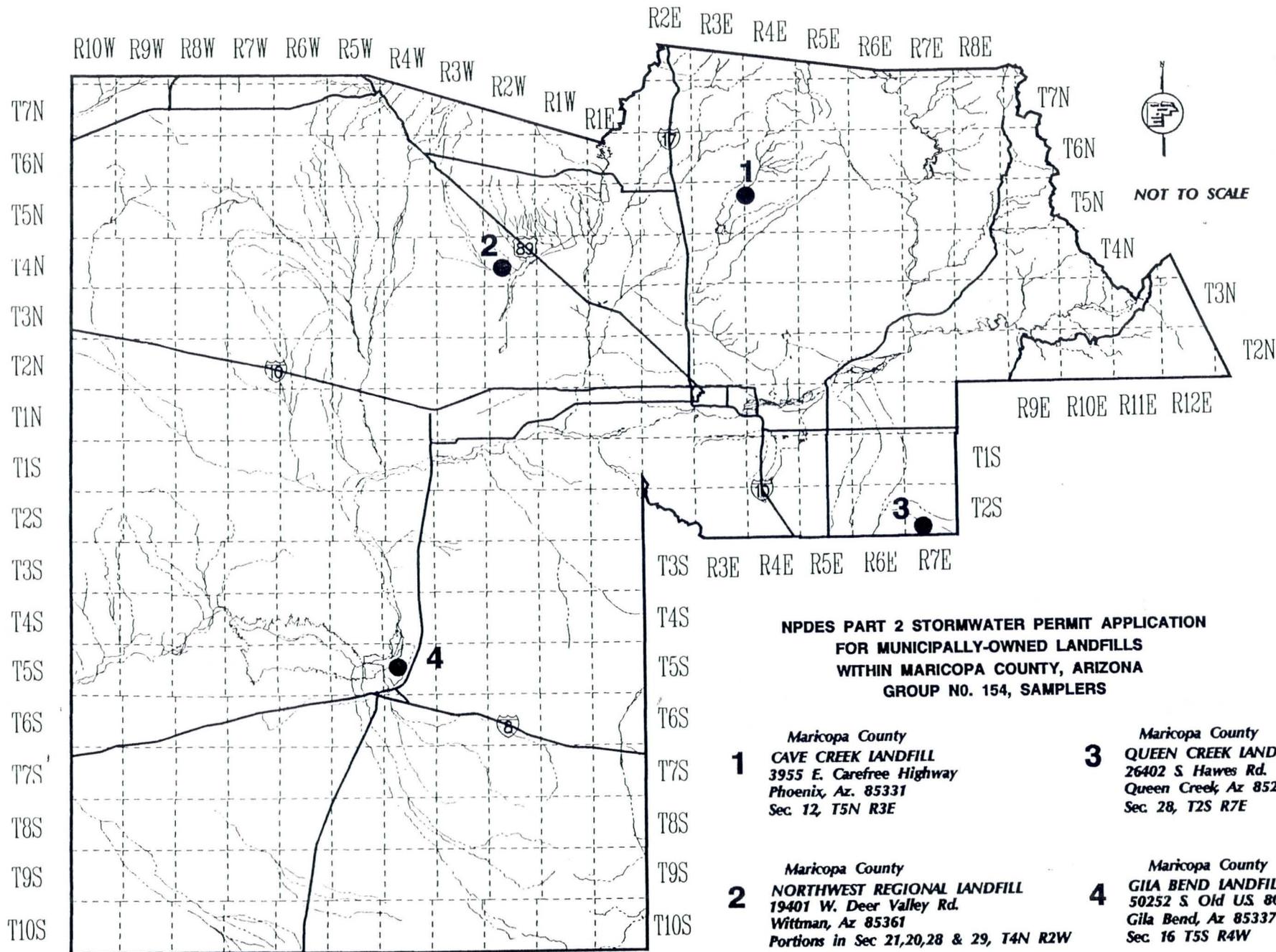
If you have any questions or need more information, please call me at 506-8127.

Sincerely,

A handwritten signature in cursive script that reads "Catesby W. Moore". The signature is written in black ink and is positioned above the typed name.

Catesby W. Moore
Environmental Program Manager

dms
Enclosures



R10W R9W R8W R7W R6W R5W R4W R3W R2W R1W R1E

**NARRATIVE DESCRIPTION OF DRAINAGE BASINS WITHIN
CAVE CREEK LANDFILL
GROUP #154**

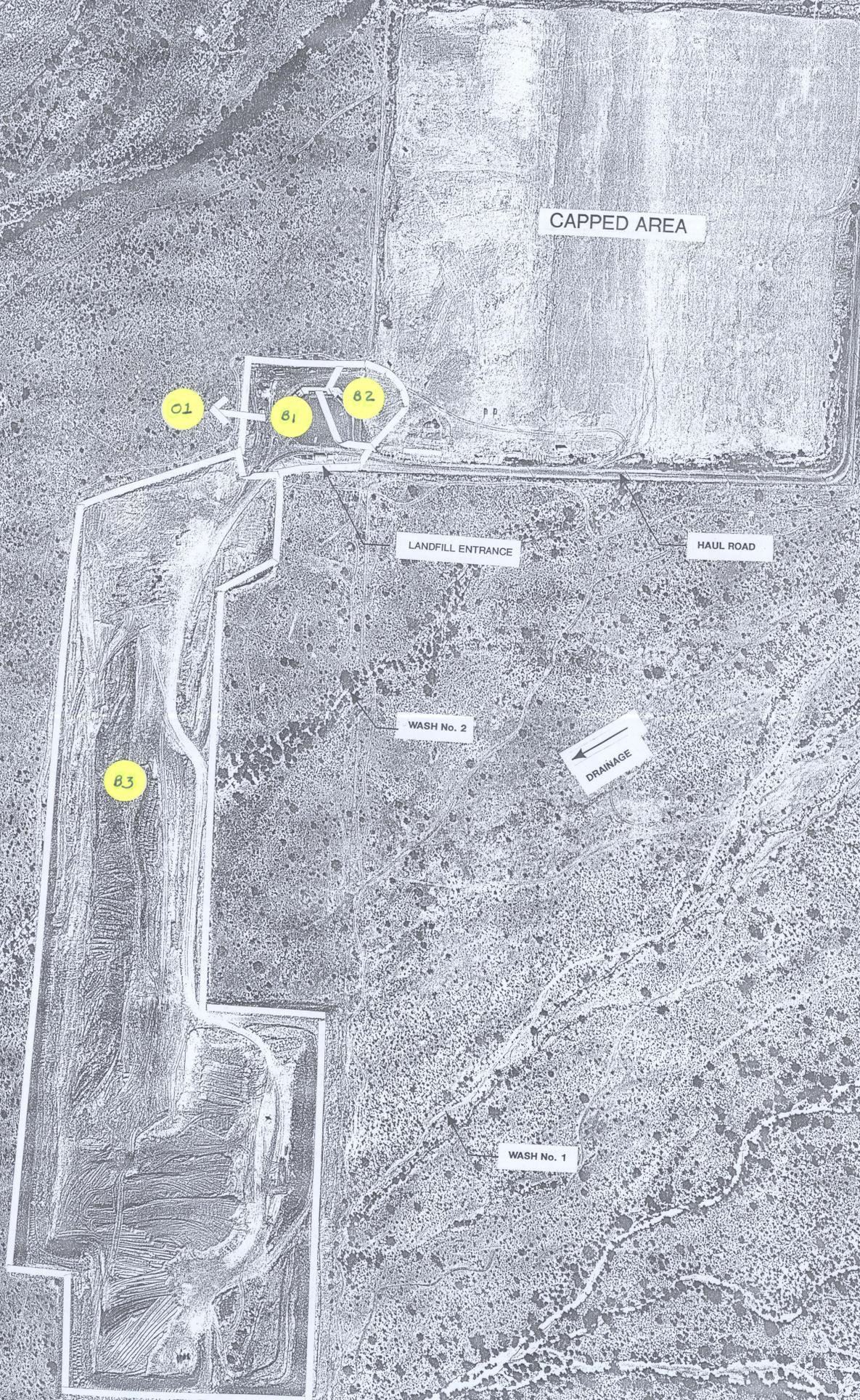
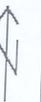
The most recent aerial photo of the Cave Creek Landfill is attached (See **Attachment A**). The natural drainage flows in a southwesterly direction. The landfill perimeter berms intercept 2 natural washes (wash #1 and wash #2). Wash #1 flows around the south side of the landfill; wash 2, to the north, is captured before it reaches the landfill. The large square area to the north of the active area is landfill that has been capped. The capping was completed in October, 1989.

The Cave Creek Landfill covers approximately 37 acres (excluding the capped area) and has 3 distinct drainage basins, which are delineated and identified on the aerial map. Industrial activity (access roads, dumping area, routinely disturbed ground, etc.) occurs within all 3 basins, however, only basin B1 has potential to produce a discharge. Basin B1 is a small (1.8 acres) drainage area near the entrance of Cave Creek Landfill. In the event of an extremely large storm, stormwater will discharge from the property at outfall O1. Basin B2 drains portions of the vehicle maintenance yard, the after hours dumping area ramp, and a small portion of the capped area. All stormwater within Basin B2 is retained. Basin B3 encompasses the dumping area and a borrow pit at the southern end of the property. The borrow pit extends to 80 feet below grade. The landfill property is surrounded by berms, preventing the discharge of stormwater runoff. There may be subbasins within basin B3, but any stormwater will be retained.

Basin	Area (acres)
B1	1.8
B2	0.9
B3	<u>33.9</u>
TOTAL	36.6 acres

The selected sample point is outfall O1, as this is the only outfall. The chance of discharge is small, therefore, rather than designing a mobilization program, a crest gauge has been installed to verify the occurrence of any discharges. If it is discovered that a discharge has occurred, mobilization and sample collection procedures will be implemented.

CAVE CREEK LANDFILL
T5N, R3E, Sec. 12
SCALE: 1" = 150'
B = Basin O = Outfall



Cave Creek Landfill
(SANDER #1)

EPA ID Number (copy from Item 1 of Form 1)

Continued from Page 2

VII. Discharge Information

A,B,C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.
Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

E: Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?
 Yes (list all such pollutants below) No (go to Section IX)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?
 Yes (list all such pollutants below) No (go to Section IX)

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm? *N/A*
 Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below) No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X. 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 gather and evaluate 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.

A. Name & Official Title (type or print) <i>John Stufflebeon, Director</i>	B. Area Code and Phone No. <i>602 506 8726</i>
C. Signature <i>[Signature]</i>	D. Date Signed <i>5-12-93</i>

**NARRATIVE DESCRIPTION OF DRAINAGE BASINS WITHIN
NORTHWEST REGIONAL LANDFILL
GROUP #154**

The Northwest Regional Landfill is the most recently designed County-owned landfill in operation. An aerial photo is attached (See **Attachment B**). The natural flow is toward the southeast. The landfill property covers approximately 1200 acres, however, only about 175 acres are currently being used. The landfill property is partitioned into 4 quadrants, or phases, which will be brought into use according to future demands. The landfill has been operating in Phase 1, which encompasses the northwest quadrant. Just recently (March 1993), approximately 40 acres were graded and prepared for use as a waste tire storage area within the Phase 2 area east of Phase 1. The remaining areas are undisturbed desert and do not contain industrial activity.

The landfill has been configured with drainage controls. The entire perimeter of the Northwest Regional Landfill has been bermed to prevent stormwater run-on from outside the landfill. Potential stormwater run-on from the north and west are diverted using soil cement channels. Stormwater runoff generated within the landfill property is channeled into existing washes, which eventually flow off-site.

The drainage areas within the Northwest Regional Landfill have been identified and labeled on the aerial photograph. Three of the 4 drainage basins, B1, B2, and B4, contain no industrially active areas, therefore, quantitative data is not required from the corresponding outfalls O1, O2, and O4. All current industrially active areas occur within basin B3, which discharges through outfall O3. The industrially active areas include a vehicle maintenance yard, the main haul road, a graded area for tire storage, and the dumping area. At this time, drainage within the dumping area is retained, however, as the elevation increases, dumping area drainage will be represented at outfall O3.

Basin	Area (Acres)
B1	125
B2	280
B3	665
<u>B4</u>	<u>120</u>
TOTAL	1190

Since all industrial activity occurs within basin B3, outfall O3 has been selected as the sample collection point. Outfall O3 consists of 4, 36-inch corrugated metal pipes (See **Photo #1**).

NORTHWEST REGIONAL LANDFILL
T4N, R2W, Sec. 20, 21, 28, 29
SCALE: 1" = 600'



B=Basin O = Outfall

LANDFILL ENTRANCE

DEER VALLEY ROAD

DRAINAGE

01

02

03

04

04

01

02

03

SAMPLE POINT

2
11/14/14

Northwest Regional Landfill
(Sampler #2)

EPA ID Number (copy from Item 1 of Form 1)

Continued from Page 2

VII. Discharge Information

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.
Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

E: Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below) No (go to Section IX)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below) No (go to Section IX)

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm? *N/A*

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A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

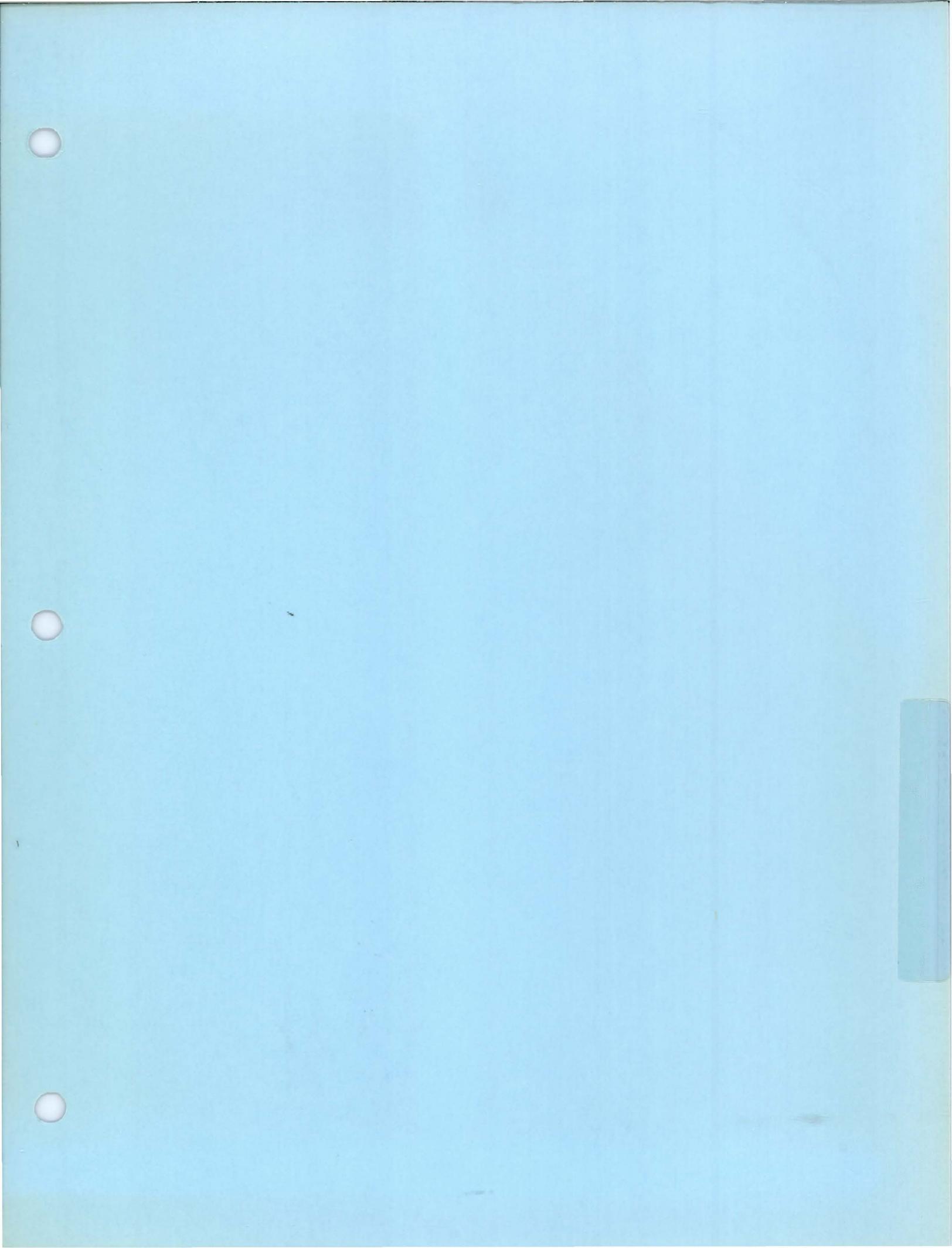
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A. Name & Official Title (type or print) John E. Stufflebean, Director	B. Area Code and Phone No. 602 506 87
C. Signature <i>John E. Stufflebean</i>	D. Date Signed 5-12-97



Photo # 1: 3-foot diameter CMP pipes at Northwest Regional Landfill
(Outfall O3)



**NARRATIVE DESCRIPTION OF DRAINAGE BASINS WITHIN
QUEEN CREEK LANDFILL
GROUP #154**

The aerial photo is attached (See **Attachment C**). Except for a small drainage area near the entrance of Queen Creek Landfill, there are no outfalls from the landfill property. The landfill property is surrounded by berms, preventing the discharge of stormwater runoff. The Queen Creek Landfill covers approximately 112 acres and has 5 drainage basins, which are delineated and numbered on the attached aerial map. Basin B1 drains a portion of the main entrance road and a paved parking area. Although basin B1 is small (0.6 acres), it may produce runoff during an extreme storm event. Basin B2 drains the after hours transfer station area; all stormwater is retained within the basin. Basin B3 includes the dumping area, which, at this time, is a deep depression. Basin B4 represents a natural desert area that is basically undisturbed and inactive. Since the landfill will retain all runoff, the remaining landfill area has been designated Basin B5. There may be subbasins within B5 but all stormwater will be retained within the berms.

Basin	Area (acres)
B1	0.6
B2	0.7
B3	23.0
B4	7.0
Other basins	<u>81.1</u>
TOTAL	112.4 acres

The selected sample point is outfall O1, as this is the only outfall.

QUEEN CREEK LANDFILL
T2S, R7E, Sec. 28

SCALE: 1" = 120'

B = Basin O = Outfall



DRAINAGE

WASH

LANDFILL ENTRANCE

01

05

81

82

83

84

Continued from Page 2

VII. Discharge Information

A,B,C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.
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Yes (list all such pollutants below) No (go to Section IX)

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Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

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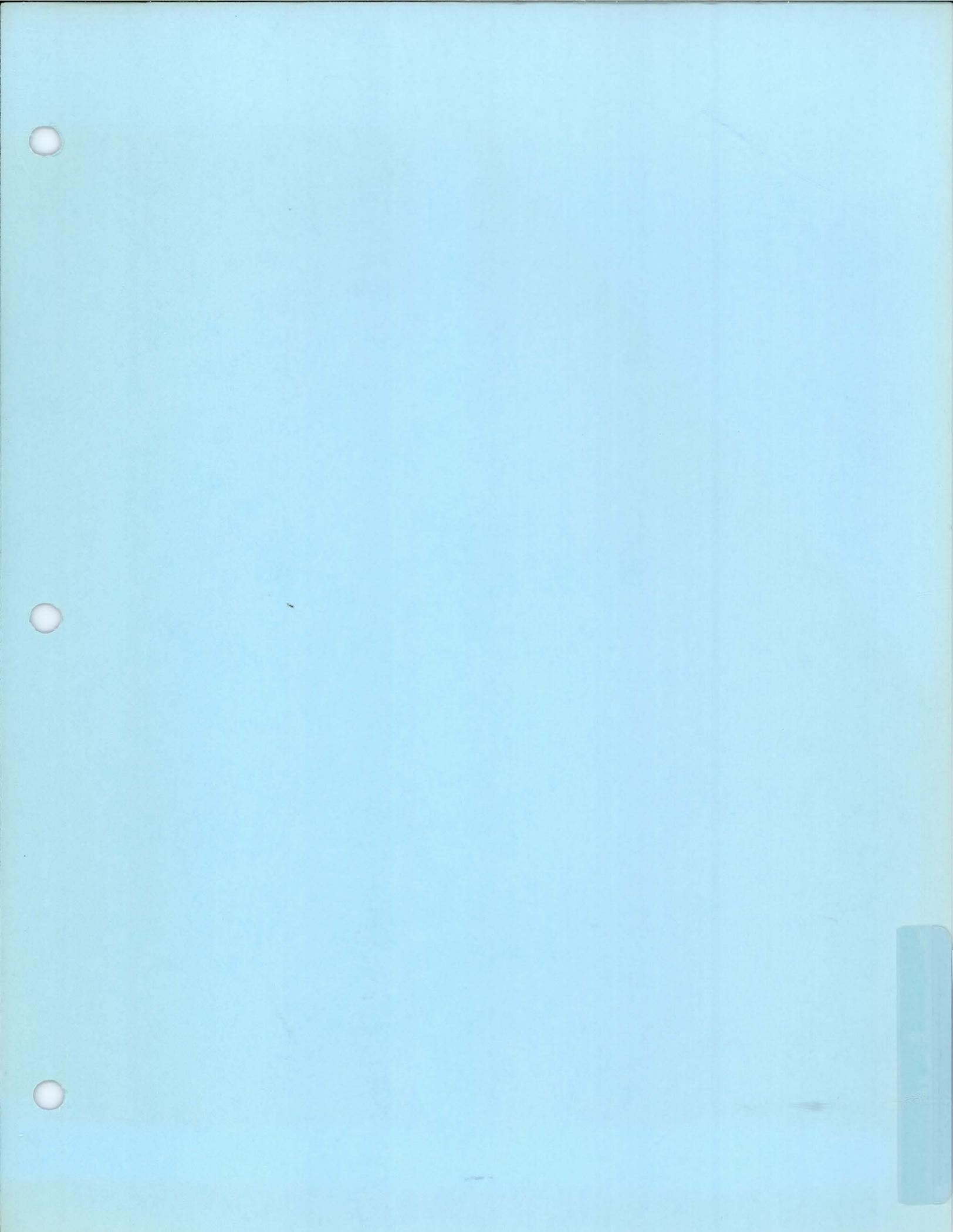
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A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X. 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 gather and evaluate 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.

<p>A. Name & Official Title (type or print)</p> <p>John E. Stufflebean, Director</p>	<p>B. Area Code and Phone No.</p> <p>602 506 8776</p>
<p>C. Signature</p> <p><i>John E. Stufflebean</i></p>	<p>D. Date Signed</p> <p>5-12-93</p>



**NARRATIVE DESCRIPTION OF DRAINAGE BASINS WITHIN
GILA BEND LANDFILL
GROUP #154**

The most recent aerial photo is attached (See **Attachment D**). The Gila Bend Landfill is slated for closure by October 1993. The stormwater regulations, however, require stormwater runoff quantitative data for up to three years after closure. The current plans are to cap the landfill and install a transfer station.

The Gila Bend Landfill covers approximately 36 acres and has 5 distinct drainage basins, which are delineated and numbered on the aerial map. Basin B1 includes portions of the main haul road and recently-covered landfill area. Basin B1 discharges into a wash that intersects the southwest corner of the property. Basin B2 includes the dumping area, which at this time, is a deep pit. Basin B3 discharges into the wash that traverses the landfill property. The southern half of Basin B3 includes the main haul road, and thus, represents industrial activity. The northern half is mostly undisturbed or lightly disturbed desert area, which should not be considered industrially active since no waste materials are buried there.

Basin B4 includes the office building, the parking ramada, an empty storage shed, and a diesel gasoline storage tank with concrete secondary containment. The dozer is parked in this area and vehicle maintenance is also performed here. The Basin B4 boundaries are represented by the perimeter of the transfer station, which is bermed and fenced. Basins B2, B4, and B5 retain all stormwater. Basin B5 includes a seldom-used transportation office and a graveled area where signs, barricades, and materials, such as gravel, are stored. There is also an outside water storage tank. Basin B5 retains water on the south side of the office building.

Industrial activity (access roads, dumping area, routinely disturbed ground, etc.) occurs within all 5 basins, however, only basins B1 and B3 produce discharges.

Basin	Area (acres)
B1	12
B2	19
B3	3.2
B4	2.3
<u>B5</u>	<u>0.2</u>
TOTAL	36.7 acres

Since there are 2 industrially active basins that discharge stormwater from the landfill (Basins B1 and B3), both must be sampled. The EPA does, however, provide flexibility that allows

quantitative data to be generated from only one outfall if it can be shown that the other outfalls discharge "substantially identical" effluents. A petition to sample substantially identical outfalls is included in this section.

The selected sample point is the outfall O1. A (Cipoletti) weir has been installed to measure discharges from this outfall (See **Photo #2**). This outfall is the preferred sampling point because flows sampled here will represent runoff from discrete active areas whereas O3, a continuation of a wash, would contain comingled flows from both industrially active and inactive areas as well as offsite flows.

GILA BEND LANDFILL
T5S, R4W, Sec. 16
SCALE: 1" = 50'



B = Basin O = Outfall



EPA ID Number (copy from Item 1 of Form 1)

Gila Bend Landfill
(Sampler #4)

Continued from Page 2

VII. Discharge Information

A,B,C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.
Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

E: Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below)

No (go to Section IX)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below)

No (go to Section IX)

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm?

N/A

Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below)

No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X. 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 gather and evaluate 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.

A. Name & Official Title (type or print)
John E. Stafflebean, Director

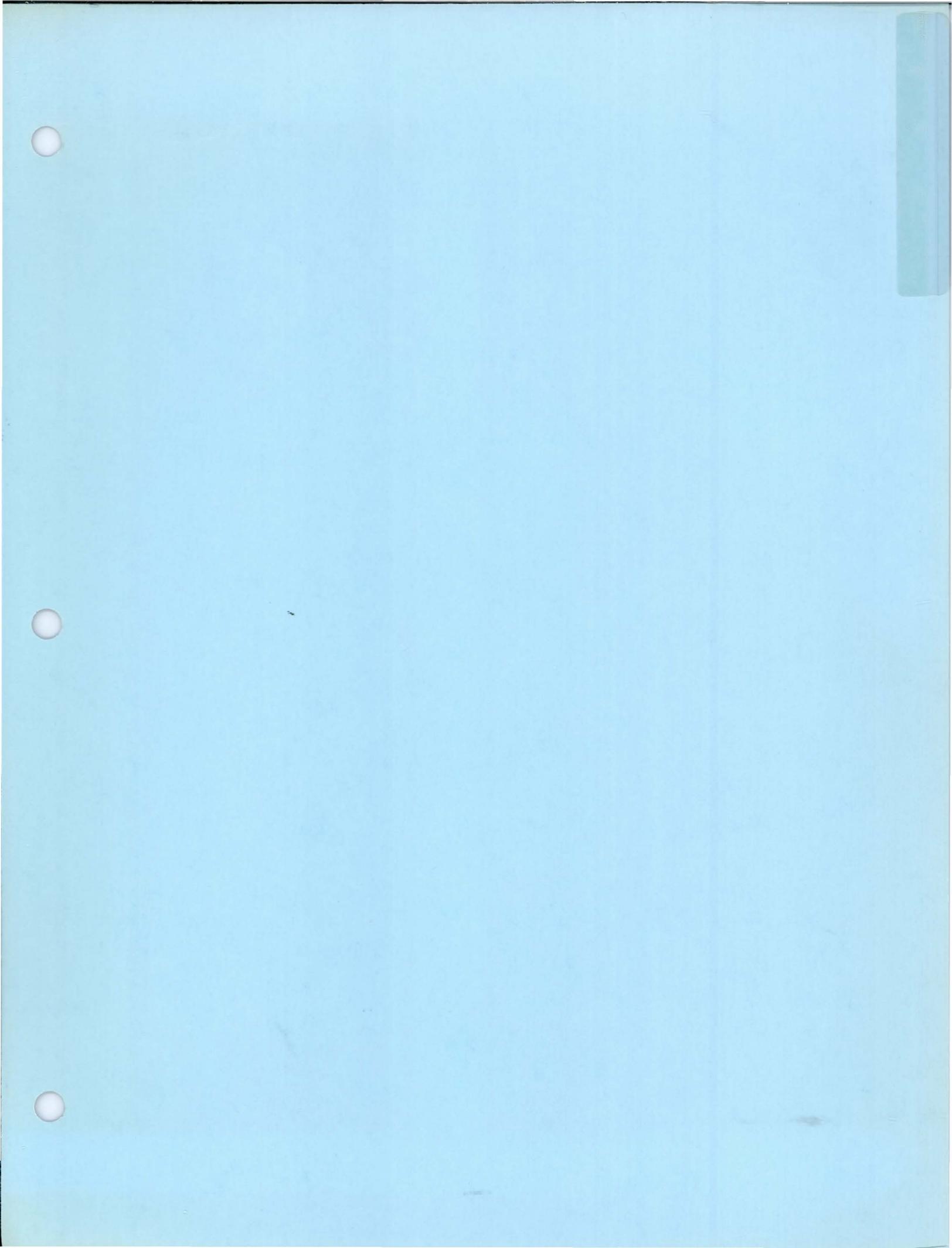
B. Area Code and Phone No.
602 506 8726

C. Signature
John E. Stafflebean

D. Date Signed
5-12-93



Photo #2: Cipoletti Weir at Gila Bend Landfill (Outfall 01)



PETITION TO SAMPLE SUBSTANTIALLY IDENTICAL OUTFALLS

AT THE GILA BEND LANDFILL

A Member of Group #154

I. BACKGROUND

The Solid Waste Department of Maricopa County, Arizona, owns and operates 5 municipal landfills. Pursuant to the November 16, 1990 stormwater permit application regulations, these landfills are considered to be "engaging in industrial activity" for the purposes of stormwater application requirements in 40 CFR 122.26(b)(14)(v). In response, Maricopa County joined with other landfills operated by small municipalities and submitted a Part 1 group application, which was designated Group Number 154. Part 1 was approved on 20 May 1992. Through various clarifications of the November Rule, it was determined that for groups consisting of between 4 and 20 members, 50% of the group must submit quantitative data.

Group #154 consists of 8 members, 4 of which are required to submit quantitative data. (The group was reduced from 9 to 8 members at the request of EPA). Maricopa County will provide the required quantitative data from 4 of the 5 County-owned and operated landfills. Of these 4, only Gila Bend Landfill has more than one outfall from an active area.

II. PETITION

"When an applicant has two or more outfalls with substantially identical effluents, the Director may allow the applicant to test only one outfall and report that the quantitative data also apply to the substantially identical outfalls." [40 CFR 122.21(g)(7)]

In accordance with 40 CFR 122.21(g)(7) of the NPDES regulations, the Maricopa County Solid Waste Department hereby petitions the Environmental Protection Agency for approval to sample one representative stormwater outfall of 2 that are substantially identical. The County will demonstrate that the 2 outfalls discharging stormwater from the Gila Bend Landfill are substantially identical and should be grouped together, according to: (1) substantially identical activities and processes that are occurring outdoors, (2) substantially identical significant materials that may be exposed to stormwater (including fuels and other maintenance materials), and (3) substantially identical flows, as determined by runoff coefficient and approximate drainage area at each outfall.

III. JUSTIFICATION FOR PETITION

A. Description of activities at the Gila Bend Landfill

The Gila Bend Landfill is a municipal waste landfill that accepts only solid, non-hazardous

wastes from residential, commercial, and industrial sites in the Gila Bend area. Since Gila Bend is 65 miles from a major city (Phoenix), most contributors are from the small town of Gila Bend (pop. 1,747; 1990 census.). The Gila Bend Landfill is slated to close by October, 1993.

B. Description of Drainage Characteristics (Please refer to the aerial photo)

The Gila Bend Landfill is bisected by a desert wash, which crosses the paved highway (Old highway 80), and continues along a northwesterly direction through the landfill. This wash receives runoff from drainage areas along both sides of the wash. This basin has been labeled B3 (See Attachment D). The contributing area southwest of the wash should be considered an industrially active area, since it includes portions of the haul road. The contributing area northeast of the wash, however, should not be considered fully active because no hauling, dumping, or other significant activities have occurred there. Nevertheless, the ground within the area northeast of the wash has been routinely disturbed, which could be considered industrial activity. It is important to note that the northeast portion of Basin B3, (north of the wash) has not been used to bury waste and is mostly undisturbed sparse desert vegetation. This desert wash exits the landfill at the northwest corner and is labeled "O3".

The haul road represents the drainage boundary between basins B3 and B1. Basin B1 slopes off toward the southwest where runoff normally sheet flows (outfalls) into a wash that intersects the southwest corner of the landfill. A flow-measuring (Cipoletti) weir has been installed at this outfall (O1) to collect quantitative data samples. Berms have also been installed to concentrate the runoff through the weir.

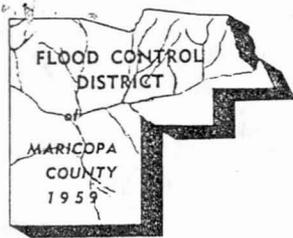
Basin B2 represents the drainage area that encompasses the dumping area. Stormwater runoff is 100% retained within this basin.

Basin B4 is located near the main gate and includes the office, parking ramada, fuel tank (with secondary containment), and an empty storage shed. Stormwater is retained in a depression near the northwest corner of the basin. Basin B5 contains a transportation storage yard with office building and a water tank. The runoff is retained just south of the office building in a shallow depression.

C. Demonstration of Why Outfalls are Substantially Identical in Terms of Outdoor Activities.

The outdoor activities occurring within basins B1 and B3 are substantially identical. As mentioned above, the common drainage boundary is the haul road the dumping area (Basin B2), therefore, both outfalls receive drainage from the haul road. Both basins have been





FLOOD CONTROL DISTRICT

of

Maricopa County

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BOARD OF DIRECTORS
Betsey Bayless
James D. Bruner
Ed King
Tom Rawles
Mary Rose Garrido Wilcox

Neil S. Erwin, P.E., Chief Engineer and General Manager

May 13, 1993

Mr. William F. Swietlik
Office of Wastewater Enforcement and Compliance (EN-336)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

SUBJECT: GROUP #154 PART 2 NPDES STORMWATER PERMIT APPLICATION FOR
MUNICIPALLY-OWNED LANDFILLS.

Dear Mr. Swietlik:

The Flood Control District of Maricopa County (District) hereby submits a portion of the information required by EPA to comply with the Part 2 NPDES stormwater regulations. We regret that we have not been able to retrieve samples to generate the quantitative data requirement of Part 2.

Although District personnel chased storms and waited long hours in hopes of collecting needed samples, we found that the storms were very difficult to track and developed cells quickly. We remain in ready mode to capture storms as they appear, and can submit data if necessary. We are currently entering into our region's driest season and do not expect measurable precipitation until our summer monsoon--July and August.

You may recall that Group #154 was reduced from 9 to 8 members at EPA's request, therefore, only 4 group members must provide quantitative data. In order to better facilitate mobilization efforts, which include driving between 50 to 70 miles to reach the landfill sample sites, the District has installed telemetered raingauges at each landfill with the capability of providing hourly precipitation information via a touch-tone telephone. We are currently investigating means to install automatic samplers at the two remote sites.

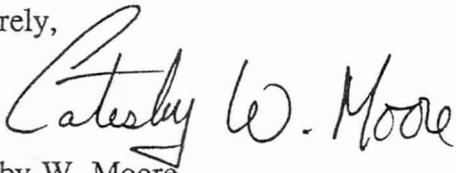
Since permits must be written without supporting quantitative data, we have enclosed information that, hopefully, will provide some guidance. An aerial photo of each of the sampling landfills is included: Cave Creek, Gila Bend, Northwest Regional, and Queen Creek with drainage basins delineated and outfalls identified. A narrative description of each drainage basin is also included.

Group #154 Part 2 NPDES Stormwater Permit
Application for Municipally-Owned Landfills.
Page 2 of 2

I have enclosed a Petition to Sample Substantially Identical Outfalls for the industrially active areas at the Gila Bend Landfill.

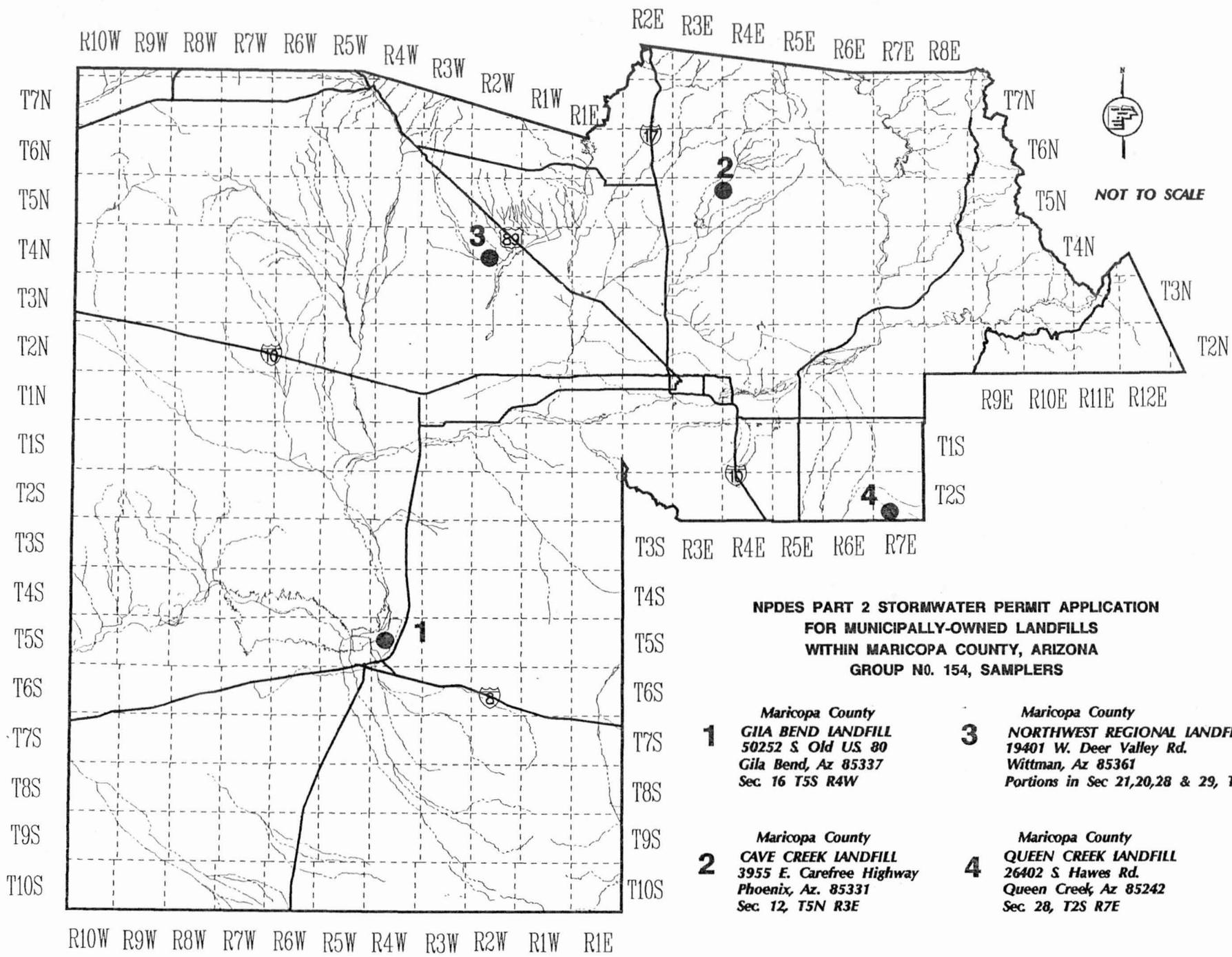
If you have any questions or need more information, please call me at 506-8127.

Sincerely,

A handwritten signature in cursive script that reads "Catesby W. Moore". The signature is written in dark ink and is positioned above the printed name.

Catesby W. Moore
Environmental Program Manager

dms
Enclosures



**NPDES PART 2 STORMWATER PERMIT APPLICATION
FOR MUNICIPALLY-OWNED LANDFILLS
WITHIN MARICOPA COUNTY, ARIZONA
GROUP NO. 154, SAMPLERS**

- | | | | |
|----------|---|----------|--|
| 1 | <p><i>Maricopa County</i>
GILA BEND LANDFILL
50252 S Old US 80
Gila Bend, Az 85337
Sec. 16 T5S R4W</p> | 3 | <p><i>Maricopa County</i>
NORTHWEST REGIONAL LANDFILL
19401 W. Deer Valley Rd.
Wittman, Az 85361
Portions in Sec 21,20,28 & 29, T4N R</p> |
| 2 | <p><i>Maricopa County</i>
CAVE CREEK LANDFILL
3955 E. Carefree Highway
Phoenix, Az. 85331
Sec. 12, T5N R3E</p> | 4 | <p><i>Maricopa County</i>
QUEEN CREEK LANDFILL
26402 S Hawes Rd.
Queen Creek, Az 85242
Sec. 28, T2S R7E</p> |

R10W R9W R8W R7W R6W R5W R4W R3W R2W R1W R1E

Continued from Page 2

VII. Discharge Information

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.
Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

E: Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below) No (go to Section IX)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below) No (go to Section IX)

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm?

N/A

Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below) No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X. 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 gather and evaluate 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.

<p>A. Name & Official Title (type or print)</p> <p>John E. Staffeleben, Director</p>	<p>B. Area Code and Phone No.</p> <p>602 506 8726</p>
<p>C. Signature</p> <p><i>John E. Staffeleben</i></p>	<p>D. Date Signed</p> <p>5-12-93</p>

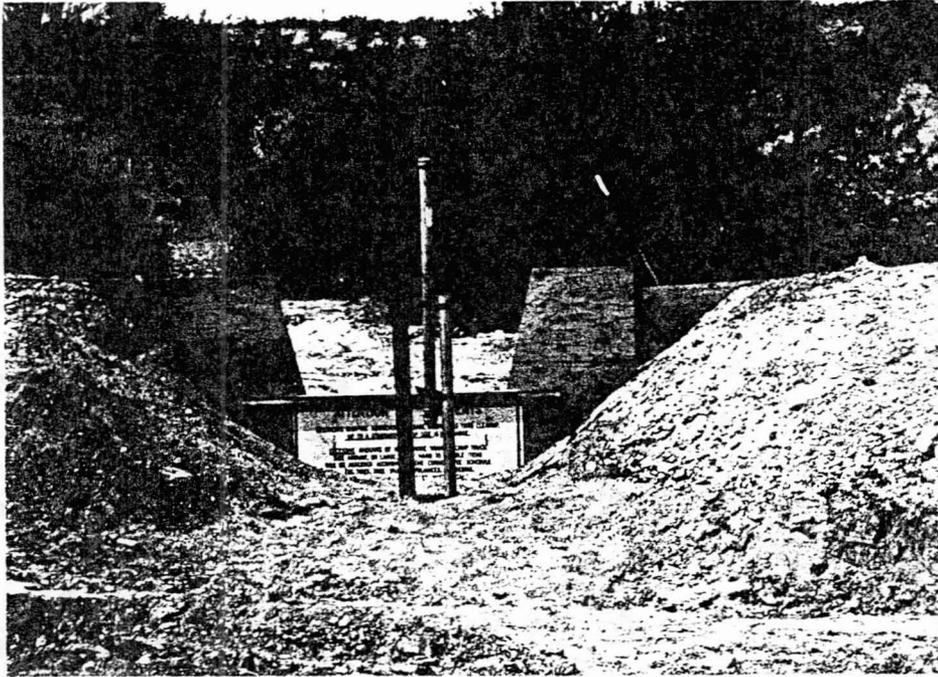


Photo #2: Cipoletti Weir at Gila Bend Landfill (Outfall O1)

**PETITION TO SAMPLE SUBSTANTIALLY IDENTICAL OUTFALLS
AT THE GILA BEND LANDFILL
A Member of Group #154**

I. BACKGROUND

The Solid Waste Department of Maricopa County, Arizona, owns and operates 5 municipal landfills. Pursuant to the November 16, 1990 stormwater permit application regulations, these landfills are considered to be "engaging in industrial activity" for the purposes of stormwater application requirements in 40 CFR 122.26(b)(14)(v). In response, Maricopa County joined with other landfills operated by small municipalities and submitted a Part 1 group application, which was designated Group Number 154. Part 1 was approved on 20 May 1992. Through various clarifications of the November Rule, it was determined that for groups consisting of between 4 and 20 members, 50% of the group must submit quantitative data.

Group #154 consists of 8 members, 4 of which are required to submit quantitative data. (The group was reduced from 9 to 8 members at the request of EPA). Maricopa County will provide the required quantitative data from 4 of the 5 County-owned and operated landfills. Of these 4, only Gila Bend Landfill has more than one outfall from an active area.

II. PETITION

"When an applicant has two or more outfalls with substantially identical effluents, the Director may allow the applicant to test only one outfall and report that the quantitative data also apply to the substantially identical outfalls." [40 CFR 122.21(g)(7)]

In accordance with 40 CFR 122.21(g)(7) of the NPDES regulations, the Maricopa County Solid Waste Department hereby petitions the Environmental Protection Agency for approval to sample one representative stormwater outfall of 2 that are substantially identical. The County will demonstrate that the 2 outfalls discharging stormwater from the Gila Bend Landfill are substantially identical and should be grouped together, according to: (1) substantially identical activities and processes that are occurring outdoors, (2) substantially identical significant materials that may be exposed to stormwater (including fuels and other maintenance materials), and (3) substantially identical flows, as determined by runoff coefficient and approximate drainage area at each outfall.

III. JUSTIFICATION FOR PETITION

A. Description of activities at the Gila Bend Landfill

The Gila Bend Landfill is a municipal waste landfill that accepts only solid, non-hazardous

wastes from residential, commercial, and industrial sites in the Gila Bend area. Since Gila Bend is 65 miles from a major city (Phoenix), most contributors are from the small town of Gila Bend (pop. 1,747; 1990 census.). The Gila Bend Landfill is slated to close by October, 1993.

B. Description of Drainage Characteristics (Please refer to the aerial photo)

The Gila Bend Landfill is bisected by a desert wash, which crosses the paved highway (Old highway 80), and continues along a northwesterly direction through the landfill. This wash receives runoff from drainage areas along both sides of the wash. This basin has been labeled B3 (See Attachment D). The contributing area southwest of the wash should be considered an industrially active area, since it includes portions of the haul road. The contributing area northeast of the wash, however, should not be considered fully active because no hauling, dumping, or other significant activities have occurred there. Nevertheless, the ground within the area northeast of the wash has been routinely disturbed, which could be considered industrial activity. It is important to note that the northeast portion of Basin B3, (north of the wash) has not been used to bury waste and is mostly undisturbed sparse desert vegetation. This desert wash exits the landfill at the northwest corner and is labeled "O3".

The haul road represents the drainage boundary between basins B3 and B1. Basin B1 slopes off toward the southwest where runoff normally sheet flows (outfalls) into a wash that intersects the southwest corner of the landfill. A flow-measuring (Cipoletti) weir has been installed at this outfall (O1) to collect quantitative data samples. Berms have also been installed to concentrate the runoff through the weir.

Basin B2 represents the drainage area that encompasses the dumping area. Stormwater runoff is 100% retained within this basin.

Basin B4 is located near the main gate and includes the office, parking ramada, fuel tank (with secondary containment), and an empty storage shed. Stormwater is retained in a depression near the northwest corner of the basin. Basin B5 contains a transportation storage yard with office building and a water tank. The runoff is retained just south of the office building in a shallow depression.

C. Demonstration of Why Outfalls are Substantially Identical in Terms of Outdoor Activities.

The outdoor activities occurring within basins B1 and B3 are substantially identical. As mentioned above, the common drainage boundary is the haul road the dumping area (Basin B2), therefore, both outfalls receive drainage from the haul road. Both basins have been

disturbed such that there is very little natural vegetation remaining. There are no structures, stored materials, equipment parking or maintenance within either basin.

D. Substantially Identical in Terms of Significant Materials that Potentially May be Exposed to Stormwater

There are no significant materials within either basin.

E. Demonstration of Why Outfalls are Substantially Identical in Terms of Flow, as Determined by the Estimated Runoff Coefficient and Approximate Drainage Area at Each Outfall.

Basin B1 is totally bare ground. The basin slopes toward the southwest beginning with a slight slope, which increases to approximately 3% near the outfall. The estimated runoff coefficient for Basin B1 is: 0.35.

Basin B3 is drained by a natural wash that traverses the basin. The contributing area south of the wash is bare ground, while the north portion is both bare ground and undisturbed desert. The estimated runoff coefficient for Basin B3 is: 0.35.

Basin B1 covers approximately 12 acres. Basin B3 covers 19 acres. Although Basin B3 is larger, the 6.1 acres south of the wash, plus approximately one half of the area north of the wash (6.5 acres, due to ground disturbance) represent industrial activity. Therefore, the area within basin B1 (12 acres) and Basin B3 (12.6 acres) are substantially identical.

F. Conclusion

Outfalls O1 and O3 are substantially identical.

Queen Creek Landfill
(Sampler #3)

Continued from Page 2

VII. Discharge Information

A,B,C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.
Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

E: Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below) No (go to Section IX)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below) No (go to Section IX)

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm? *N/A*

Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below) No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X. 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 gather and evaluate 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.

<p>A. Name & Official Title (type or print)</p> <p>John E. Stofflebean, Director</p>	<p>B. Area Code and Phone No.</p> <p>602 506 8776</p>
<p>C. Signature</p> <p><i>John E. Stofflebean</i></p>	<p>D. Date Signed</p> <p>5-12-93</p>

**NARRATIVE DESCRIPTION OF DRAINAGE BASINS WITHIN
GILA BEND LANDFILL
GROUP #154**

The most recent aerial photo is attached (See **Attachment D**). The Gila Bend Landfill is slated for closure by October 1993. The stormwater regulations, however, require stormwater runoff quantitative data for up to three years after closure. The current plans are to cap the landfill and install a transfer station.

The Gila Bend Landfill covers approximately 36 acres and has 5 distinct drainage basins, which are delineated and numbered on the aerial map. Basin B1 includes portions of the main haul road and recently-covered landfill area. Basin B1 discharges into a wash that intersects the southwest corner of the property. Basin B2 includes the dumping area, which at this time, is a deep pit. Basin B3 discharges into the wash that traverses the landfill property. The southern half of Basin B3 includes the main haul road, and thus, represents industrial activity. The northern half is mostly undisturbed or lightly disturbed desert area, which should not be considered industrially active since no waste materials are buried there.

Basin B4 includes the office building, the parking ramada, an empty storage shed, and a diesel gasoline storage tank with concrete secondary containment. The dozer is parked in this area and vehicle maintenance is also performed here. The Basin B4 boundaries are represented by the perimeter of the transfer station, which is bermed and fenced. Basins B2, B4, and B5 retain all stormwater. Basin B5 includes a seldom-used transportation office and a graveled area where signs, barricades, and materials, such as gravel, are stored. There is also an outside water storage tank. Basin B5 retains water on the south side of the office building.

Industrial activity (access roads, dumping area, routinely disturbed ground, etc.) occurs within all 5 basins, however, only basins B1 and B3 produce discharges.

Basin	Area (acres)
B1	12
B2	19
B3	3.2
B4	2.3
<u>B5</u>	<u>0.2</u>
TOTAL	36.7 acres

Since there are 2 industrially active basins that discharge stormwater from the landfill (Basins B1 and B3), both must be sampled. The EPA does, however, provide flexibility that allows

quantitative data to be generated from only one outfall if it can be shown that the other outfalls discharge "substantially identical" effluents. A petition to sample substantially identical outfalls is included in this section.

The selected sample point is the outfall O1. A (Cipoletti) weir has been installed to measure discharges from this outfall (See **Photo #2**). This outfall is the preferred sampling point because flows sampled here will represent runoff from discrete active areas whereas O3, a continuation of a wash, would contain comingled flows from both industrially active and inactive areas as well as offsite flows.

**NARRATIVE DESCRIPTION OF DRAINAGE BASINS WITHIN
QUEEN CREEK LANDFILL
GROUP #154**

The aerial photo is attached (See **Attachment C**). Except for a small drainage area near the entrance of Queen Creek Landfill, there are no outfalls from the landfill property. The landfill property is surrounded by berms, preventing the discharge of stormwater runoff. The Queen Creek Landfill covers approximately 112 acres and has 5 drainage basins, which are delineated and numbered on the attached aerial map. Basin B1 drains a portion of the main entrance road and a paved parking area. Although basin B1 is small (0.6 acres), it may produce runoff during an extreme storm event. Basin B2 drains the after hours transfer station area; all stormwater is retained within the basin. Basin B3 includes the dumping area, which, at this time, is a deep depression. Basin B4 represents a natural desert area that is basically undisturbed and inactive. Since the landfill will retain all runoff, the remaining landfill area has been designated Basin B5. There may be subbasins within B5 but all stormwater will be retained within the berms.

Basin	Area (acres)
B1	0.6
B2	0.7
B3	23.0
B4	7.0
Other basins	<u>81.1</u>
TOTAL	112.4 acres

The selected sample point is outfall O1, as this is the only outfall.

Northwest Regional Landfill
(Sampler #2)

EPA ID Number (copy from Item I of Form 1)

Continued from Page 2

VII. Discharge Information

A,B,C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.
Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

E: Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below) No (go to Section IX)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below) No (go to Section IX)

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm? *N/A*

Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below) No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X. 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 gather and evaluate 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.

A. Name & Official Title (type or print) John E. Stufflebean, Director	B. Area Code and Phone No. 602 506 87
C. Signature <i>John E. Stufflebean</i>	D. Date Signed 5-12-97

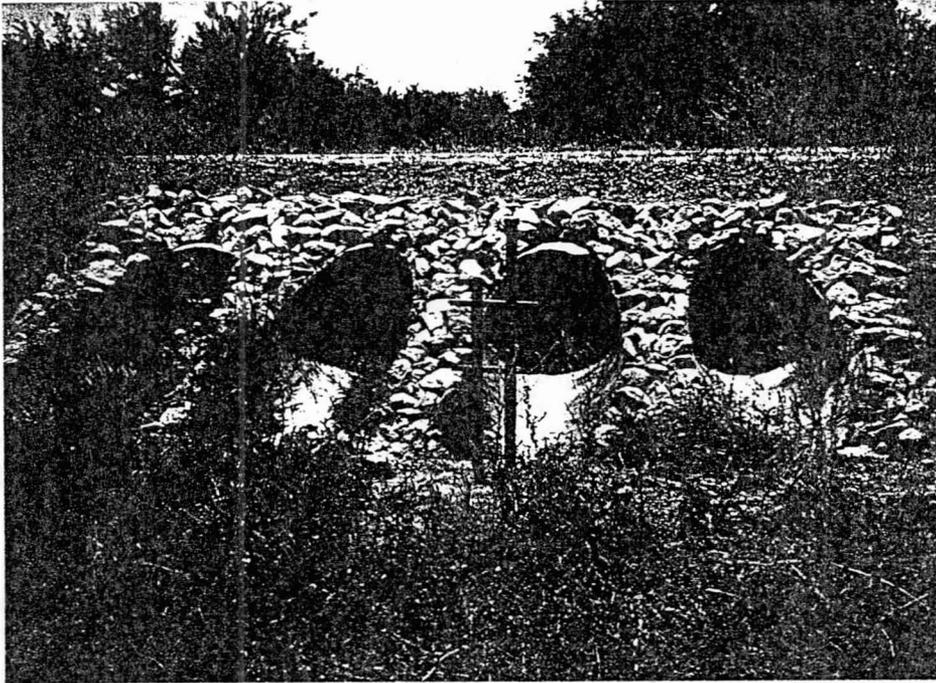


Photo # 1: 3-foot diameter CMP pipes at Northwest Regional Landfill
(Outfall O3)

**NARRATIVE DESCRIPTION OF DRAINAGE BASINS WITHIN
NORTHWEST REGIONAL LANDFILL
GROUP #154**

The Northwest Regional Landfill is the most recently designed County-owned landfill in operation. An aerial photo is attached (See **Attachment B**). The natural flow is toward the southeast. The landfill property covers approximately 1200 acres, however, only about 175 acres are currently being used. The landfill property is partitioned into 4 quadrants, or phases, which will be brought into use according to future demands. The landfill has been operating in Phase 1, which encompasses the northwest quadrant. Just recently (March 1993), approximately 40 acres were graded and prepared for use as a waste tire storage area within the Phase 2 area east of Phase 1. The remaining areas are undisturbed desert and do not contain industrial activity.

The landfill has been configured with drainage controls. The entire perimeter of the Northwest Regional Landfill has been bermed to prevent stormwater run-on from outside the landfill. Potential stormwater run-on from the north and west are diverted using soil cement channels. Stormwater runoff generated within the landfill property is channeled into existing washes, which eventually flow off-site.

The drainage areas within the Northwest Regional Landfill have been identified and labeled on the aerial photograph. Three of the 4 drainage basins, B1, B2, and B4, contain no industrially active areas, therefore, quantitative data is not required from the corresponding outfalls O1, O2, and O4. All current industrially active areas occur within basin B3, which discharges through outfall O3. The industrially active areas include a vehicle maintenance yard, the main haul road, a graded area for tire storage, and the dumping area. At this time, drainage within the dumping area is retained, however, as the elevation increases, dumping area drainage will be represented at outfall O3.

Basin	Area (Acres)
B1	125
B2	280
B3	665
<u>B4</u>	<u>120</u>
TOTAL	1190

Since all industrial activity occurs within basin B3, outfall O3 has been selected as the sample collection point. Outfall O3 consists of 4, 36-inch corrugated metal pipes (See **Photo #1**).

Cave Creek Landfill
(Sander #1)

Continued from Page 2

VII. Discharge Information

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.

Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

E: Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below)

No (go to Section IX)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below)

No (go to Section IX)

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm?

N/A

Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below)

No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X. 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 gather and evaluate 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.

<p>A. Name & Official Title (type or print)</p> <p>John Stuffiebean, Director</p>	<p>B. Area Code and Phone No.</p> <p>602 506 8726</p>
<p>C. Signature</p> 	<p>D. Date Signed</p> <p>5-12-93</p>

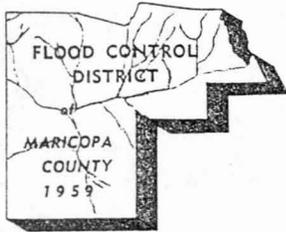
**NARRATIVE DESCRIPTION OF DRAINAGE BASINS WITHIN
CAVE CREEK LANDFILL
GROUP #154**

The most recent aerial photo of the Cave Creek Landfill is attached (See **Attachment A**). The natural drainage flows in a southwesterly direction. The landfill perimeter berms intercept 2 natural washes (wash #1 and wash #2). Wash #1 flows around the south side of the landfill; wash 2, to the north, is captured before it reaches the landfill. The large square area to the north of the active area is landfill that has been capped. The capping was completed in October, 1989.

The Cave Creek Landfill covers approximately 37 acres (excluding the capped area) and has 3 distinct drainage basins, which are delineated and identified on the aerial map. Industrial activity (access roads, dumping area, routinely disturbed ground, etc.) occurs within all 3 basins, however, only basin B1 has potential to produce a discharge. Basin B1 is a small (1.8 acres) drainage area near the entrance of Cave Creek Landfill. In the event of an extremely large storm, stormwater will discharge from the property at outfall O1. Basin B2 drains portions of the vehicle maintenance yard, the after hours dumping area ramp, and a small portion of the capped area. All stormwater within Basin B2 is retained. Basin B3 encompasses the dumping area and a borrow pit at the southern end of the property. The borrow pit extends to 80 feet below grade. The landfill property is surrounded by berms, preventing the discharge of stormwater runoff. There may be subbasins within basin B3, but any stormwater will be retained.

Basin	Area (acres)
B1	1.8
B2	0.9
B3	<u>33.9</u>
TOTAL	36.6 acres

The selected sample point is outfall O1, as this is the only outfall. The chance of discharge is small, therefore, rather than designing a mobilization program, a crest gauge has been installed to verify the occurrence of any discharges. If it is discovered that a discharge has occurred, mobilization and sample collection procedures will be implemented.



FLOOD CONTROL DISTRICT

of

Maricopa County

2801 West Durango Street • Phoenix, Arizona 85009

Telephone (602) 506-1501

Fax (602) 506-4601

TDD (602) 506-5897

BOARD OF DIRECTORS

Betsey Bayless

James D. Bruner

Ed King

Tom Rawles

Mary Rose Garrido Wilcox

Neil S. Erwin, P.E., Chief Engineer and General Manager

May 13, 1993

Mr. William F. Swietlik
Office of Wastewater Enforcement and Compliance (EN-336)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

**SUBJECT: GROUP #154 PART 2 NPDES STORMWATER PERMIT APPLICATION FOR
MUNICIPALLY-OWNED LANDFILLS.**

Dear Mr. Swietlik:

The Flood Control District of Maricopa County (District) hereby submits a portion of the information required by EPA to comply with the Part 2 NPDES stormwater regulations. We regret that we have not been able to retrieve samples to generate the quantitative data requirement of Part 2.

Although District personnel chased storms and waited long hours in hopes of collecting needed samples, we found that the storms were very difficult to track and developed cells quickly. We remain in ready mode to capture storms as they appear, and can submit data if necessary. We are currently entering into our region's driest season and do not expect measurable precipitation until our summer monsoon--July and August.

You may recall that Group #154 was reduced from 9 to 8 members at EPA's request, therefore, only 4 group members must provide quantitative data. In order to better facilitate mobilization efforts, which include driving between 50 to 70 miles to reach the landfill sample sites, the District has installed telemetered raingauges at each landfill with the capability of providing hourly precipitation information via a touch-tone telephone. We are currently investigating means to install automatic samplers at the two remote sites.

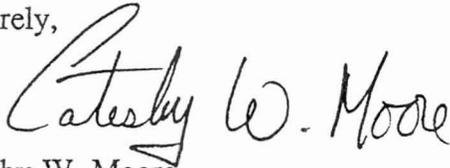
Since permits must be written without supporting quantitative data, we have enclosed information that, hopefully, will provide some guidance. An aerial photo of each of the sampling landfills is included: Cave Creek, Gila Bend, Northwest Regional, and Queen Creek with drainage basins delineated and outfalls identified. A narrative description of each drainage basin is also included.

Group #154 Part 2 NPDES Stormwater Permit
Application for Municipally-Owned Landfills.
Page 2 of 2

I have enclosed a Petition to Sample Substantially Identical Outfalls for the industrially active areas at the Gila Bend Landfill.

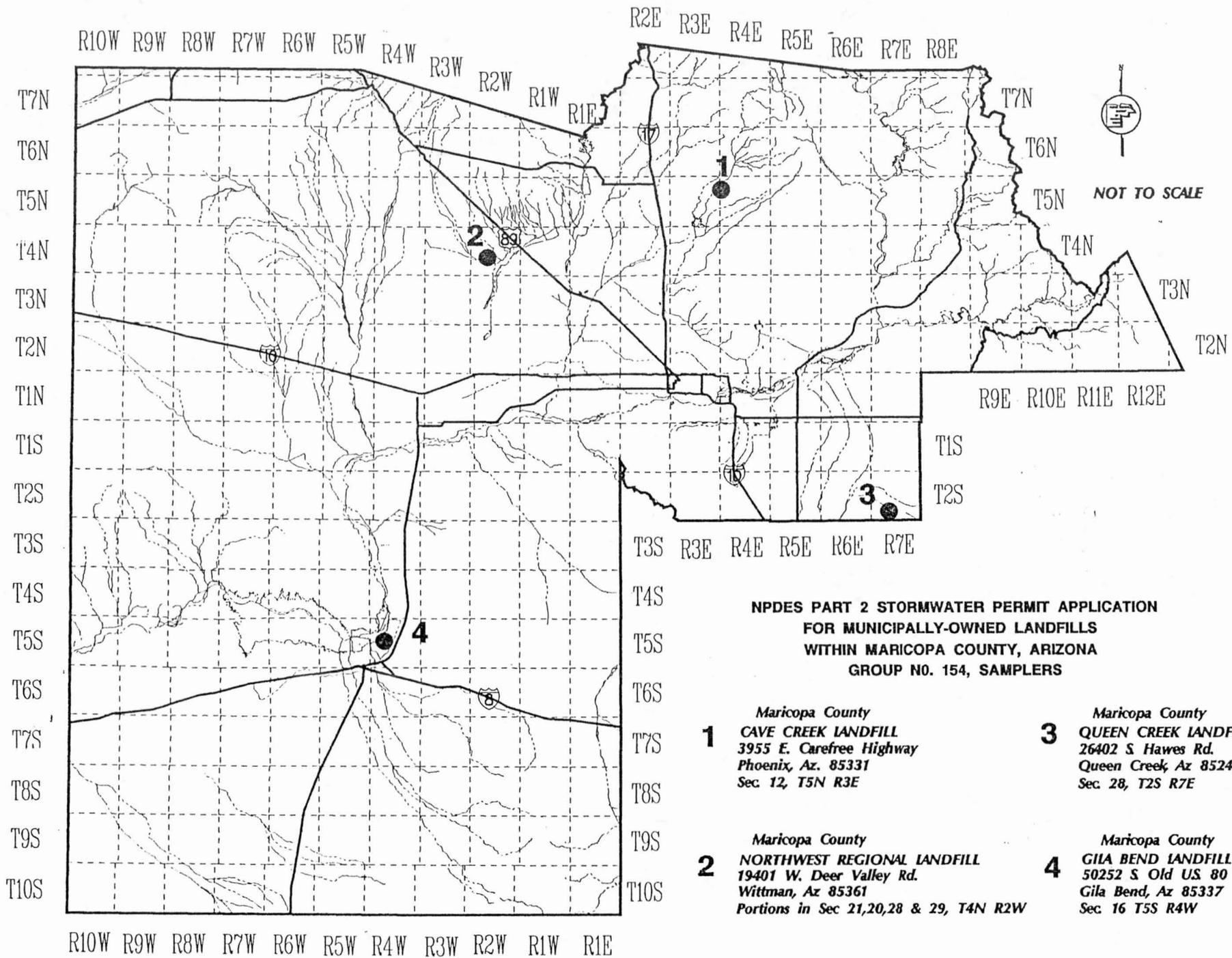
If you have any questions or need more information, please call me at 506-8127.

Sincerely,

A handwritten signature in cursive script that reads "Catesby W. Moore". The signature is written in dark ink and is positioned above the printed name.

Catesby W. Moore
Environmental Program Manager

dms
Enclosures





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 29 1992

MAY 20 1992

CHENG	D.C. DIST.
AD	OFFICE OF
ADMIN	WATER
FINANCE	RES.
C&O	RES.
ENGR	CWM
REMARKS	

Ms. Catesby W. Moore
Environmental Program Manager
Flood Control District of Maricopa County
3335 West Durango Street
Phoenix, AZ 85009

Dear Ms. Moore:

The U.S. Environmental Protection Agency (EPA), Office of Wastewater Enforcement and Compliance, hereby approves part one of the storm water discharge group application submitted by the Flood Control District of Maricopa County representing nine municipally owned landfills in Maricopa County, Arizona, which was initially received by EPA on March 18, 1991, and supplemented with additional information on November 27, 1991, September 27, 1991, and March 17, 1992. We look forward to receiving part two of the application.

Part two applications must be submitted to this office by October 1, 1992. Part two of the group application requires the submission of representative quantitative data from the facilities that you have identified as responsible for submitting that data. Quantitative data requirements are found in the storm water regulation at 40 CFR 122.21(g)(7) and 40 CFR 122.26(c)(1)(i)(E). The quantitative data submittal for part two of the group application should be presented on the applicable sections of the enclosed Form 2F, along with the certification required in Section X of Form 2F.

Please note that rule changes and clarifications may affect group applications with 20 or fewer members or those containing municipally owned or operated industrial facilities. Attached for further information is a fact sheet describing these recent changes.

Please send part two of the application to the Director, Office of Wastewater Enforcement and Compliance, U.S. EPA, 401 M Street, S.W., Washington, DC 20460, attention of William F. Swietlik (EN-336).

Your group application has been assigned the number 154. Please refer to this number when submitting part two information or when sending other material regarding the Flood Control District of Maricopa County's group application. If you have any questions pertaining to the submission of part two quantitative data or how recent regulatory changes may affect your group, please contact the EPA Storm Water Hotline at (703) 821-4823 or write to William F. Swietlik at the above address.

Sincerely yours,

Michael B. Cook

Michael B. Cook
Director,
Office of Wastewater Enforcement
and Compliance

Enclosure

FLOOD CONTROL DISTRICT
OF
MARICOPA COUNTY

SUMMARY OF MEETING

DATE: 27 April 1993

TIME: 10:30a

FILE:

LOCATION: Telephone

CALLED BY: 

SUBJECT/PURPOSE: Group Application (For Landfills) Questions

PRESENT: Carmelita White (EPA-Washington) and DGP

DISCUSSION: 1) At this time we don't have quantitative data required for part 2, and we don't anticipate having any. What should we do? **Ans: submit Form 2F with any information we have (drainage areas, outfall locations, etc.)**

2) Some landfills won't produce runoff except possibly during severe storms. I don't feel comfortable legally declaring that these landfills are non-dischargers, because it remains a possibility. **Ans: Carmelita White agreed with our decision. We should just write "no discharge" on Form 2F. Better to do this than risk discharging without a permit.**

3) When will the proposed permits (for those submitting group applications) be published for our review? **Ans: The target date for the final rule is 1 Oct 1993. The required comment period is 1 month.** (So it could be as late as August, she didn't say.)

4) I have written a petition to sample substantially identical outfalls (SIO), should I submit this with Form 2F. **Ans: yes.**

Other comments: The final rule will contain a mechanism to have all group members identify themselves, similar to an NOI, since each facility must be permitted.

The permits issued to these facilities will be administered by the Regions, not Washington.

CONCLUSION: None

ACTION REQUIRED: Prepare Form 2F for each facility.

ACTION REFERRED TO:

ROUTING TO: CWM

BY: DGP

CC:



Major Issues In Recent Regulations Governing Storm Water Discharges

On April 2, 1992 the U.S. Environmental Protection Agency (EPA) published regulations addressing six major issues related to the National Pollutant Discharge Elimination System (NPDES) storm water program. (See 57 FR 11394.)

1. EPA's Long-Term Permitting Strategy

To regulate effectively the more than 100,000 storm water discharges associated with industrial activity, EPA or the authorized NPDES States first will issue Tier I baseline general permits to regulate most of these discharges. As priorities and risks are evaluated, Tier II through IV permitting activities will occur. Tier II permits will be issued to storm water discharges located in degraded or sensitive watersheds. Tier III permits will be issued for priority industry classes, and Tier IV individual permits will be issued for priority facilities.

The long-term permitting strategy also provides guidance for the development of State storm water permitting plans to provide public participation and to ensure implementation of storm water permitting activities.

2. Minimum Monitoring and Reporting Requirements

The rule gives permit writers additional flexibility to establish monitoring requirements for storm water discharges associated with industrial activity. These permit requirements will be established case by case, with a minimum requirement that industrial site operators inspect their facilities at least once a year to identify pollutant sources and to certify that their facilities are in compliance with their permits. Permit writers continue to have the authority to require additional monitoring on a case-by-case basis where appropriate.

3. Minimum Notice of Intent Requirements

The rule establishes a framework for permit writers to establish notice of intent (NOI) provisions for NPDES general permits. Dischargers use an NOI to apply for coverage under an appropriate general permit issued by EPA or an authorized NPDES State.

Dischargers apply for coverage under a general permit by submitting a Notice of Intent (NOI). All NOIs must include, at a minimum, the following basic information: the legal name and address of the owner or operator of the discharging facility; the name and address of the facility that discharges the storm water; the type of facility or discharge; and the name of the stream or water body that receives the discharge. General permits may specify additional information that applicants must include in their NOIs.

4. Part 2 Group Application Deadline

The rule extends the deadline for submitting Part 2 of group applications from May 18, 1992 to October 1, 1992.

5. Clarification of How Many Facilities Must Submit Sampling Data in Part 2 of Group Applications

The rule clarifies that at least 50 percent of the facilities participating in a group of 4 to 20 members must submit sampling data in Part 2 of the group application. For groups with 21 to 99 members, at least 10 participants must submit sampling data. For groups of 100 to 1,000 members, at least 10 percent of participating facilities must submit sampling data. For groups with more than 1,000 members, no more than 100 participants must submit sampling data.

6. Codification of Transportation Act Deadlines

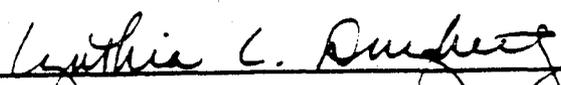
The Transportation Act of 1991 established several new application deadlines for certain storm water discharges from industrial activity owned or operated by municipalities. EPA's rule codifies these extensions into the NPDES regulations.

Individual permit application deadlines for municipally owned or operated industrial storm water discharges are to be submitted by October 1, 1992, with two exceptions: 1) municipal facilities that have been rejected from group applications must submit individual permit applications no later than the 180th day following the date of the denial, and 2) facilities owned or operated by municipalities with populations of less than 100,000 (excluding airports, power plants, or uncontrolled sanitary landfills) currently are not required to submit permit applications.

In addition, the Part 1 group application deadline for industrial facilities owned or operated by municipalities with populations of less than 250,000 has been extended from September 30, 1991 to May 18, 1992. The Part 2 application deadline has been extended from May 18, 1992 to May 17, 1993.

For More Information

Additional information about the NPDES Storm Water Program and related issues is available from the EPA Storm Water Hotline, (703) 821-4823


Cynthia C. Dougherty, Director, Permit Division, OWEC

APR 9 1992

Continued from the Front

IV. Narrative Description of Pollutant Sources					
A. For each outfall, provide an estimate of the area (include units) of impervious surfaces (including paved areas and building roofs) drained to the outfall, and an estimate of the total surface area drained by the outfall.					
Outfall Number	Area of Impervious Surface (provide units)	Total Area Drained (provide units)	Outfall Number	Area of Impervious Surface (provide units)	Total Area Drained (provide units)
B. Provide a narrative description of significant materials that are currently or in the past three years have been treated, stored or disposed in a manner to allow exposure to storm water; method of treatment, storage, or disposal; past and present materials management practices employed, in the last three years, to minimize contact by these materials with storm water runoff; materials loading and access areas; and the location, manner, and frequency in which pesticides, herbicides, soil conditioners, and fertilizers are applied.					
C. For each outfall, provide the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of the treatment the storm water receives, including the schedule and type of maintenance for control and treatment measures and the ultimate disposal of any solid or fluid wastes other than by discharge.					
Outfall Number	Treatment				List Codes from Table 2F-1
V. Nonstormwater Discharges					
A. I certify under penalty of law that the outfall(s) covered by this application have been tested or evaluated for the presence of nonstormwater discharges, and that all nonstormwater discharges from these outfall(s) are identified in either an accompanying Form 2C or Form 2E application for the outfall.					
Name and Official Title (type or print)		Signature		Date Signed	
B. Provide a description of the method used, the date of any testing, and the onsite drainage points that were directly observed during a test.					
VI. Significant Leaks or Spills					
Provide existing information regarding the history of significant leaks or spills of toxic or hazardous pollutants at the facility in the last three years, including the approximate date and location of the spill or leak, and the type and amount of material released.					

EPA ID Number (copy from Item 1 of Form 1)

Continued from Page 2

VII. Discharge Information

A,B,C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.
 Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

E: Potential discharges not covered by analysis - Is any pollutant listed in Table 2F-2 a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below) No (go to Section VIII)

VIII. Biological Toxicity Testing Data

Yes (list results below) No (go to Section IX)

IX. Contract Analysis Information

Yes No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X. Certification

A. Name & Official Title (type or print)	B. Area Code and Phone No.
C. Signature	D. Date Signed

Instructions - Form 2F

Application for Permit to Discharge Storm Water Associated with Industrial Activity

Who Must File Form 2F

Form 2F must be completed by operators of facilities which discharge storm water associated with industrial activity or by operators of storm water discharges that EPA is evaluating for designation as a significant contributor of pollutants to waters of the United States, or as contributing to a violation of a water quality standard.

Operators of discharges which are composed entirely of storm water must complete Form 2F (EPA Form 3510-2F) in conjunction with Form 1 (EPA Form 3510-1).

Operators of discharges of storm water which are combined with process wastewater (process wastewater is water that comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, waste product, or wastewater) must complete and submit Form 2F, Form 1, and Form 2C (EPA Form 3510-2C).

Operators of discharges of storm water which are combined with nonprocess wastewater (nonprocess wastewater includes noncontact cooling water and sanitary wastes which are not regulated by effluent guidelines or a new source performance standard, except discharges by educational, medical, or commercial chemical laboratories) must complete Form 1, Form 2F, and Form 2E (EPA Form 3510-2E).

Operators of new sources or new discharges of storm water associated with industrial activity which will be combined with other nonstormwater new sources or new discharges must submit Form 1, Form 2F, and Form 2D (EPA Form 3510-2D).

Where to File Applications

The application forms should be sent to the EPA Regional Office which covers the State in which the facility is located. Form 2F must be used only when applying for permits in States where the NPDES permits program is administered by EPA. For facilities located in States which are approved to administer the NPDES permits program, the State environmental agency should be contacted for proper permit application forms and instructions.

Information on whether a particular program is administered by EPA or by a State agency can be obtained from your EPA Regional Office. Form 1, Table 1 of the "General Instructions" lists the addresses of EPA Regional Offices and the States within the jurisdiction of each Office.

Completeness

Your application will not be considered complete unless you answer every question on this form and on Form 1. If an item does not apply to you, enter "NA" (for not applicable) to show that you considered the question.

Public Availability of Submitted Information

You may not claim as confidential any information required by this form or Form 1, whether the information is reported on the forms or in an attachment. Section 402(j) of the Clean Water Act requires that all permit applications will be available to the public. This information will be made available to the public upon request.

Any information you submit to EPA which goes beyond that required by this form, Form 1, or Form 2C you may claim as confidential, but claims for information which are effluent data will be denied.

If you do not assert a claim of confidentiality at the time of submitting the information, EPA may make the information public without further notice to you. Claims of confidentiality will be handled in accordance with EPA's business confidentiality regulations at 40 CFR Part 2.

Definitions

All significant terms used in these instructions and in the form are defined in the glossary found in the General Instructions which accompany Form 1.

EPA ID Number

Fill in your EPA Identification Number at the top of each odd-numbered page of Form 2F. You may copy this number directly from item 1 of Form 1.

Item I

You may use the map you provided for item XI of Form 1 to determine the latitude and longitude of each of your outfalls and the name of the receiving water.

Item II-A

If you check "yes" to this question, complete all parts of the chart, or attach a copy of any previous submission you have made to EPA containing the same information.

Item II-B

You are not required to submit a description of future pollution control projects if you do not wish to or if none is planned.

Item III

Attach a site map showing topography (or indicating the outline of drainage areas served by the outfall(s) covered in the application if a topographic map is unavailable) depicting the facility including:

each of its drainage and discharge structures;

the drainage area of each storm water outfall;

paved areas and building within the drainage area of each storm water outfall, each known past or present areas used for outdoor storage or disposal of significant materials, each existing structural control measure to reduce pollutants in storm water runoff, materials loading and access areas, areas where pesticides, herbicides, soil conditioners and fertilizers are applied;

each of its hazardous waste treatment, storage or disposal facilities (including each area not required to have a RCRA permit which is used for accumulating hazardous waste for less than 90 days under 40 CFR 262.34);

each well where fluids from the facility are injected underground; and

springs, and other surface water bodies which receive storm water discharges from the facility;

Item IV-A

For each outfall, provide an estimate of the area drained by the outfall which is covered by impervious surfaces. For the purpose of this application, impervious surfaces are surfaces where storm water runs off at rates that are significantly higher than background rates (e.g., predevelopment levels) and include paved areas, building roofs, parking lots, and roadways. Include an estimate of the total area (including all impervious and pervious areas) drained by each outfall. The site map required under item III can be used to estimate the total area drained by each outfall.

Item IV-B

Provide a narrative description of significant materials that are currently or in the past three years have been treated, stored, or disposed in a manner to allow exposure to storm water; method of treatment, storage or disposal of these materials; past and present materials management practices employed, in the last three years, to minimize contact by these materials with storm water runoff; materials loading and access areas; and the location, manner, and frequency in which pesticides, herbicides, soil conditioners, and fertilizers are applied. Significant materials should be identified by chemical name, form (e.g., powder, liquid, etc.), and type of container or treatment unit. Indicate any materials treated, stored, or disposed of together. "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

Item IV-C

For each outfall, structural controls include structures which enclose material handling or storage areas, covering materials, berms, dikes, or diversion ditches around manufacturing, production, storage or treatment units, retention ponds, etc. Nonstructural controls include practices such as spill prevention plans, employee training, visual inspections, preventive maintenance, and housekeeping measures that are used to prevent or minimize the potential for releases of pollutants.

Item V

Provide a certification that all outfalls that should contain storm water discharges associated with industrial activity have been tested or evaluated for the presence of non-storm water discharges which are not covered by an NPDES permit. Tests for such non-storm water discharges may include smoke tests, fluorometric dye tests, analysis of accurate schematics, as well as other appropriate tests. Part B must include a description of the method used, the date of any testing, and the onsite drainage points that were directly observed during a test. All non-storm water discharges must be identified in a Form 2C or Form 2E which must accompany this application (see beginning of instructions under section titled "Who Must File Form 2F" for a description of when Form 2C and Form 2E must be submitted).

Item VI

Provide a description of existing information regarding the history of significant leaks or spills of toxic or hazardous pollutants at the facility in the last three years.

Item VII-A, B, and C

These items require you to collect and report data on the pollutants discharged for each of your outfalls. Each part of this item addresses a different set of pollutants and must be completed in accordance with the specific instructions for that part. The following general instructions apply to the entire item.

General Instructions

Part A requires you to report at least one analysis for each pollutant listed. Parts B and C require you to report analytical data in two ways. For some pollutants addressed in Parts B and C, if you know or have reason to know that the pollutant is present in your discharge, you may be required to list the pollutant and test (sample and analyze) and report the levels of the pollutants in your discharge. For all other pollutants addressed in Parts B and C, you must list the pollutant if you know or have reason to know that the pollutant is present in the discharge, and either report quantitative data for the pollutant or briefly describe the reasons the pollutant is expected to be discharged. (See specific instructions on the form and below for Parts A through C.) Base your determination that a pollutant is present in or absent from your discharge on your knowledge of your raw materials, material management practices, maintenance chemicals, history of spills and releases, intermediate and final products and byproducts, and any previous analyses known to you of your effluent or similar effluent.

A. Sampling: The collection of the samples for the reported analyses should be supervised by a person experienced in performing sampling of industrial wastewater or storm water discharges. You may contact EPA or your State permitting authority for detailed guidance on sampling techniques and for answers to specific questions. Any specific requirements contained in the applicable analytical methods should be followed for sample containers, sample preservation, holding times, the collection of duplicate samples, etc. The time when you sample should be representative, to the extent feasible, of your treatment system operating properly with no system upsets. Samples should be collected from the center of the flow channel, where turbulence is at a maximum, at a site specified in your present permit, or at any site adequate for the collection of a representative sample.

For pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, and fecal coliform, grab samples taken during the first 30 minutes (or as soon thereafter as practicable) of the discharge must be used (you are not required to analyze a flow-weighted composite for these parameters). For all other pollutants both a grab sample collected during the first 30 minutes (or as soon thereafter as practicable) of the discharge and a flow-weighted composite sample must be analyzed. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period of greater than 24 hours.

All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area.

A grab sample shall be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable), and a flow-weighted composite shall be taken for the entire event or for the first three hours of the event.

Grab and composite samples are defined as follows:

- **Grab sample:** An individual sample of at least 100 milliliters collected during the first thirty minutes (or as soon thereafter as practicable) of the discharge. This sample is to be analyzed separately from the composite sample.

Flow-Weighted Composite sample: A flow-weighted composite sample may be taken with a continuous sampler that proportions the amount of sample collected with the flow rate or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire event or for the first three hours of the event, with each aliquot being at least 100 milliliters and collected with a minimum period of fifteen minutes between aliquot collections. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically. Where GC/MS Volatile Organic Analysis (VOA) is required, aliquots must be combined in the laboratory immediately before analysis. Only one analysis for the composite sample is required.

Data from samples taken in the past may be used, provided that:

All data requirements are met;

Sampling was done no more than three years before submission; and

All data are representative of the present discharge.

Among the factors which would cause the data to be unrepresentative are significant changes in production level, changes in raw materials, processes, or final products, and changes in storm water treatment. When the Agency promulgates new analytical methods in 40 CFR Part 136, EPA will provide information as to when you should use the new methods to generate data on your discharges. Of course, the Director may request additional information, including current quantitative data, if they determine it to be necessary to assess your discharges. The Director may allow or establish appropriate site-specific sampling procedures or requirements, including sampling locations, the season in which the sampling takes place, the minimum duration between the previous measurable storm event and the storm event sampled, the minimum or maximum level of precipitation required for an appropriate storm event, the form of precipitation sampled (snow melt or rainfall), protocols for collecting samples under 40 CFR Part 136, and additional time for submitting data on a case-by-case basis.

- B. Reporting:** All levels must be reported as concentration and as total mass. You may report some or all of the required data by attaching separate sheets of paper instead of filling out pages VII-1 and VII-2 if the separate sheets contain all the required information in a format which is consistent with pages VII-1 and VII-2 in spacing and in identification of pollutants and columns. Use the following abbreviations in the columns headed "Units."

Concentration		Mass	
ppm	parts per million	lbs	pounds
mg/l	milligrams per liter	ton	tons (English tons)
ppb	parts per billion	mg	milligrams
ug/l	micrograms per liter	g	grams
kg	kilograms	T	tonnes (metric tons)

All reporting of values for metals must be in terms of "total recoverable metal," unless:

- (1) An applicable, promulgated effluent limitation or standard specifies the limitation for the metal in dissolved, valent, or total form; or
- (2) All approved analytical methods for the metal inherently measure only its dissolved form (e.g., hexavalent chromium); or
- (3) The permitting authority has determined that in establishing case-by-case limitations it is necessary to express the limitations on the metal in dissolved, valent, or total form to carry out the provisions of the CWA. If you measure only one grab sample and one flow-weighted composite sample for a given outfall, complete only the "Maximum Values" columns and insert "1" into the "Number of Storm Events Sampled" column. The permitting authority may require you to conduct additional analyses to further characterize your discharges.

If you measure more than one value for a grab sample or a flow-weighted composite sample for a given outfall and those values are representative of your discharge, you must report them. You must describe your method of testing and data analysis. You also must determine the average of all values within the last year and report the concentration mass under the "Average Values" columns, and the total number of storm events sampled under the "Number of Storm Events Sampled" columns.

- C. Analysis:** You must use test methods promulgated in 40 CFR Part 136; however, if none has been promulgated for a particular pollutant, you may use any suitable method for measuring the level of the pollutant in your discharge provided that you submit a description of the method or a reference to a published method. Your description should include the sample holding time, preservation techniques, and the quality control measures which you used. If you have two or more substantially identical outfalls, you may request permission from your permitting authority to sample and analyze only one outfall and submit the results of the analysis for other substantially identical outfalls. If your request is granted by the permitting authority, on a separate sheet attached to the application form, identify which outfall you did test, and describe why the outfalls which you did not test are substantially identical to the outfall which you did test.

Part VII-A

Part VII-A must be completed by all applicants for all outfalls who must complete Form 2F.

Analyze a grab sample collected during the first thirty minutes (or as soon thereafter as practicable) of the discharge and flow-weighted composite samples for all pollutants in this Part, and report the results except use only grab samples for pH and oil and grease. See discussion in General Instructions to Item VII for definitions of grab sample collected during the first thirty minutes of discharge and flow-weighted composite sample. The "Average Values" column is not compulsory but should be filled out if data are available.

Part VII-B

List all pollutants that are limited in an effluent guideline which the facility is subject to (see 40 CFR Subchapter N to determine which pollutants are limited in effluent guidelines) or any pollutant listed in the facility's NPDES permit for its process wastewater (if the facility is operating under an existing NPDES permit). Complete one table for each outfall. See discussion in General Instructions to Item VII for definitions of grab sample collected during the first thirty minutes (or as soon thereafter as practicable) of discharge and flow-weighted composite sample. The "Average Values" column is not compulsory but should be filled out if data are available.

Analyze a grab sample collected during the first thirty minutes of the discharge and flow-weighted composite samples for all pollutants in this Part, and report the results, except as provided in the General Instructions.

Part VII-C

Part VII-C must be completed by all applicants for all outfalls which discharge storm water associated with industrial activity, or that EPA is evaluating for designation as a significant contributor of pollutants to waters of the United States, or as contributing to a violation of a water quality standard. Use both a grab sample and a composite sample for all pollutants you analyze for in this part except use grab samples for residual chlorine and fecal coliform. The "Average Values" column is not compulsory but should be filled out if data are available. Part C requires you to address the pollutants in Table 2F-2, 2F-3, and 2F-4 for each outfall. Pollutants in each of these Tables are addressed differently.

Table 2F-2: For each outfall, list all pollutants in Table 2F-2 that you know or have reason to believe are discharged (except pollutants previously listed in Part VII-B). If a pollutant is limited in an effluent guideline limitation which the facility is subject to (e.g., use of TSS as an indicator to control the discharge of iron and aluminum), the pollutant should be listed in Part VII-B. If a pollutant in table 2F-2 is indirectly limited by an effluent guideline limitation through an indicator, you must analyze for it and report data in Part VII-C. For other pollutants listed in Table 2F-2 (those not limited directly or indirectly by an effluent limitation guideline), that you know or have reason to believe are discharges, you must either report quantitative data or briefly describe the reasons the pollutant is expected to be discharged.

Table 2F-3: For each outfall, list all pollutants in Table 2F-3 that you know or have reason to believe are discharged. For every pollutant in Table 2F-3 expected to be discharged in concentrations of 10 ppb or greater, you must submit quantitative data. For acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4,6 dinitrophenol, you must submit quantitative data if any of these four pollutants is expected to be discharged

in concentrations of 100 ppb or greater. For every pollutant expected to be discharged in concentrations less than 10 ppb (or 100 ppb for the four pollutants listed above), then you must either submit quantitative data or briefly describe the reasons the pollutant is expected to be discharged.

Small Business Exemption - If you are a "small business," you are exempt from the reporting requirements for the organic toxic pollutants listed in Table 2F-3. There are two ways in which you can qualify as a "small business". If your facility is a coal mine, and if your probable total annual production is less than 100,000 tons per year, you may submit past production data or estimated future production (such as a schedule of estimated total production under 30 CFR 795.14(c)) instead of conducting analyses for the organic toxic pollutants. If your facility is not a coal mine, and if your gross total annual sales for the most recent three years average less than \$100,000 per year (in second quarter 1980 dollars), you may submit sales data for those years instead of conducting analyses for the organic toxic pollutants. The production or sales data must be for the facility which is the source of the discharge. The data should not be limited to production or sales for the process or processes which contribute to the discharge, unless those are the only processes at your facility. For sales data, in situations involving intracorporate transfer of goods and services, the transfer price per unit should approximate market prices for those goods and services as closely as possible. Sales figures for years after 1980 should be indexed to the second quarter of 1980 by using the gross national product price deflator (second quarter of 1980 = 100). This index is available in National Income and Product Accounts of the United States (Department of Commerce, Bureau of Economic Analysis).

Table 2F-4: For each outfall, list any pollutant in Table 2F-4 that you know or believe to be present in the discharge and explain why you believe it to be present. No analysis is required, but if you have analytical data, you must report them. Note: Under 40 CFR 117.12(a)(2), certain discharges of hazardous substances (listed at 40 CFR 177.21 or 40 CFR 302.4) may be exempted from the requirements of section 311 of CWA, which establishes reporting requirements, civil penalties, and liability for cleanup costs for spills of oil and hazardous substances. A discharge of a particular substance may be exempted if the origin, source, and amount of the discharged substances are identified in the NPDES permit application or in the permit, if the permit contains a requirement for treatment of the discharge, and if the treatment is in place. To apply for an exclusion of the discharge of any hazardous substance from the requirements of section 311, attach additional sheets of paper to your form, setting forth the following information:

1. The substance and the amount of each substance which may be discharged.
2. The origin and source of the discharge of the substance.
3. The treatment which is to be provided for the discharge by:
 - a. An onsite treatment system separate from any treatment system treating your normal discharge;
 - b. A treatment system designed to treat your normal discharge and which is additionally capable of treating the amount of the substance identified under paragraph 1 above; or
 - c. Any combination of the above.

See 40 CFR 117.12(a)(2) and (c), published on August 29, 1979, in 44 FR 50766, or contact your Regional Office (Table 1 on Form 1, Instructions), for further information on exclusions from section 311.

Part VII-D

If sampling is conducted during more than one storm event, you only need to report the information requested in Part VII-D for the storm event(s) which resulted in any maximum pollutant concentration reported in Part VII-A, VII-B, or VII-C.

Provide flow measurements or estimates of the flow rate, and the total amount of discharge for the storm event(s) sampled, the method of flow measurement, or estimation. Provide the data and duration of the storm event(s) sampled, rainfall measurements, or estimates of the storm event which generated the sampled runoff and the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

Part VII-E

List any toxic pollutant listed in Tables 2F-2, 2F-3, or 2F-4 which you currently use or manufacture as an intermediate or final product or byproduct. In addition, if you know or have reason to believe that 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) is discharged or if you use or manufacture 2,4,5-trichlorophenoxy acetic

acid (2,4,5,-T); 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel); 2,4,5-trichlorophenol (TCP); or hexachlorophene (HCP); then list TCDD. The Director may waive or modify the requirement if you demonstrate that it would be unduly burdensome to identify each toxic pollutant and the Director has adequate information to issue your permit. You may not claim this information as confidential; however, you do not have to distinguish between use or production of the pollutants or list the amounts.

Item VIII

Self explanatory. The permitting authority may ask you to provide additional details after your application is received.

Item X

The Clean Water Act provides for severe penalties for submitting false information on this application form.

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 application, . . . shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or by both. If a conviction of such person 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." 40 CFR Part 122.22 requires the certification to be signed as follows:

(A) For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official means (i) 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 (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegation of authority to responsible corporate officers identified in 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate position under 122.22(a)(1)(ii) rather than to specific individuals.

(B) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(C) 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 (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

Table 2F-1
Codes for Treatment Units

Physical Treatment Processes			
1-A	Ammonia Stripping	1-M	Grit Removal
1-B	Dialysis	1-N	Microstraining
1-C	Diatomaceous Earth Filtration	1-O	Mixing
1-D	Distillation	1-P	Moving Bed Filters
1-E	Electrodialysis	1-Q	Multimedia Filtration
1-F	Evaporation	1-R	Rapid Sand Filtration
1-G	Flocculation	1-S	Reverse Osmosis (Hyperfiltration)
1-H	Flotation	1-T	Screening
1-I	Foam Fractionation	1-U	Sedimentation (Setting)
1-J	Freezing	1-V	Slow Sand Filtration
1-K	Gas-Phase Separation	1-W	Solvent Extraction
1-L	Grinding (Comminutors)	1-X	Sorption
Chemical Treatment Processes			
2-A	Carbon Adsorption	2-G	Disinfection (Ozone)
2-B	Chemical Oxidation	2-H	Disinfection (Other)
2-C	Chemical Precipitation	2-I	Electrochemical Treatment
2-D	Coagulation	2-J	Ion Exchange
2-E	Dechlorination	2-K	Neutralization
2-F	Disinfection (Chlorine)	2-L	Reduction
Biological Treatment Processes			
3-A	Activated Sludge	3-E	Pre-Aeration
3-B	Aerated Lagoons	3-F	Spray Irrigation/Land Application
3-C	Anaerobic Treatment	3-G	Stabilization Ponds
3-D	Nitrification-Denitrification	3-H	Trickling Filtration
Other Processes			
4-A	Discharge to Surface Water	4-C	Reuse/Recycle of Treated Effluent
4-B	Ocean Discharge Through Outfall	4-D	Underground Injection
Sludge Treatment and Disposal Processes			
5-A	Aerobic Digestion	5-M	Heat Drying
5-B	Anaerobic Digestion	5-N	Heat Treatment
5-C	Belt Filtration	5-O	Incineration
5-D	Centrifugation	5-P	Land Application
5-E	Chemical Conditioning	5-Q	Landfill
5-F	Chlorine Treatment	5-R	Pressure Filtration
5-G	Composting	5-S	Pyrolysis
5-H	Drying Beds	5-T	Sludge Lagoons
5-I	Elutriation	5-U	Vacuum Filtration
5-J	Flotation Thickening	5-V	Vibration
5-K	Freezing	5-W	Wet Oxidation
5-L	Gravity Thickening		

Table 2F-2

Conventional and Nonconventional Pollutants Required To Be Tested by Existing Discharger if Expected To Be Present

Bromide
Chlorine, Total Residual
Color
Fecal Coliform
Fluoride
Nitrate-Nitrite
Nitrogen, Total Kjeldahl
Oil and Grease
Phosphorus, Total Radioactivity
Sulfate
Sulfide
Sulfite
Surfactants
Aluminum, Total
Barium, Total
Boron, Total
Cobalt, Total
Iron, Total
Magnesium, Total
Molybdenum, Total
Magnesium, Total
Tin, Total
Titanium, Total

Table 2F-3

Toxic pollutants required to be identified by applicant if expected to be present

Toxic Pollutants and Total Phenol		
Antimony, Total	Copper, Total	Silver, Total
Arsenic, Total	Lead, Total	Thallium, Total
Beryllium, Total	Mercury, Total	Zinc, Total
Cadmium, Total	Nickel, Total	Cyanide, Total
Chromium Total	Selenium, Total	Phenols, Total
GC/MS Fraction Volatiles Compounds		
Acrolein	Dichlorobromomethane	1,1,2,2-Tetrachloroethane
Acrylonitrile	1,1-Dichloroethane	Tetrachloroethylene
Benzene	1,2-Dichloroethane	Toluene
Bromoform	1,1-Dichloroethylene	1,2-Trans-Dichloroethylene
Carbon Tetrachloride	1,2-Dichloropropane	1,1,1-Trichloroethane
Chlorobenzene	1,3-Dichloropropylene	1,1,2-Trichloroethane
Chlorodibromomethane	Ethylbenzene	Trichloroethylene
Chloroethane	Methyl Bromide	Vinyl Chloride
2-Chloroethylvinyl Ether	Methyl Chloride	
Chloroform	Methylene Chloride	
Acid Compounds		
2-Chlorophenol	2,4-Dinitrophenol	Pentachlorophenol
2,4-Dichlorophenol	2-Nitrophenol	Phenol
2,4-Dimethylphenol	4-Nitrophenol	2,4,6-Trichlorophenol
4,6-Dinitro-O-Cresol	p-Chloro-M-Gresol	
Base/Neutral		
Acenaphthene	2-Chloronaphthalene	Fluoranthene
Acenaphthylene	4-Chlorophenyl Phenyl Ether	Fluorene
Anthracene	Chrysene	Hexachlorobenzene
Benzidine	Dibenzo(a,h)anthracene	Hexachlorobutadiene
Benzo(a)anthracene	1,2-Dichlorobenzene	Hexachloroethane
Benzo(a)pyrene	1,3-Dichlorobenzene	Indeno(1,2,3-cd)pyrene
3,4-Benzofluoranthene	1,4-Dichlorobenzene	Isophorone
Benzo(ghi)perylene	3,3'-Dichlorobenzidine	Naphthalene
Benzo(k)fluoranthene	Diethyl Phthalate	Nitrobenzene
Bis(2-chloroethoxy)methane	Dimethyl Phthalate	N-Nitrosodimethylamine
Bis(2-chloroethyl)ether	Di-N-Butyl Phthalate	N-Nitrosodi-N-Propylamine
Bis(2-chloroisopropyl)ether	2,4-Dinitrotoluene	N-Nitrosodiphenylamine
Bis(2-ethylhexyl)phthalate	2,6-Dinitrotoluene	Phenanthrene
4-Bromophenyl Phenyl Ether	Di-N-Octylphthalate	Pyrene
Butylbenzyl Phthalate	1,2-Diphenylhydrazine (as Azobenzene)	1,2,4-Trichlorobenzene
Pesticides		
Aldrin	Dieldrin	PCB-1254
Alpha-BHC	Alpha-Endosulfan	PCB-1221
Beta-BHC	Beta-Endosulfan	PCB-1232
Gamma-BHC	Endosulfan Sulfate	PCB-1248
Delta-BHC	Endrin	PCB-1260
Chlordane	Endrin Aldehyde	PCB-1016
4,4'-DDT	Heptachlor	Toxaphene
4,4'-DDE	Heptachlor Epoxide	
4,4'-DDD	PCB-1242	

Table 2F-4
Hazardous substances required to be
identified by applicant if expected to be present
Toxic Pollutant

Asbestos

Hazardous Substances

Acetaldehyde	Dinitrobenzene	Napthenic acid
Alyl alcohol	Diquat	Nitrotoluene
Alyl chloride	Disulfeton	Parathion
Amyl acetate	Diuron	Phenolsulfonate
Aniline	Epichlorohydrin	Phosgene
Benzonitrile	Ethion	Propargite
Benzyl chloride	Ethylene diamine	Propylene oxide
Butyl acetate	Ethylene dibromide	Pyrethrins
Butylamine	Formaldehyde	Quinoline
Carbaryl	Furfural	Resorcinol
Carbofuran	Guthion	Stronthium
Carbon disulfide	Isoprene	Strychnine
Chlorpyrifos	Isopropanolamine	Styrene
Coumaphos	Kelthane	2,4,5-T (2,4,5-Trichlorophenoxyacetic acid)
Cresol	Kepone	TDE (Tetrachlorodiphenyl ethane)
Crotonaldehyde	Malathion	2,4,5-TP [2-(2,4,5-Trichlorophenoxy) propanoic acid]
Cyclohexane	Mercaptodimethur	Trichlorofan
2,4-D (2,4-Dichlorophenoxyacetic acid)	Methoxychlor	Triethylamine
Diazinon	Methyl mercaptan	Trimethylamine
Dicamba	Methyl methacrylate	Uranium
Dichlobenil	Methyl parathion	Vanadium
Dichlone	Mevinphos	Vinyl acetate
2,2-Dichloropropionic acid	Mexacarbate	Xylene
Dichlorvos	Monoethyl amine	Xylenol
Diethyl amine	Monomethyl amine	Zirconium
Dimethyl amine	Naled	

[FR Doc. 90-26315 Filed 11-9-90; 12:17 pm]

BILLING CODE 6560-50-C

FLOOD CONTROL DISTRICT
OF
MARICOPA COUNTY

SUMMARY OF MEETING

DATE: 9 Sept. 1992 TIME: 1:30 PM

LOCATION: Nick Sciarro's Office

CALLED BY: FCD

SUBJECT/PURPOSE: Discuss weir design, placement, and costs; discuss other regulatory/operational criteria

PRESENT: Jim Emmons, Nick Sciarro, and Pete Cullum of Solid Waste; David Phillips of FCD.

DISCUSSION: Reviewed the Interim IGA with Solid Waste. Nick asked if any formal agreement was needed between Solid Waste and FCD to pursue NPDES related work. I told him that since there is no exchange of funds, no formal agreement is needed.

The weir design was approved by Solid Waste.

I expounded on the problems related to "no discharge." It was understood that reporting "no discharge" for a storm event, while having a program in place for sample collection is more appropriate than a formal declaration of no discharge. The latter precludes the need for a NPDES permit altogether. Besides, EPA may require conformance to RCRA Subtitle D runoff criteria, which is not the condition at Cave Creek, Queen Creek, or New River.

There was some general discussion concerning the location of weirs at N.W. Regional and Gila Bend. Preliminary agreement was reached. It was decided that the simplest solution to New River was to improve the existing berms, which will prevent any runoff. A weir installation is not planned for New River.

Pete Cullum will provide the needed list of pollutants to be tested. He will also provide the sampling protocol for Solid Waste.

I gave them a briefing concerning the newly published baseline general permit. The deadlines and requirements of the baseline and the group application pathways were compared. Solid Waste prefers to continue on the established (group application) course.

There is a lawsuit involving Hassayampa Landfill. Solid Waste asked that (FCD) legal counsel is sought, and coordination made with Solid Waste before submitting an NOI to EPA. The concern is that any data collected from Hassayampa could influence the lawsuit.

CONCLUSION: S.W. okayed the design and siting weir (N.W. Regional and Gila Bend only). S.W. prefers to continue with the group application process. S.W. estimates 2 weeks to install weirs.

ACTION REQUIRED: A final weir design review by FCD within 1 week, at which time I will give the go ahead to Solid Waste for construction. I will review baseline general permit requirements for possible NOI for Hassayampa and seek legal counsel concerning Hassayampa Landfill.

Michael B. Cook

Director, Office of Wastewater Enforcement and Compliance

United States Environmental Protection Agency

Washington, D.C. 20460

Subject: Group Permit Application #154. Acknowledgment of Part 1 application approval and request for reconsideration of Part 2 deadline.

Dear Mr. Cook:

We have received the good news that Part 1 of our landfill group application has been approved. We have been and are continuing to formulate plans to supply the required Part 2 application information.

This letter addresses questions the Flood Control District of Maricopa County has concerning the deadline for submittal of Part 2. Your letter states that Part 2 applications must be submitted to your office by 1 October 1992. After reviewing the Federal Register, dated Thursday, 2 April 1992, pages 11394 to 11413, The District feels that the 1 October 1992 deadline for Part 2 group applications was intended for industries owned/operated by municipalities with populations 250,000 or more.

There may be some confusion over the population characteristics of Group #154. Although it is understood that when considering municipal populations, the total rather than the service population is intended for Transportation Act deadlines (FR 11411). However, we are unsure whether the total population of a county includes all incorporated areas (which would bring Maricopa County over 250,000), or only unincorporated areas (which would place Maricopa County in the less than 250,000 category). If, for industrial group applications,

incorporated areas are excluded from county populations, all group #154 members have populations of less than 250,000, thus our group should be eligible for the new deadline of 17 May 1993.

On the other hand, if the intent was to include incorporated area populations, then 5 of the 8 applicants have populations greater than 250,000. This concern was submitted to Eugene Bromley during a telephone conversation on 29 May 1992. Mr. Bromley stated that in the case of "heterogeneous groups", that is, industrial groups having at least one applicant whose municipal population is less than 250,000, the entire group is eligible for the extended Part 2 deadline of 17 May 1993. Mr. Bromley said that this directive was based on an earlier decision prompted by questions from other heterogeneous groups concerning the Part 2 deadline.

Page 2

Based on the information in the Federal Register, and from EPA Region IX, the District believes that Group #154, ^{applies to} ~~is eligible for the extended Part 2 deadline~~ of 17 May 1993. We request your guidance in this matter and await your reply. If you have any questions, please call me at (602) 506-1501.

Jun 19 letter and

Sincerely,

Catesby W. Moore
Environmental Program Manager

cc: Eugene Bromley, EPA Region IX

75 Hawthorne Street

San Francisco, California 94105

ATTACHMENT I

POPULATIONS OF OWNER/OPERATORS OF LANDFILLS IN GROUP #154

<u>LANI</u>	<u>OWNER</u>	<u>POPULATION (1990)</u> *
	County	?
	County	.
	County	
Northwest Regional	Maricopa County	
Gila Bend	Maricopa County	
Glendale	City of Glendale	148,134
McQueen	City of Chandler	90,533
Wickenburg	Town of Wickenburg	4,515

* wide world of Maps, Inc.

CWM/dms

Coord: ODP

Info: VAR

Federal Register

Thursday
April 2, 1992

Part VI

Environmental Protection Agency

40 CFR Part 122

National Pollutant Discharge Elimination
System Application Deadlines, General
Permit Requirements and Reporting
Requirements for Storm Water
Discharges Associated With Industrial
Activity; Final Rule

**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 122
FRL-4100-4]
**National Pollutant Discharge
Elimination System Application
Deadlines, General Permit
Requirements and Reporting
Requirements for Storm Water
Discharges Associated With Industrial
Activity**
AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Water Quality Act (WQA) of 1987 added section 402(p) to the Clean Water Act (CWA). Section 402(p) of the CWA requires the Environmental Protection Agency (EPA) to establish phased and tiered requirements for storm water discharges under the National Pollutant Discharge Elimination System (NPDES) program. On August 16, 1991 (56 FR 40948), EPA requested public comments on several regulatory and policy issues regarding NPDES permits for storm water discharges associated with industrial activity. On November 5, 1991 (56 FR 56549), the Agency also proposed extending the deadline for submitting part 2 of group applications for storm water discharges associated with industrial activity.

In response to comment received on August 16, 1991, proposal, today's action describes a National Strategy for issuing NPDES permits for storm water discharges associated with industrial activity. Today's action also contains a final rule that revises minimum NPDES monitoring requirements for storm water discharges associated with industrial activity. In addition, today's rule establishes minimum requirements for filing notices of intent to be authorized to discharge under NPDES general permits.

Today's rule also establishes a deadline of October 1, 1992 for part 2 of group applications for storm water discharges associated with industrial activity. As noted above, this revised deadline was proposed on November 5, 1991. In connection with group applications, today's rule contains an amendment to clarify the minimum number of facilities that must submit sampling information in part 2 of a group application.

Finally, today's action codifies several provisions of Section 1068 of the Intermodal Surface Transportation Efficiency Act of 1991 or Transportation Act into the NPDES regulations. Section

1068 of the Transportation Act addressed permit application deadlines for storm water discharges associated with industrial activity from facilities that were owned or operated by municipalities.

EFFECTIVE DATE: The final rule becomes effective May 4, 1992.

ADDRESSES: The public record is located at EPA Headquarters, EPA Public Information Reference Unit, room 2402, 401 M Street, SW, Washington, DC, 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For further information on the rule contact the NPDES Storm Water Hotline at (703) 821-4823 or: Kevin Weiss, Office of Wastewater Enforcement and Compliance (EN-336), United States Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260-9518.

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I. Background

The 1972 amendments to the Federal Water Pollution Control Act (FWPCA, also referred to as the Clean Water Act or CWA), prohibited the discharge of any pollutant to navigable waters from a point source unless the discharge is authorized by a NPDES permit. Efforts to improve water quality under the NPDES program have focused traditionally on reducing pollutants in discharges of industrial process wastewater and from municipal sewage treatment plants. This program emphasis has developed for a number of reasons. At the onset of the program in 1972, many sources of industrial process wastewater and municipal sewage were not controlled adequately, and

represented pressing environmental problems. In addition, sewage outfalls and industrial process discharges were easily identified as responsible for poor, often drastically degraded water quality conditions. However, as pollution control measures were developed initially for these discharges, it became evident that more diffuse sources (occurring over a wide area) of water pollution, such as agricultural and urban runoff, were also major causes of water quality problems. Some diffuse sources of water pollution, such as agricultural storm water discharges and irrigation return flows, are exempted statutorily from the NPDES program. Controls for other diffuse sources have been slow to develop under the NPDES program.

A. Environmental Impacts

Several national assessments have been conducted to evaluate impacts on receiving water quality. For the purpose of these assessments, urban runoff was considered to be a diffuse source or nonpoint source pollution, although in legal terms, most urban runoff is discharged through conveyances such as separate storm sewers or other conveyances which are point sources under the CWA and subject to the NPDES program.

The "National Water Quality Inventory, 1990 Report to Congress" provides a general assessment of water quality based on biennial reports submitted by the States under section 305(b) of the CWA. In preparing section 305(b) Reports, the States were asked to indicate the fraction of the States' waters that were assessed, as well as the fraction of the States' waters that were fully supporting, partly supporting, or not supporting designated uses. The Report indicates that of the rivers, lakes, and estuaries that were assessed by States (approximately one-third of stream miles, one-half of lake acres and three-quarters of estuarine waters), roughly 60 percent to 70 percent are supporting the uses for which they are designated. For waters with use impairments, States were asked to determine impacts due to diffuse sources (agricultural and urban runoff and other categories of diffuse sources), municipal sewage, industrial (process) wastewaters, combined sewer overflows, and natural sources, and then to combine impacts to arrive at estimates of the relative percentage of State waters affected by each source. In this manner, the relative importance of the various sources of pollution causing use impairments was assessed and weighted national averages were calculated.

Based on 51 States and Territories that provided information on sources of pollution, the Assessment also concluded that pollution from diffuse sources such as runoff from agricultural, urban areas, construction sites, land disposal activities, and resource extraction activities is cited by the States as the leading cause of water quality impairment.¹ Diffuse sources appear to be increasingly important contributors of use impairment as discharges of industrial process wastewaters and municipal sewage plants come under control and intensified data collection efforts provide additional information. Some examples where use impairments are cited as being caused by diffuse sources include: Rivers and streams, where 11 percent are caused by separate storm sewers, 6 percent are caused by construction and 14 percent are caused by resource extraction; lakes, where 28 percent are caused by separate storm sewers and 24 percent are caused by land disposal; the Great Lakes shoreline, where 6 percent are caused by separate storm sewers, and 41 percent are caused by land disposal; for estuaries where, 30 percent are caused by separate storm sewers; and for coastal areas, where 36 percent are caused by separate storm sewers and 37 percent are caused by land disposal.

The States conducted a more comprehensive study of diffuse pollution sources under the sponsorship of the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) and EPA. The study resulted in the report "America's Clean Water—The States' Nonpoint Source Assessment, 1985" which indicated that 38 States reported urban runoff as a major cause of beneficial use impairment. In addition, 21 States reported construction site runoff as a major cause of use impairment.

Studies conducted by the National Oceanic and Atmospheric Administration (NOAA)² indicate that urban runoff is a major pollutant source which adversely affects shellfish growing waters. The NOAA studies identified urban runoff as affecting over 578,000 acres of shellfish growing waters on the East Coast (39 percent of harvest-

limited area); 2,000,000 acres of shellfish growing waters in the Gulf of Mexico (59% of the harvest-limited area); and 130,000 acres of shellfish growing waters on the West Coast (52% of harvest-limited areas).

B. Water Quality Act of 1987

The Water Quality Act (WQA) of 1987 added section 402(p) to the CWA to establish a comprehensive two phased approach for EPA to address storm water discharges. Section 402(p)(1) provides that EPA or NPDES States cannot require a permit for certain storm water discharges until October 1, 1992, except for storm water discharges listed under section 402(p)(2). Section 402(p)(2) lists five types of storm water discharges which are covered under Phase I of the program and are required to obtain a permit before October 1, 1992:

(A) A discharge with respect to which a permit has been issued prior to February 4, 1987;

(B) A discharge associated with industrial activity;

(C) A discharge from a municipal separate storm sewer system serving a population of 250,000 or more;

(D) A discharge from a municipal separate storm sewer system serving a population of 100,000 or more, but less than 250,000; or

(E) A discharge for which the Administrator or the State, as the case may be, determines that the storm water discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to the waters of the United States.

The WQA clarified and amended the requirements for permits for storm water discharges in the new CWA section 402(p)(3). The Act clarified that permits for discharges associated with industrial activity must meet all of the applicable provisions of section 402 and section 301 including BAT/BCT technology-based requirements and that permits for discharges from municipal separate storm sewer must meet a new statutory standard requiring controls to reduce the discharge of pollutants to the maximum extent practicable (MEP). As with all point source discharges under the CWA, storm water discharges are subject to applicable water quality-based standards.

Section 402(p)(4) establishes deadlines to implement the permit program for: Storm water discharges associated with industrial activity; discharges from large municipal separate storm sewer systems (systems serving a population of 250,000 or more); and discharges from medium municipal

separate storm sewer systems (systems serving a population of 100,000 or more but less than 250,000). This section of the Act specifies deadlines for EPA to promulgate permit application requirements, applicants to submit permit applications, EPA and authorized NPDES States to issue NPDES permits, and for permit compliance for the identified storm water discharges.

NPDES permits for all other storm water discharges fall under phase II of the program, and cannot be required until October 1, 1992, unless a permit for the discharge was issued prior to the date of enactment of the WQA (i.e., February 4, 1987), or the discharge is determined to be a significant contributor of pollutants to waters of the United States or is contributing to a violation of water quality standards.

EPA, in consultation with the States, is required to conduct two studies on phase II storm water discharges that are in the class of discharges for which EPA and NPDES States cannot require permits prior to October 1, 1992. The first study will identify those storm water discharges or classes of storm water discharges addressed by phase II and determine, to the maximum extent practicable, the nature and extent of pollutants in such discharges. The second study is for the purpose of establishing procedures and methods to control phase II storm water discharges to the extent necessary to mitigate impacts on water quality. Based on the two studies, EPA in consultation with State and local officials, is required to issue regulations by no later than October 1, 1992, which designate classes of phase II storm water discharges to be regulated to protect water quality and establish a comprehensive program to regulate such designated sources. This program must establish, at a minimum, (A) priorities, (B) requirements for State storm water management programs, and (C) expeditious deadlines. The program may include performance standards, guidelines, guidance, and management practices and treatment requirements, as appropriate.

C. November 16, 1990, Permit Application Regulations

EPA promulgated permit application regulations for the storm water discharges identified under section 402(p)(2) (B), (C), and (D) of the CWA, including storm water discharges associated with industrial activity, on November 16, 1990 (55 FR 47990). The November 16, 1990 regulations address requirements, including deadlines, for two sets of application procedures for storm water discharges associated with

¹ Major classes of diffuse sources that include, in part, storm water point source discharges are: Urban runoff conveyances, construction sites, agriculture (feedlots), resource extraction sites, and land disposal facilities.

² See "The Quality of Shellfish Growing Waters on the East Coast of the United States", NOAA, 1989; "The Quality of Shellfish Growing Waters in the Gulf of Mexico", NOAA, 1988; and "The Quality of Shellfish Growing Waters on the West Coast of the United States", NOAA, 1990.

industrial activity: Individual permit applications and group applications. In addition, the notice recognizes a third set of application procedures for storm water discharges associated with industrial activity: Those associated with general permits. With these requirements, EPA is attempting to implement a flexible, cost-effective approach for storm water permit applications.

The requirements for individual applications for storm water discharges associated with industrial activity are set forth at 40 CFR 122.26(c)(1). Generally, the applicant must provide comprehensive facility specific narrative information including: (1) A site map; (2) an estimate of impervious areas; (3) the identification of significant materials treated or stored on site together with associated materials management and disposal practices; (4) the location and description of existing structural and non-structural controls to reduce pollutants in storm water runoff; (5) a certification that all storm water outfalls have been evaluated for any unpermitted non-storm water discharges; and (6) any existing information regarding significant leaks or spills of toxic or hazardous pollutants within three years prior to application submittal. In addition, an individual application must include quantitative analytical data based on samples collected on site during storm events. Under § 122.26(e)(1) of the November 16, 1990 rule, individual applications were to have been submitted by November 18, 1991.³

The group application process allows for facilities with similar storm water discharges to file a single two part permit application. Part 1 of a group application includes a list of the facilities applying, a narrative description summarizing the industrial activities of participants of the group, a list of significant materials exposed to precipitation that are stored by participants and material management practices employed to diminish contact of these materials by precipitation (see 40 CFR 122.26(c)(2)(i)). Under the November 16, 1990 regulations, Part 1 of the group application was to be submitted to EPA no later than March 18, 1991.⁴ The regulation provides that

EPA has a 60 day period after receipt to review the part 1 applications and notify the groups as to whether they have been approved or denied as a properly constituted "group" for purposes of this alternative application process. Part 2 of the group application contains detailed information, including sampling data, on roughly ten percent of the facilities in the group (today's notice contains a more detailed description clarifying the requirements of 40 CFR 122.26(c)(2)(ii)). Under the November 16, 1990 regulations, part 2 applications were to be submitted no later than 12 months after the date of approval of the part 1 application. (Revisions to this deadline are discussed below). Also under the November 16, 1990 regulation, facilities that are rejected as members of a group were to have 12 months from the date they receive notification of their rejection to file an individual permit application (or obtain coverage under an appropriate general permit).⁵

The group application process has been designed by EPA as a one-time administrative procedure to ease the burden on the regulated community and permitting authorities in the initial stage of the storm water program.

The third application procedure entails seeking coverage under a general permit for storm water discharges associated with industrial activity. Dischargers covered by a general permit are excluded under 40 CFR 122.21(a) from requirements to submit individual or group permit applications. Conditions for filing an application to be covered by a general permit (typically called a Notice of Intent (NOI)) are established on a case-by-case basis. As discussed in more detail below, today's notice establishes final minimum requirements for general permit NOI submissions.

The November 16, 1990 regulations also establish a two part application process for discharges from municipal separate storm sewer systems serving a population of 100,000 or more. The regulations lists 220 cities and counties that are defined as having municipal separate storm sewer systems serving a population of 100,000 or more and allows for case-by-case designations of other municipal separate storm sewers to be part of these systems (55 FR 48073, 48074). The regulations provide that part 1 applications for discharges from large municipal separate storm sewer systems

(systems serving a population of 250,000 or more) were due November 18, 1991. Part 2 applications for discharges from large systems are due on November 16, 1992. Part 1 applications for discharges from medium municipal separate storm sewer systems (systems serving a population of 100,000 or more, but less than 250,000) are due May 18, 1992. Part 2 applications for discharges from medium systems are due on May 18, 1993. Today's rulemaking does not address, modify or change application requirements or deadlines established by the November 16, 1990 regulations for discharges from municipal separate storm sewer systems serving a population of 100,000 or more.

D. August 16, 1991 Notice

On August 16, 1991, EPA published a notice (56 FR 40948) requesting public comment on four major areas:

(1) EPA's long-term permit issuance strategy for storm water discharges associated with industrial activity;

(2) Proposed modifications to 40 CFR 122.44(i)(2) addressing minimum monitoring and reporting requirements for NPDES permits for storm water discharges associated with industrial activity;

(3) Proposed modifications to 40 CFR 122.28(b)(2) addressing minimum notice of intent requirements for general permits;

(4) Draft baseline general permits for storm water discharges associated with industrial activity in 12 States (MA, ME, NH, FL, LA, TX, OK, NM, SD, AZ, AK, ID) and 6 Territories (District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands) without authorized NPDES State programs; on Indian lands in AL, CA, GA, KY, MI, MN, MS, MT, NC, ND, NY, NV, SC, TN, UT, WI, and WY; located within Federal facilities and Indian lands in CO and WA; and located within Federal facilities in Delaware.

One of the central purposes of today's notice is to address and/or take final action on the first three items listed above. Each of these three items is discussed in more detail below. The fourth component of the August 16, 1991 proposal involving draft baseline general permits for storm water will be addressed in a separate rulemaking presently scheduled for promulgation in late spring of this year.

E. November 5, 1991 Proposal

On November 5, 1991, (56 FR 56555), as a result of issues and concerns raised

³ The deadline for submitting an individual permit application for storm water discharges associated with industrial activity was extended from November 18, 1991 to October 1, 1992 (56 FR 56548, (November 5, 1991)).

⁴ The deadline for submitting part 1 of the group application was extended from March 18, 1991 to September 30, 1991 (56 FR 12068 (March 21, 1991)).

⁵ The deadline for a facility that is rejected as a member of a group application to submit an individual permit application has been revised to provide that an individual application must be submitted no later than 12 months after the date of receipt of the notice of rejection or October 1, 1992, whichever comes first. (56 FR 56549, (November 5, 1991)).

in comments on the March 21, 1991 proposed deadline extensions, EPA requested comments on extending the deadline for submitting part 2 of the group application from May 18, 1992 to October 1, 1992. In the November 5, 1991 notice, the Agency indicated that this extension would provide an appropriate opportunity to conduct sampling to support the part 2 application and would allow for permit issuing agencies to issue general permits.

F. Intermodal Surface Transportation Efficiency Act of 1991

On December 18, 1991, the President signed the Intermodal Surface Transportation Efficiency Act (or Transportation Act) of 1991, into law. Section 1068 of the Transportation Act addresses NPDES permit application deadlines for storm water discharges associated with industrial activity from facilities that are owned or operated by municipalities.

Section 1068(b)(1) of the Transportation Act provides that EPA shall require individual permit applications for storm water discharges associated with industrial activity that are owned or operated by municipalities on or before October 1, 1992; except that any municipality that has participated in a timely part 1 group application and that is denied participation in the group application shall not be required to submit an individual application until the 180th day following the date on which the denial is made.

Section 1068(b)(2) of the Transportation Act provides that part 1 of group applications for storm water discharges associated with industrial activity that are owned or operated by a municipality with a population of 250,000 or more shall be required on or before September 30, 1991, and part 2 applications on or before October 1, 1992. Part 1 of group applications for storm water discharges associated with industrial activity that are owned or operated by a municipality with a population of less than 250,000 shall be required on or before May 18, 1992, and part 2 applications on or before May 17, 1993.

Section 1068(c) of the Transportation Act provides that EPA shall not require any municipality with a population of less than 100,000 to apply for or obtain a permit for any storm water discharge associated with an industrial activity other than an airport, powerplant, or uncontrolled sanitary landfill owned or operated by such municipality before October 1, 1992, unless a permit is required by either section 402(p)(2)(A) or (E) of the CWA. Section 1068(d) of the Transportation Act defines uncontrolled

sanitary landfill to mean a landfill or open dump, whether open or closed, that does not meet the requirements for runoff and runoff controls established pursuant to subtitle D of the Solid Waste Disposal Act.

Section 1068(e) of the Transportation Act clarifies that the statutory deadlines for group and individual applications outlined above do not affect any storm water discharge that is subject to the provisions of either section 402(p)(2)(A) or 402(p)(2)(E) of the CWA. Section 402(p)(2)(A) of the CWA addresses storm water discharges that had an NPDES permit prior to February 4, 1987. Section 402(p)(2)(E) of the CWA addresses storm water discharges that EPA or the State, as the case may be, determines that the storm water discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to the waters of the United States. As discussed in more detail below, today's rule codifies the application provisions of Section 1068 of the Transportation Act.

II. Today's Rule

Today's rule addresses the following:

- (1) EPA's long-term permit issuance strategy for storm water discharges associated with industrial activity;
- (2) Modifications to 40 CFR 122.44(i)(2) addressing minimum monitoring and reporting requirements for NPDES permits for storm water discharges associated with industrial activity;
- (3) Modifications to 40 CFR 122.28(b)(2) addressing minimum notice of intent requirements for general permits;
- (4) Modifications to 40 CFR 122.26(e) to establish a deadline of October 1, 1992 for part 2 of group applications for storm water discharges associated with industrial activity;
- (5) An amendment to 40 CFR 122.26(c)(2) to clarify the minimum number of facilities in a group that must submit sampling information in part 2 of a group application; and
- (6) Modifications to 40 CFR 122.26(e) to codify portions of Section 1068 of the Transportation Act of 1991.

A. Long Term Permit Issuance Strategy

Many of the initial concerns regarding the NPDES storm water program focused on adapting the existing NPDES permit program to effectively address the large number of storm water discharges associated with industrial activity. Potential issues with implementing the NPDES program for storm water discharges associated with industrial activity are raised not only by the number of industrial facilities subject to the program, but also by the

challenges presented in identifying and assessing appropriate technologies for preventing and reducing pollutants in different classes of storm water and the differences in the nature and extent of storm water discharges.

Based on a consideration of comments from authorized NPDES States, municipalities, industrial facilities and environmental groups on the permitting framework and permit application requirements for storm water discharges associated with industrial activity, EPA has developed a strategy for permitting storm water discharges associated with industrial activity that will serve as a foundation for future program development and technology transfer. The Agency intends to use the flexibility provided by the CWA⁶ in designing a workable and reasonable permitting system.

In an action related to this rulemaking, EPA, in conjunction with the Rennselaerville Institute, has initiated a project to develop recommendations for streamlining and improving the existing permit issuance and compliance processes for storm water discharges. In addition, the project will examine whether and how the currently unregulated phase II storm water discharges should be addressed. EPA will be issuing a Federal Register notice to announce a series of meetings that will address these phase II storm water discharges.

The strategy in today's action consists of two major components, a tiered framework for developing permitting priorities and a framework for the development of State Storm Water Permitting Plans.

1. Permitting Priorities

The Agency believes that most storm water permitting activities can be described in terms of the following four classes of activities:

- *Tier I—Baseline Permitting:* One or more general permits will be developed initially to cover the majority of storm water discharges associated with industrial activity;

⁶ The Court in *NRDC v. Train*, 396 F. Supp. 1393 (D.D.C. 1975) *aff'd*, *NRDC v. Costle*, 568 F.2d 1369 (D.C. Cir. 1977), has recognized the administrative burden placed on the Agency by requiring individual permits for a large number of storm water discharges. These courts have affirmed EPA's discretion to use certain administrative devices, such as area permits or general permits to help manage its workload. In addition, the courts have recognized flexibility in the type of permit conditions that are established, including requirements for best management practices. See August 16, 1991 (56 FR 40948) for further discussion of the use of general permits for storm water discharges.

- *Tier II—Watershed Permitting:* Facilities within watersheds shown to be adversely impacted by storm water discharges associated with industrial activity will be targeted for individual or watershed-specific general permits;

- *Tier III—Industry-Specific Permitting:* Specific industry categories will be targeted for individual or industry-specific general permits; and

- *Tier IV—Facility-Specific Permitting:* A variety of factors will be used to target specific facilities for individual permits.

These four classes of activities will be implemented over time and will reflect priorities within given States. In most States, tier I activities, issuance of baseline permits, will be the initial starting point. As priorities and risks within the State are evaluated, classes of storm water discharges or individual storm water discharges will be identified for tier II, III or IV permitting activities. Usually a storm water discharge or a class of discharges will not go through a sequence that involves all four of the tiers associated with the strategy, but may for example, go from initial coverage under a Tier I baseline permit to coverage under a tier III industry-specific general permit.

a. *Tier I—Baseline permitting.* Tier I general permits can initially cover the majority of storm water discharges associated with industrial activity in a State. Consolidating many sources under a general permit greatly reduces the administrative burden of issuing permits for storm water discharges associated with industrial activity. Under this approach:

- Pollution prevention and/or best management practices will be established for discharges covered by the permit;

- Facilities whose discharges are covered by the permit will be certain of their legal responsibilities and have an opportunity to comply with the CWA;

- EPA and authorized NPDES States will begin to collect and review data on storm water discharges from priority industries, thereby supporting subsequent permitting activities;

- The public, including municipal operators of municipal separate storm sewers which may receive storm water discharges associated with industrial activity, will have the opportunity to review data and reports developed by industrial permittees under section 308(b) of the CWA;

- The baseline permits will provide a basis for coordinating requirements for storm water discharges associated with industrial activity with requirements of municipal storm water management programs in permits for discharges from

municipal separate storm sewer systems.

- The baseline permits will provide a basis for bringing selected enforcement actions; and

- The baseline permit, along with the State storm water permitting plans (discussed below), will provide a focus for public comment on draft permits and subsequent phases of the permitting strategy for storm water discharges.

Initially, the coverage of the baseline permits will be broad. However, it is anticipated that coverage will become more specific and targeted as other permits are issued for storm water discharges associated with industrial activity pursuant to tier II through tier IV activities. The Agency believes that tier I permits can establish the appropriate balance between monitoring requirements and implementable controls that will initiate facility-specific controls and provide sufficient data for compliance monitoring and future program development. Baseline general permits are flexible enough to allow the inclusion of tier II, III or IV types of permit conditions, such as industry specific monitoring or control conditions into the baseline general permit.

b. *Tier II—Watershed permitting.* Issuing permits on a watershed basis is potentially a desirable way to cost effectively use Agency resources to satisfactorily address risk. Facilities within watersheds shown to be adversely impacted by storm water discharges associated with industrial activity will be targeted for individual and more specific general permitting activities. This process can be initiated by identifying receiving waters (or segments of receiving waters) where storm water discharges associated with industrial activity have been identified as a source of use impairment or are suspected to be contributing to use impairment. Information developed under sections 304(1), 305(b), and 319(a) of the CWA, along with information from other sources (including information developed under the baseline general permits for storm water discharges), can be used in evaluating impacts on receiving waters. This information may identify classes of storm water discharges that are of particular concern and portions of watersheds where the sources of concern are located. Appropriate classes of storm water discharges in these locations can be targeted for additional permit conditions which may provide for additional information to characterize the discharge (e.g., additional monitoring and reporting requirements) or, where appropriate, for more stringent controls.

Information gathered under initial permits for storm water discharges as well as information from other sources can be used to reassess water quality-based controls. As discussed in more detail below, State storm water permitting strategies are expected to have a major role in this process.

c. *Tier III—Industry-specific permitting.* Specific industry categories will be targeted for individual or industry-specific general permits. These permits will allow permitting authorities to focus attention and resources on industry categories of particular concern and/or industry categories where tailored requirements are appropriate. The Agency will work with the States to develop model permits for selected classes of industrial storm water discharges. In addition, the group application process adopted in the November 16, 1990 regulation, (55 FR 47990) will provide an additional mechanism for developing industry-specific general permits. Group applications that are received can be used to develop model permits for the appropriate industries.

d. *Tier IV—Facility-specific permitting.* Individual permits will be appropriate for some storm water discharges in addition to those identified under tier II and tier III activities. Individual permits should be issued where warranted by the environmental risks of the discharge, the need for additional and more complex individual control mechanisms, a facility's compliance history or the potential to consolidate permit requirements for a particular facility. For example, individual NPDES permits for facilities with process discharges should be expanded during the normal process of permit reissuance to cover storm water discharges from the facility. This provides an opportunity to develop more facility specific individual controls without greatly increasing incremental administrative burdens.

2. State Storm Water Permitting Plans

EPA believes that State Storm Water Permitting Plans provide an effective basis for ensuring adequate public input, evaluating program activities and priorities, and providing program oversight during the earlier stages of program development. These plans will provide an effective coordination and tracking mechanism for evaluating the initial permitting activities for storm water discharges required under section 402(p) of the CWA. In addition, State Storm Water Permitting Plans will provide a framework within which to coordinate and assess the relationship

and appropriate priorities between controlling storm water discharges under the NPDES program with other efforts to address diffuse sources of water pollution, such as State Nonpoint Source Control Programs developed under section 319 of the CWA.

EPA has outlined below a number of the components and elements of State Storm Water Permitting Plans which it believes are essential to assure successful implementation of the storm water initiative called for in section 402(p) of the CWA. At a minimum, State Storm Water Permitting Plans should include a description of an oversight strategy regarding the implementation of NPDES permits for discharges from large and medium municipal separate storm sewer systems; storm water discharges associated with industrial activity; and case-by-case designations of storm water discharges needing a permit. Plans should be developed for each State by the NPDES authority (e.g. either an authorized NPDES State, or, where a State does not have base program authorization, by EPA).

EPA is requesting that draft State Storm Water Permitting Plans be provided to the Office of Wastewater Enforcement and Compliance by April 3, 1995. EPA anticipates that States will update these plans on a regular basis. These plans will assist EPA in technology transfer activities with other States, evaluating the progress of States in implementing storm water permitting activities, and in identifying both successes and difficulties with ongoing program implementation. The initial State Storm Water Permitting Plan will also entail preliminary planning, assessment, and tracking that will be essential to developing phase II State Storm Water Management Programs called for under section 402(p)(6) of the CWA.

The basic framework for the Plan should include the following elements on a State-wide-basis:

Municipal Separate Storm Sewer Systems

- A list of municipal separate storm sewer systems serving a population of 100,000 or more within the State;
- For systems identified, a summary of the estimated pollutant loadings as initially provided in the permit application for such discharges, and as otherwise updated;
- The status of the issuance of permits for discharges from municipal separate storm sewer systems serving a population of 100,000 or more, including any NPDES permit number for such discharges; and

- An outline of the major components of municipal storm water management programs required under permits for discharges from municipal separate storm sewer systems, including a detailed description of the implementation of any innovative or model municipal program components.

Storm Water Discharges Associated With Industrial Activity

- A description of the status of activities to issue and implement baseline general permits, including a copy of any final general permit for storm water discharges associated with industrial activity;
- A list of categories of industrial facilities that have storm water discharges associated with industrial activity that are being considered for industry-specific storm water general permits;
- A description of procedures, including activities conducted under any general permit (such as inspections, review of notices of intent or review of monitoring reports) to identify specific storm water discharges associated with industrial activity that are appropriate for individual permits;
- A description of how permits for discharges from municipal separate storm sewer systems require the development of municipal storm water management programs addressing the control of pollutants in storm water discharges associated with industrial activity.

Impacted Waters

- A description of procedures to identify receiving waters where discharges from municipal separate storm sewers, storm water discharges associated with industrial activity, or any other class of storm water discharges are, or have the potential to, cause or contribute to a violation of a water quality standard, including a list of waters identified by these procedures.
- A plan to evaluate improvements to water quality resulting from controlling storm water discharges.

Case-by-Case Designations.

- A description of procedures to identify storm water discharges (other than those currently subject to requirements for obtaining a permit) that contribute to a violation of a water quality standard or significantly contribute pollutants to the waters of the United States.
- A list of storm water discharges (and associated receiving waters) that have been designated or are being considered for designation under section

402(p)(2)(E) of the CWA as needing a permit.

EPA strongly encourages public participation and comment, including efforts to coordinate with appropriate Federal and State land managers, at the State level during the development of these plans.

These initial State storm water plan components will assist the implementation of permitting efforts for storm water discharges associated with industrial activity and other priority storm water discharges by creating a framework for planning and prioritizing State storm water permitting activities, tracking State permit issuance efforts, and providing EPA information for technology transfer purposes among NPDES permitting authorities and other State agencies. The State Storm Water Permitting Plans will provide a framework for implementing the tiered long-term strategy for permitting storm water discharges associated with industrial activity, and so noted above, it will assure preliminary State-wide planning and assessment that will be essential to developing phase II State Storm Water Management Programs required under section 402(p)(6) of the CWA. In reviewing State Storm Water Permitting Plans, EPA will coordinate with Federal Agencies that may be affected by components of the plans.

3. States without NPDES General Permit Authority

As noted, the issuance of general permits is an important component in the recommended permit issuing strategy. Presently 38 States (and 1 territory) have been authorized to implement the NPDES permit program. However, only 29 of these States have been authorized to issue general permits. If NPDES authority is not obtained for any of the remaining 10 States, individual NPDES permits based on the submission of individual or group applications will have to be issued for storm water discharges associated with industrial activity. It is important to emphasize that under the CWA, EPA cannot issue general permits in States that have been authorized to administer the base NPDES program.

EPA strongly recommends authorized NPDES States without general permit authority to obtain general permit authority as soon as possible. EPA is currently working with these States to provide technical assistance and support and to expedite the authorization process.

4. Response to Comments

a. *Tiered priorities.* Many commenters agreed that EPA and authorized NPDES States should prioritize permit issuance efforts for storm water discharges associated with industrial activity, and indicated that the tiered priorities identified by EPA generally establish an appropriate conceptual framework for such efforts. These commenters generally indicated that the four tier strategy provides appropriate opportunities to identify high-risk discharges. In response, the Agency agrees and is retaining the four tiered set of priorities as discussed in the August 16, 1991 proposal.

Some commenters indicated that they thought EPA and authorized NPDES States should be bound to implementing the tiered priorities consecutively in the order reflected by the four tiers. These commenters indicated that the draft general permits noticed on August 16, 1991 by EPA violated the tiered priority approach because the permits contained some permit conditions which were above a tier I baseline set of pollution prevention measures. EPA disagrees with these comments. The Agency wants to clarify that it only intends the four tiered set of priorities to be used as a general conceptual framework which can be used to describe efforts to issue permits. The strategy for setting storm water permit issuance priorities is not intended to be a set of regulatory requirements binding on EPA, States, or industrial dischargers. Articulating tiered priorities does not legally restrict conditions in permits issued by EPA or authorized NPDES States. Rather all NPDES permits, including permits for storm water discharges associated with industrial activity, must be in compliance with sections 301 and 402 of the CWA. A major purpose of articulating tiered priorities is to assist in identifying and developing appropriate permit conditions for high-risk facilities. Tier I baseline general permits which have some of the characteristics of tier II or III permits are consistent with these objectives.

b. *State Plans.* Some States supported the concept of Plans, but were concerned that scheduling plan development one year after the date of today's rule would hinder the initial development of storm water programs in a number of States. These commenters indicated that the NPDES storm water program would be in its initial stage of implementation and authorized NPDES States would be busy conducting a number of critical activities such as obtaining general permit authority, issuing baseline general permits, and

issuing permits for discharges from large and medium municipal separate storm sewer systems. They indicated that these activities could be disrupted if States placed top priority on developing and submitting plans within a year of today's action. EPA agrees with these concerns, and believes that while development of these plans should begin early in the storm water permit issuance process to help guide implementation, draft plans do not need to be prepared for submission until April 3, 1995.

One State stressed that permitting plans were necessary to assure national equitability and prevent economic disincentives in States with progressive storm water management programs. EPA believes that one of its goals in overseeing the development of the NPDES program is to ensure that NPDES permits for storm water discharges reflect the requirements of the CWA in an equitable manner that reflects the technology-based and water quality-based requirements of the CWA. At the same time, the Agency recognizes the need to provide sufficient regulatory flexibility to allow States to make rational and reasonable permitting decisions. For example, today's rule provides permit writers with additional flexibility to target high risk discharges and establish group or facility specific monitoring and reporting requirements in NPDES permits for storm water discharges associated with industrial activity. In addition, permit conditions for most classes of storm water discharges will be established on a case-by-case basis. Nonetheless, the Agency agrees with the commenter that State Storm Water Permitting Plans can provide an important tool to ensure that NPDES storm water programs in different States reflect pollution control requirements consistent with the CWA while maintaining the adequate flexibility necessary to successfully implement the NPDES storm water program.

Several authorized NPDES States did not support the idea of State Storm Water Permitting Plans, but rather indicated that annual EPA/State agreements could be used as a tool for oversight of the NPDES storm water program. In response, the Agency believes that the approach in the Plans is consistent with and can be implemented as a component of annual EPA/State agreements if there is an adequate level of detail and specificity and the State and EPA Region agree on including the elements noted above as part of the annual oversight process. The Agency believes that by publishing a framework for these Plans, it will

provide States with notice of necessary Plan elements, provide a nationally consistent approach for evaluating program progress, facilitate technology transfer activities, encourage public participation, and ensure that risks are evaluated in the context of the entire NPDES storm water program.

In the August 16, 1991 notice, the Agency requested comments on whether the guidelines for Plans should be made requirements that are incorporated into EPA regulations, or remain non-binding recommendations for States. Most of the commenters that responded to this issue urged EPA to make the guidelines for Plans non-binding recommendations for the States. While EPA notes that it may require preparation of such Plans pursuant to Section 402(p)(6) of the CWA, the Agency agrees with the commenters that establishing guidelines for Phase I storm water permitting plans as non-binding recommendations provides an amount of flexibility that is appropriate at this point in the program's development. Therefore, the Agency is clarifying that the guidelines for Phase I Plans and the request to prepare and submit Plans to EPA are non-binding recommendations at this point in time.

B. Minimum Monitoring and Reporting Requirements for Storm Water Discharges

Current NPDES regulations at 40 CFR 122.44(i)(2) provide that all NPDES permits are to establish requirements to report monitoring results with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year. In the August 16, 1991 proposal, EPA requested comment on six major options for modifying 40 CFR 122.44(i)(2) to provide minimum monitoring and reporting requirements specifically addressing storm water discharges associated with industrial activity.

In the August 16, 1991 proposal, the Agency identified a number of factors that it would consider when evaluating this issue:

Difficulties in Sample Collection— Collection of storm water samples may pose a number of potential difficulties. These difficulties include determining when a discharge will occur, safety considerations, the potential for a multiple discharge points at a single facility, the intermittent nature of the event, the limited number of events that occur in some parts of the country, and variability in flow rates.

Variability of Data— The types and concentrations of pollutants in storm water discharges associated with

industrial activity depend on a number of factors, including the nature of industrial activities occurring at the site, the nature of the precipitation event generating the discharge, and the time period from the last storm. Variations in these parameters at a site may result in variation from event to event in the concentrations and types of pollutants in a given discharge.

Types of Permit Conditions—Permits for industrial process discharges and discharges from POTW's traditionally have incorporated numeric and/or toxicity effluent limitations as conditions. Monitoring reports for these discharges provide a direct indication whether the discharge complies with permit conditions. However, it is anticipated that permits for storm water dischargers will contain a variety of types of controls. While numeric or toxicity limitations are expected to be appropriate for some storm water discharges, permits for other storm water discharges are expected to contain requirements to implement best management or pollution prevention practices. In these cases, discharge sampling information may not provide as direct a link to compliance with permit conditions. However, effluent monitoring data can still play an important role in identifying priority facilities, providing information on sources and types of pollutants which can be evaluated when designing or modifying best management or pollution prevention practices, and evaluating the effectiveness of best management practices and pollution prevention measures.

Administrative Burdens on Permitting Agencies—Requiring each facility that discharges storm water associated with industrial activity to submit monitoring data at least annually would result in a significant increase in the number of discharge monitoring reports received by EPA Regions and authorized NPDES States.⁷ Receiving annual monitoring reports containing complex technical information from each facility with a storm water discharge associated with industrial activity would require a significant amount of permitting resources dedicated to reviewing and filing these reports.

⁷ EPA estimates that if all facilities with storm water discharges associated with industrial activity other than oil and gas facilities and inactive mining operations were required to submit a discharge monitoring report annually, almost 15% of all discharge monitoring reports collected annually under the NPDES program would be for storm water discharges associated with industrial activity.

Focused Permitting Efforts

The long-term permitting strategy discussed earlier in today's notice provides for a flexible, risk-based system for issuing permits and targeting priority discharges. Flexibility has been incorporated into the strategy to facilitate efforts by EPA and authorized NPDES States to identify priority discharges and conduct permit issuance activities which reflect Regional and State priorities. Discharge sampling data from targeted facilities can support the development of priorities and can be used to assist in assessing the achievement of water management goals. As priorities and risks within a State are identified and evaluated, classes of facilities will be targeted for more specific permit issuance activities (tiers II, III and IV of the strategy).

1. Overview of Proposed Options and Comments

In the August 16, 1991 proposal, EPA identified six major options (plus a no change option) for establishing minimum monitoring requirements in NPDES permits for storm water discharges associated with industrial activity. These options only addressed minimum requirements for discharge monitoring in NPDES permits. All options retained authority for NPDES permit authorities to require more stringent monitoring requirements where appropriate. The six options (plus the no change option) were as follows:

No Change Option: Case-by-case monitoring conditions in permits for storm water discharges, with a minimum requirement to report monitoring results at least annually.

Option 1: Case-by-case monitoring conditions in permits for storm water discharges with a minimum requirement to report monitoring results at least twice per permit term.

Option 2: Case-by-case monitoring conditions in permits for storm water discharges with a minimum requirement that facilities conduct annual sampling. Facilities would not be required to report monitoring information unless the information was requested in a permit or by the Director, but would be required to retain information.

Option 3: Case-by-case monitoring conditions in permits for storm water discharges with a minimum requirement that facilities (other than those from oil and gas exploration or production operations and inactive mining operations where a past or present mine operator cannot be identified) conduct annual sampling. Facilities would not be required to report information unless the information was requested in a permit

or by the Director, but would be required to retain information. For contaminated storm water discharges from oil and gas exploration or production operations or from inactive mining operations where a past or present mine operator cannot be identified, either case-by-case monitoring conditions in permits for storm water discharges with a minimum requirement of annual sampling (without reporting) or, instead of sampling, a Professional Engineer's (PE) certification attesting that good engineering practices were being employed to meet appropriate permit conditions.

Option 4: Case-by-case monitoring conditions in permits for storm water discharges with a minimum requirement that monitoring reports be submitted at least annually for targeted classes of storm water discharges associated with industrial activity located in the watershed of receiving waters that are sensitive to or impacted by storm water discharges.

Option 5: Case-by-case monitoring conditions in permits for storm water discharges with no minimum requirement to report monitoring results.

Option 6: Case-by-case monitoring conditions in permits for storm water discharges, with a minimum requirement for the first permit for the discharge that monitoring results be reported at least once a year. After a facility has submitted five years of data, monitoring conditions for storm water would be established on a case-by-case basis with no minimum requirement to conduct annual sampling.

In addition, the Agency indicated that it would consider developing a final regulation which combined aspects of several of the articulated options (see August 16, 1991 (56 FR 40957)). The various benefits and concerns with each option were discussed in the August 16, 1991 notice.

The comments received on the options reflected differing opinions regarding the need and use of monitoring in the NPDES storm water program. Some of the comments expressed views on the benefits and drawbacks of different monitoring strategies in different situations. An underlying theme that emerged from the comments was that a number of factors, such as the risk to water quality that different types and classes of storm water discharges associated with industrial activity present, the nature of permit conditions (e.g. such as numeric limitations and best management practices), and the nature of the operation of the facility should be considered when establishing

monitoring conditions in NPDES permits for storm water discharges.

Other commenters suggested that EPA should allow alternatives to monitoring. Some commenters urged the Agency to expand option 3 to allow other classes of facilities in addition to oil and gas operations to obtain a PE certification, to allow facility operators to conduct inspections, or certify compliance with a checklist of pollution prevention measures or best management practices (BMPs) in lieu of sampling. Other commenters suggested that other individuals were as qualified or more qualified than PEs to perform site inspections and that additional flexibility should be provided with regard to the inspection requirement. For example, some commenters indicated that certified construction inspectors were more appropriate for conducting inspections at construction sites than PEs, who might not be familiar with soil and erosion practices or storm water management technologies. Other commenters suggested that site personnel would typically be in the best position to evaluate the implementation of pollution prevention measures and BMPs.

Other comments urged EPA to consider the costs and technical difficulties of sample collection and analysis when establishing minimum monitoring requirements, and encouraged the Agency to consider alternatives to discharge sampling, such as allowing site inspections in lieu of monitoring. In the August 16, 1991 notice, EPA had requested comments on monitoring requirements for inactive mining operations, and some comments specifically addressed this issue.

2. Today's Rule

In response to comments, today's rulemaking adopts an approach that is a combination or hybrid of a number of options identified in the August 16, 1991 proposal, particularly options 3 and 5. The final rule provides for establishing monitoring conditions in NPDES permits for storm water discharges associated with industrial activity on a case-by-case basis. At a minimum, a permit for such a discharge must require the discharger to conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity and evaluate whether measures to reduce pollutant loadings identified in a storm water pollution prevention plan are adequate and properly implemented in accordance with the terms of the permit and the plan or whether additional control measures are needed. The discharger must be required to

maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the plan and the permit, or identifying any incidents of non-compliance. Such report and certification must be signed by a corporate official in accordance with 40 CFR 122.22.

Today's rule establishes a minimum requirement for annual inspections for most storm water discharges associated with industrial activity. The Agency believes that a minimum frequency of at least annual inspections is appropriate to ensure evaluation of changing conditions and practices at a site, (especially those caused by wet weather and winter conditions occurring throughout a year) and to ensure adequate implementation of pollution prevention measures on a regular basis. While option 3 of the August 16, 1991 proposal had requested comment on a minimum frequency of every three years for a PE certification for oil and gas operations and certain inactive sites, the Agency believes that providing additional flexibility in who conducts site inspections will sufficiently lower compliance costs in some cases to allow a higher frequency of inspections to be feasible. As discussed below, the Agency is providing additional flexibility in establishing monitoring or inspection requirements for storm water discharges from inactive mining operations. No commenters on the draft general permits in the August 16, 1991 Federal Register notice specifically indicated that it would be infeasible to comply with requirements in the draft general permits to conduct annual inspections. The Agency believes that a minimum annual frequency of inspections compensates for less formal requirements with respect to specifying who must conduct the inspection. A minimum annual frequency is also consistent with the minimum requirements for discharges other than storm water to report monitoring information at least annually.

A minimum of an annual inspection or report of monitoring results is not required for storm water discharges associated with industrial activity from inactive mining operations where annual inspections are impracticable. Rather, permits for storm water discharges from inactive mining operations may require certification once every three years by a Registered Professional Engineer that the facility is in compliance with the permit, or provide for alternative requirements. This provision will provide additional flexibility to address inactive mine

operations. Mining activities have a somewhat unique history of development and inactive mining sites can be dispersed diffusely in remote, hard to reach locations where employees may typically not be onsite to conduct site evaluations. In addition, the inactive nature of these sites may limit changes to potential for storm water discharges from the site to contain pollutants, thereby warranting less frequent inspections. The Agency anticipates that certification by Professional Engineers may often be appropriate for these sites given the nature of typical controls for these sites, and the limited amount of activity occurring at them. Alternative requirements may be appropriate for storm water discharges from inactive mining operations in some circumstances. For example, storm water discharges from inactive mining operations on Federal lands where an operator cannot be identified present unique circumstances because of the remote nature and high number of sites on large Federally owned areas.

The Agency believes that this rule will provide sufficient flexibility for permit writers to establish monitoring requirements that reflect the potential risk of the discharge and that are appropriately related to the nature of the permit conditions for a discharge. Today's regulatory modification does not preclude discharge sampling and reporting requirements in NPDES permits for storm water discharges associated with industrial activity. While today's rule change provides additional flexibility to establish monitoring requirements, it does not limit the authority of EPA or authorized NPDES States to establish sampling requirements where appropriate based on a consideration of risk or other factors.

The Agency recognizes that different types of permit conditions are appropriate for different types of storm water discharges. Numeric effluent limitations are appropriate for some classes of storm water discharges. End-of-pipe numeric effluent limitations are typically used for some types or classes of storm water discharges associated with industrial activity.⁶ Typically, NPDES permits for these classes of discharges will contain numeric effluent limitations, and sampling requirements will be appropriate for these permits.

⁶ For example, the Agency has issued numeric effluent limitation guidelines for ten classes of discharges that are composed entirely of storm water or of storm water combined with process water.

However, for many other types of storm water discharges associated with industrial activity, NPDES permits for the discharge will require the implementation of pollution prevention measures and/or BMPs. Where permits require the implementation of pollution prevention measures and/or BMPs, and do not establish numeric effluent limitations, conducting inspections to identify sources of pollution and to evaluate whether the pollution prevention measures and/or BMPs required by the permit are being effectively implemented and are in compliance with the terms of the permit may provide a better indication than discharge sampling of whether a facility is complying with the permit. As a result, the Agency believes that today's rule will also reduce discharge sampling burdens on some industrial facilities with storm water discharge permits that require the implementation of pollution prevention measures and BMPs rather than numeric effluent limitations, while providing more effective and efficient environmental benefits.

Today's rule does not affect the manner in which the NPDES regulations address discharges other than storm water associated with industrial activity. The provisions of 40 CFR 122.44(i)(2) will continue to require that NPDES permits for discharges other than storm water associated with industrial activity establish requirements to report monitoring results with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year. In addition, today's rule does not change the manner in which the NPDES regulations address storm water discharges which are subject to an effluent limitation guideline (e.g. a minimum of annual monitoring is still required for these facilities).

3. Response to Comment

Some commenters questioned the value of sampling data for storm water discharges in certain situations. In response, the Agency believes that, in certain instances, storm water discharge monitoring data will play a number of critical roles in the NPDES program. As discussed above, some permits for storm water discharges associated with industrial activity will establish technology or water quality-based numeric limitations. Discharge monitoring reports will be an important means of assessing compliance with these requirements. Discharge monitoring, including monitoring requirements in permits that do not establish numeric limitations, plays a

number of other functions in the permit program.

Discharge monitoring data can be used to assist in the evaluation of the risk of discharges by indicating the types and the concentrations of pollutant parameters in the discharge. Discharge monitoring data can also be used to support the development of future permit conditions and controls, assist in identifying sources of pollutants at a facility, assist in the evaluation of the effectiveness of pollution prevention measures and BMPs, and assist in identifying potential water quality-based impacts. Storm water discharge monitoring data will have an important role, along with other information, in identifying facilities or classes of facilities where tier II, III and IV permit issuance activities are appropriate.

Several commenters offered a number of suggestions for monitoring programs for storm water discharges. In response, EPA generally recognizes that there are a number of innovative and risk-based approaches to developing monitoring strategies for storm water discharges associated with industrial activity. For example, monitoring requirements for storm water discharges associated with industrial activity can be focused on those discharges located in watersheds that are impacted by or sensitive to storm water discharges as proposed in option 4. In order to encourage States to explore efficient, innovative and cost-effective monitoring programs, today's rule provides flexibility to establish different monitoring strategies and does not adopt option 4, although the minimum requirements adopted today do not preclude the use of an option 4 type approach where appropriate. (The same is true for options 1, 2, or 6; EPA or authorized NPDES States retain the flexibility to use these types of approaches on a permit-specific basis). The Agency believes that this approach offers the greatest potential for using permits to generate information on priority storm water discharges that can be used to assist in the development of controls.

Many commenters urged EPA to provide sufficient regulatory flexibility to permit writers to establish discharge sampling and reporting requirements for storm water discharges associated with industrial activity on a case-by-case basis. Many commenters favored establishing discharge sampling requirements in a risk-based manner. A number of these commenters suggested that it was important to sample storm water discharges associated with industrial activity from priority classes

of facilities, but that across-the-board monitoring requirements for all facilities with storm water discharges associated with industrial activity may not be an appropriate or cost-effective use of resources. A number of justifications were provided for favoring a flexible approach including: (1) Regulatory flexibility could allow establishing monitoring and reporting requirements in a risk-based manner; (2) some types of facilities may not be significant contributors of pollutants when they were in compliance with pollution prevention measures or plans; (3) in some situations site inspections would be more appropriate than monitoring for determining permit compliance; (4) EPA and authorized NPDES States have limited ability to effectively review data; (5) the potential burdens on small businesses and facilities in arid climates could be significant; (6) there would be difficulties in characterizing storm water discharges with sampling data; and (7) EPA needs to focus on storm water discharges with the highest risk. Some commenters summarized these concerns by indicating that they believed that for some storm water discharges associated with industrial activity, overly broad discharge monitoring requirements could be counterproductive toward the goals of the program, as significant resources would have to be expended collecting and analyzing discharge samples, thereby limiting available resources at some facilities, such as certain small businesses, to implement measures that would result in the removal of pollutants in their storm water discharges. Other commenters raised concerns regarding sampling storm water discharges from specific classes of industries. For example, representatives of the construction industry contended that monitoring storm water from construction sites has limited usefulness due to the changing nature of the activity.

As discussed above, EPA has designed today's rule to address all of these concerns. Since today's rule provides additional flexibility in the NPDES regulatory framework to establish monitoring requirements for storm water discharges associated with industrial activity, the Agency believes that the concerns raised by the commenters, where appropriate, can be addressed during the permit issuance process under the flexible regulatory framework established by today's rule. In particular, the Agency believes that today's rule, which relies on site inspections as minimum requirements, provides a more efficient and cost-effective approach for evaluating the

effectiveness of permit program implementation. The Agency notes that site inspections are typically an integral part of pollution prevention measures and best management practices for storm water discharges associated with industrial activity.⁹

Option 3 of the August 16, 1991 proposal would have provided flexibility when establishing monitoring requirements for storm water discharges from oil and gas exploration or production operations or from inactive mining operations where a past or present mine operator cannot be identified by allowing either a minimum requirement of annual sampling (without reporting) or, instead of sampling, a Professional Engineer's (PE) certification attesting that good engineering practices were being employed to meet appropriate permit conditions. The Agency requested comment on whether the PE certification was appropriate and whether it should be extended to other classes of facilities.

Some commenters suggested that other individuals were as qualified or more qualified than PEs to perform site inspections and that additional flexibility should be provided with regard to the inspection requirement. For example, some commenters indicated that certified construction inspectors were more appropriate for conducting inspections at construction sites than PEs who might not be familiar with soil and erosion practices or storm water management technologies. Other commenters suggested that site personnel would typically be in the best position to evaluate the implementation of pollution prevention measures and BMPs. In response, today's rule provides flexibility to allow site inspections to be conducted by persons other than PEs. While the Agency believes it is appropriate to require PE certifications in certain circumstances, the approach taken with today's rule will provide additional flexibility in developing these requirements.

A number of commenters suggested that PE certifications were appropriate

⁹ For example, EPA noticed draft general permits for storm water discharges associated with industrial activity on August 16, 1991 (56 FR 40948) that would require permittees other than construction activities to conduct visual inspections of designated equipment and plant areas for evidence of, or the potential for, pollutants entering the drainage system and to conduct annual site inspections to verify the description of potential pollutant sources and controls that are being implemented in storm water pollution prevention plans (see parts III.C.4.b.(9) and III.C.a. (56 FR 40996)). Under the draft general permits, permittees that operate construction activities are required to inspect all erosion controls on the site at least once every seven calendar days (see part III.C.5.b.(5), 56 FR 40999).

for classes of storm water discharges associated with industrial activity other than those from oil and gas operations. These commenters indicated that such a certification could, in many cases, be less burdensome than discharge monitoring, and that such certifications could provide a closer link to compliance with pollution prevention measures and best management practices. As discussed above, today's rule provides that requirements to conduct annual site inspections can be established as minimum monitoring requirements in permits for storm water discharges. The Agency agrees with these comments to the extent that it is convinced that site inspections can provide an appropriate means for evaluating compliance with pollution prevention measures and best management practices for storm water discharges from different types of facilities. In addition, site inspections can be less burdensome than sampling storm water discharges for some facilities. Requiring annual inspections and reviewing documentation as part of routine compliance inspections or at the time of permit reissuance also makes effective use of the limited resources of permit issuance authorities, by allowing permit issuing agencies more time to focus on issues other than receiving, reviewing and filing monitoring data.

Some commenters indicated that EPA and authorized NPDES States should only require facilities to monitor storm water discharges associated with industrial activity where the permit issuing agencies can evaluate the data. The Agency recognizes that EPA and some authorized NPDES States cannot provide adequate resources to ensure that all discharge monitoring data can be inspected. However, the Agency believes that even where discharge monitoring data is not reviewed on an ongoing basis by a permit issuing authority, the data can still be very useful. Facilities which discharge should review their discharge sampling data to identify sources and types of pollutants in discharges, and to evaluate the effectiveness of pollution prevention measures and BMPs. Where an NPDES permit does not require a discharger to report sampling data, EPA or an authorized NPDES State will typically be able to request the data on a case-by-case basis, or request that the data be submitted for consideration prior to permit reissuance.

Some commenters expressed concerns about minimum monitoring requirements for storm water discharges from inactive mining operations. EPA agrees that in some circumstances, discharge sampling

or annual inspections may be particularly burdensome at inactive mining operations, because mining operations often are found in remote areas that are not necessarily supported by infrastructure that allows easy access. In addition, at some inactive mining operations, inspections may not be as integrally related to pollution prevention measures for storm water discharges associated with industrial activity, as pollution prevention measures will not focus on day to day management activities. EPA has modified today's rule accordingly.

A number of commenters addressed the specific monitoring requirements in the draft general permits for storm water discharges associated with industrial activity in the August 16, 1991 notice. The Agency wants to clarify that the amendments to 40 CFR 122.44(i)(2) in today's rule establish minimum monitoring and reporting requirements for NPDES permits for storm water discharges associated with industrial activity. The Agency will respond to comments on the specific monitoring requirements in the draft general permits in the August 16, 1991 notice as part of the fact sheets and/or administrative records for those permits.

C. Application Requirements for General Permits

The provisions of 40 CFR 122.21(a) exclude persons covered by general permits from requirements to submit individual permit applications. Currently, the general permit regulations at 40 CFR 122.28, however, do not address the issue of how a potential permittee is to apply to be covered under a general permit. Rather, conditions for filing an application to be covered by a general permit (typically called a Notice of Intent (NOI)) have been established on a case-by-case basis. NOI requirements established in general permits operate instead of individual permit application requirements for the discharges covered by the general permit.

1. August 16, 1991 Proposal

The August 16, 1991 notice proposed several modifications to the NPDES regulatory framework for general permits. (The proposed changes addressed NPDES general permits for all classes of discharges and sludge disposal, and was not limited to storm water discharges.) The proposal addressed procedures for becoming authorized to discharge under a general permit, minimum requirements for NOIs to be covered by a general permit, and deadlines for submitting NOIs.

2. Today's Rule

Today's rule finalizes modifications to the NPDES regulatory framework for general permits addressing procedures for becoming authorized to discharge under an NPDES general permit, minimum requirements for notices of intent (NOI) to be covered by a general permit, and deadlines for submitting NOIs.

The regulatory framework provided by today's rule requires that, except for in two situations, an NOI must be submitted by a discharger (or treatment works treating domestic sewage) in order to be authorized to discharge (or in the case of a sludge disposal permit, to engage in a sludge use or disposal practice) under an NPDES general permit. The first situation where an NOI will not have to be submitted to authorize discharges under a general permit is where the Director notifies the discharger that its discharge is covered by the permit. The second situation where NOIs are not required under a general permit is where the Director provides in the general permit that a submission of an NOI is not required, where the Director finds that an NOI requirement is inappropriate for that general permit.

In making a decision that an NOI is inappropriate for a general permit, the Director will consider the type of discharge, the expected nature of the discharge, the potential for toxic and conventional pollutants in the discharges, the expected volume of the discharges, other means of identifying discharges covered by the permit, and the estimated number of discharges to be covered by the permit. Also, in making this decision, the Director is required to describe the reasons for not requiring an NOI in the fact sheet of the general permit. Under today's rule, such a finding could only be made for discharges other than discharges from POTWs, combined sewer overflows (CSOs), primary industrial facilities, and storm water discharges associated with industrial activity. The Agency believes that, given the potential environmental significance and NPDES program priorities associated with discharges from POTWs, CSOs, primary industrial facilities, and storm water discharges associated with industrial activity, it is appropriate to require NOIs in all general permits for these discharges.

Today's rule establishes minimum requirements for NOIs in NPDES general permits at 40 CFR 122.28(b)(2)(ii). This provision requires that the contents of the notice of intent be specified in the general permit and shall require the submission of information necessary for

adequate program implementation, including at a minimum, the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, and the receiving stream(s). This provision specifies minimum NOI requirements. General permits may require that additional information be reported in NOIs where appropriate.

The NOI provisions of this rule allow the Director to establish alternative notice of intent requirements for general permits for storm water discharges associated with industrial activity from inactive mining, inactive oil and gas operations, or inactive landfills occurring on Federal lands where an operator cannot be identified. The Agency is currently developing general permits for storm water discharges from inactive mines, inactive oil and gas operations and inactive landfills occurring on Federal lands. During the process of developing and issuing these permits, EPA will work with authorized NPDES States to determine appropriate NOI requirements for these permits given the unique nature, distribution, and occurrence of these discharges.

Today's rule also provides that general permits requiring the submittal of NOIs shall specify deadlines for submitting notices of intent and the date(s) when a discharger is authorized to discharge under the permit.

The Agency believes that deadlines for submittal of an NOI are an important part of NOI requirements, and that general permits should state when NOIs must be submitted. In addition, the permit should clarify when a discharge is authorized under the permit. In many cases, the Agency anticipates that general permits will provide that a discharger obtains coverage under the general permit after a specified time period passes after the date of submittal of an NOI. This approach will provide the NPDES authority with an opportunity to review the NOI prior to the authorization of the discharge. In other situations, it may be appropriate for general permits to provide that a discharge is authorized as soon as a complete and timely NOI is received.

The August 16, 1991 notice proposed in 40 CFR 122.28(b)(2)(iii) that unless a general permit provided alternative time periods, an NOI was to be submitted 60 days before the date of intended permit coverage. The final rule amends this paragraph such that no default deadline for submission is specified. Rather, the deadline for NOI submission will be established on a permit-specific basis. Today's rule simply requires that this issue be addressed in the general permit,

but leaves the permitting authority this decision of which approach is most appropriate. The approach in the final rule will avoid the confusion that arose with the proposed regulatory language used in the August 16, 1991 notice. Today's rule also requires that NPDES general permits shall specify whether a discharger that has submitted a complete and timely notice of intent to be covered in accordance with the general permit and that is eligible for coverage under the permit, is authorized to discharge either in accordance with the permit upon receipt of the notice of intent by the Director, after a waiting period specified in the general permit, on a date specified in the general permit, or upon receipt of notification of inclusion by the Director. EPA has rewritten the proposed language in 40 CFR 122.28(b)(2)(iv) to make this provision clearer, but has not changed its intent. The Agency believes that the approach taken in the final rule retains the flexibility of the proposal while accomplishing the same purpose.

The Agency is finalizing this regulatory framework for NOIs with NPDES general permits to encourage the use of general permits, to provide for more consistent NOI requirements, and to ensure that dischargers covered by general permits provide appropriate information. Further, the Agency believes that today's regulatory framework provides a regulatory framework that is consistent with existing practices of EPA and authorized NPDES States.

3. Response to Comments

Most commenters addressing the proposed framework for NOIs supported the concept as a useful tool for the NPDES program. Some of these commenters urged EPA to use NOIs as a tool to minimize burdens on the authority issuing permits and reduce costs relative to submitting individual permit applications. Commenters indicated that an additional reason for using NOIs was to assist in clarifying whether a facility was covered by a given general permit.

The Agency agrees with these comments. NOIs serve a number of functions. NOI requirements in general permits can establish a clear accounting of the number of permittees covered by the general permit, the nature of operations at the facility generating the discharge, and their identity, location and receiving waters. NOIs can be used to develop a data base of facility-specific information. NOIs can be used as a screening tool to identify discharges where individual permits are

appropriate. For example, the identification of discharges to receiving waters with impaired water quality can be used to target facilities for priority permitting efforts. Also, the NOI can be used to identify classes of discharges appropriate for more specific general permits covering a more limited set of discharges. The NOI can provide information needed by the Director to notify dischargers that a more specific general permit was issued. The NOI also can identify the permittee to provide a basis to develop and implement enforcement and compliance monitoring strategies and priorities. In addition, the administrative burdens on the permitting issuing agency and the costs to dischargers can be reduced by replacing more complicated permit application requirements with simplified requirements.

One State commented that EPA should not mandate by regulation the information required in an NOI, which it believed should be left to the State or EPA Region issuing a general permit. In response, the Agency believes that today's regulatory framework provides sufficient flexibility for developing NOI requirements, and that the minimum information requirements of today's rule represent essential information necessary for meeting the program objectives outlined above. Under today's rule, the minimum requirements for NOIs include the legal name of the owner or operator and the facility name and address. EPA believes that this information is essential to identify the location of the facility for compliance purposes and to provide mailing addresses necessary to conduct any correspondence. The minimum NOI requirements also include a description of the type of facility or dischargers. This description is necessary to provide information to screen whether the discharge is eligible for coverage under the general permit and to allow the permit writer to begin to identify priority discharges. Finally, the minimum NOI requirements include the receiving stream(s). This information is necessary to adequately identify the discharges to impaired receiving waters where water quality-based permits are necessary.

Some commenters indicated that they believed that all discharges should be required to submit an NOI. Various reasons were provided to support this approach, including that the NPDES authority needed to know of all facilities that discharged storm water to a given water body, and that dischargers should not be required to comply with a permit unless they submit a notification. In response, the Agency believes that most

general permits will require the submittal of NOI. However, there may be some situations where it may be more appropriate to have the Director notify dischargers that they are covered by a general permit or that NOI requirements are otherwise not appropriate.

For example, issuing a general permit without NOI requirements may be an appropriate way for EPA and authorized NPDES States to minimize administrative burdens and compliance costs in permits for small discharges which have been determined to have minimal or no impacts on receiving waters. Today's regulation provide some flexibility to address these situations.

In the August 16, 1991 notice, EPA requested comment on whether it is appropriate to require NOIs for the large number of contaminated storm water discharges associated with industrial activity from oil and gas exploration and production operations. Most commenters on this issue indicated that they thought NOIs should be required in general permits for storm water discharges from oil and gas operations. One State commented that it believed that it would be inappropriate to exclude a class of discharges from the requirements to submit an NOI unless there is an alternative method that can and will be used to track these discharges. A different commenter indicated that oil and gas operations were adequately monitored through the Spill Prevention Control and Countermeasure (SPCC) program and that NOIs for NPDES general permits would not be necessary. A number of the commenters expressed confusion over the relationship between this provision and section 402(1)(2) of the CWA¹⁰, and suggested that requiring

¹⁰ Section 402(1)(2) of the CWA provides that NPDES permits shall not be required for storm water runoff from mining operations or oil and gas exploration, production, processing or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and which are not contaminated by contact with or that has not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of such operation. EPA published permit application regulations consistent with section 402(1)(2) on November 18, 1990 (55 FR 480030). These regulations require permit applications for discharges composed entirely of storm water associated with industrial activity from oil or gas exploration, production, processing, or treatment operations, or transmission facilities only when a discharge of storm waters results in a discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21, 40 CFR 302.6, or 40 CFR 110.6 at anytime since November 18, 1987, or the discharge contributes to a violation of a water

NOIs in NPDES permits for storm water discharges from oil and gas operations would minimize this confusion.

After evaluation of the comments, EPA believes, that except for the situation of inactive oil and gas operations on Federal lands discussed below, it is not appropriate to exclude contaminated storm water discharges associated with industrial activity from oil and gas exploration and production operations from the minimum NOI requirements, and therefore today's rule does not treat storm water discharges associated with industrial activity from oil and gas operations differently than other storm water discharges associated with industrial activity in this regard. As a result, today's rule does not contain a specific reference to storm water discharges from oil and gas operations. The Agency believes that NOI requirements in general permits for storm water discharges from oil and gas operation will provide for a clear tracking mechanism that is currently unavailable under the SPCC program¹¹. In addition, as was pointed out by commenters, the NOI process can be used to identify facilities with contaminated runoff, and therefore minimize confusion with respect to the provisions of section 402(1)(2) of the CWA.

One commenter requested clarification on the procedures that would be followed to ensure that permits requiring Director notification instead of facility submission of an NOI are in compliance with the procedural requirements of the CWA and the NPDES regulations. The Agency does not believe that today's rule conflicts with the NPDES regulations or the CWA. The Agency believes that the existing NPDES regulations provide for adequate public notice and public comment opportunities when general permits are issued. (See 40 CFR 124.10,

quality standard. (see 40 CFR 122.26(c)(1)(iii)). Permit applications are not required for a discharge composed entirely of storm water from a mining operation unless the discharge comes into contact with any overburden, raw material, intermediate products, finished product, byproduct, or waste products located on the site of such operations.

¹¹ EPA requested comment on using information collected under the SPCC program to track storm water discharges. However, this approach has a number of limitations, including that the SPCC program currently does not require facilities subject to SPCC requirements to submit notifications. In addition, many facilities subject to the SPCC program are not subject to the NPDES storm water program either because they do not have a storm water discharge to waters of the United States or because they are not activities that are addressed by the regulatory definition of storm water discharge associated with industrial activity at 40 CFR 122.26(b)(14) (e.g., certain pipelines).

124.11, and 124.57.) The Agency wants to point out that the NPDES regulations require certain opportunities for the public to comment during the permit issuance process, and provide for permit appeal after the permit is issued. In addition, 40 CFR 122.28(b)(2)(iii) provides that for EPA issued permits, any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit.

One commenter requested clarification on the type of notification that must be provided by the Director to a discharger where the discharger is not required to submit an NOI. In response, the Agency believes that in most cases, the Director will notify dischargers of coverage in writing.

One commenter requested clarification on whether a discharger that is not required to submit an NOI, but rather is notified by a Director, will be subject to permit fees. The Agency wants to clarify that this rulemaking does not address permit fees.

One commenter, while supporting the requirement that an NOI be submitted, indicated that EPA could reduce its paperwork load by issuing general permits for storm water discharges from construction sites that required dischargers to notify municipalities instead of the NPDES permit authority. EPA disagrees with this approach. Submitting NOIs to municipalities but not requiring that an NOI be submitted to the Director may not assure that EPA or authorized NPDES States receive adequate information to effectively implement the NPDES program for these discharges.

In the August 16, 1991 notice, EPA proposed that general permits for storm water discharges associated with industrial activity from inactive mining, inactive oil and gas operations occurring on Federal lands where an operator cannot be identified may contain alternative notice of intent requirements. A federal land management agency commented that inactive landfills on Federal lands are in some ways analogous to inactive mines and inactive oil and gas operations and should be treated similarly. EPA agrees with this comment and accordingly today's rule allows alternative notice of intent requirements in general permits for storm water discharges associated with industrial activity from inactive landfills on Federal lands.

One State urged EPA not to refer to NOIs as permit applications. They were concerned that calling NOIs permit applications would trigger certain public notice requirements under State law.

They further argued that the purpose of NOIs are significantly different than permit applications, and that the cited State law provision should not apply. In response, EPA recognizes the differences between the purpose of a notice of intent and an individual permit application. Individual permit applications contain a significant amount of site-specific information that is typically used for the development of individual permit conditions. NOIs typically contain only general information and are used for screening and compliance purposes rather than for the development of permit conditions. However, the distinction between individual applications and NOIs as they relate to public notice requirements in various State laws is a question of interpretation of those State laws which EPA does not attempt to answer in this notice. EPA notes however, that it considers submission of an NOI to constitute a permit application for purposes of federal regulatory provisions which provide that a timely reapplication of a federal permit or license continues the effectiveness of the existing permit pending action by the Director. (See 40 CFR 122.6).

In the preamble to the August 16, 1991 notice, EPA discussed public accessibility to lists of NOIs, but did not publish proposed regulatory language addressing this issue. EPA does not intend to address this issue in this rulemaking, but will be addressing the issue in future rulemakings.

D. Deadline for Part 2 of Group Applications.

1. November 5, 1991 Proposal

On November 5, 1991, (56 FR 56555), EPA requested comments on extending the deadline for submitting part 2 of the group application from May 18, 1992 to October 1, 1992. In the November 5, 1991 notice, the Agency indicated that this extension would provide an appropriate opportunity to conduct sampling to support the Part 2 application and would allow for permit issuing agencies to issue general permits.

2. Today's Rule

EPA received over 60 comments on the November 5, 1991 proposal. After careful consideration of these comments, the Agency is extending the deadline for submitting part 2 of the group applications for storm water discharges associated with industrial activity from May 18, 1992 to October 1, 1992 as proposed.

EPA is granting this extension to provide an appropriate opportunity to conduct sampling to support the part 2

application. This regulatory modification will provide a more equitable framework for submitting permit applications for storm water discharges associated with industrial activity. It will also allow for permit issuing agencies to issue general permits prior to the completion of the group application process.

3. Response to Comments

All of the comments received on the November 5, 1991 proposal to extend the regulatory deadline for submitting part 2 of the group application supported an extension. A number of reasons were provided to justify the extension, including the difficulty associated with sampling storm water discharges from facilities located in arid and northern regions during winter months, the need for time to allow for the preparation of guidance documents, training personnel in sampling techniques, and conducting analytical work. A number of commenters supported October 1, 1992 as the deadline for part 2 of the group application. In general, these commenters expressed their belief that the deadlines for submitting part 2 of the group application and individual permit applications for storm water discharges associated with industrial activity should be the same. A number of reasons were given for supporting this approach, including, that this would be the most equitable approach, the regulated community would have a clearer choice of application options, and one deadline would limit confusion. EPA agrees with these concerns, and as is discussed above, is extending the deadline for submitting part 2 of the group application from May 18, 1992 to October 1, 1992.

Some commenters favored extending the deadline for submitting part 2 of the group application beyond October 1, 1992. Some of these commenters suggested that part 2 of the group application should not be required until general permits for storm water discharges associated with industrial activity were issued. These commenters indicated that this approach would ensure that dischargers would have three options for applying for a permit, (e.g. participating in a group application, submitting an individual application, or submitting an NOI to be covered under a general permit). This would allow dischargers to select the most cost-effective approach allowable under the NPDES regulatory framework. Other commenters suggested that participants in a group should be given one complete year from the date after the group

receives notice of approval of the part 1 application.

EPA notes that the extension to October 1, 1992 provides authorized NPDES States with additional time to issue general permits for storm water discharges associated with industrial activity. On August 16, 1991, (56 FR 40948), EPA published a proposal requesting public comment on draft general permits for storm water discharges associated with industrial activity in States and territories without authorized NPDES programs.¹² The Agency intends to make every effort to issue these general permits in the spring of 1992.

However, EPA has decided against basing the deadline for submitting part 2 of the group applications on the date that general permits are issued by individual States because of the potential confusion and uncertainty that would arise. Although the Agency proposed draft general permits for storm water discharges in States without authorized State NPDES programs in one notice, it may not finalize all of these permits on the same date. The Agency expects that various region-specific, State-specific, or industrial category-specific issues may take different amounts of time to address. It should also be noted that the August 16, 1991 proposal does not address general permits in authorized NPDES States. Each authorized NPDES State that will issue general permits for storm water discharges associated with industrial activity will have to go through the procedures for issuing general permits of that State. Different permit issuance procedures, along with other factors, will result in these permits being issued at different times. All of these factors indicate that a tremendous amount of uncertainty and confusion would result if EPA attempted to tie regulatory deadlines for submitting permit applications to the dates when general permits are issued for particular States. This is particularly important to the group application process where facilities from many different States may be in the same group.

In addition, the Agency anticipates that there will be situations where the permitting authority determines that

general permits are inappropriate for a given class of storm water discharges. Additional confusion would arise in these situations if application deadlines were tied to the dates of general permit issuance. The Agency is also concerned that unacceptable delays may result under this approach in States where the issuance of a general permit is delayed.

EPA also disagrees with the suggestion that the deadlines for submitting part 2 of the application should be based on the date on which a part 1 application is accepted. EPA believes that establishing a fixed deadline of October 1, 1992 for part 2 of the group application is warranted for the same reasons that the Agency articulated above and in the proposal. This approach provides an equitable deadline for these facilities, reduces confusion and uncertainty in the regulated community, and provides sufficient time to complete the sampling necessary to obtain quantitative data.

E. Clarification for Part 2 of Group Applications

The November 16, 1990 regulations established procedures for group applications for storm water discharges associated with industrial activity. The group application process allows for facilities with similar storm water discharges to file a single two part permit application. Part 1 of a group application includes a list of the facilities applying, a narrative description summarizing the industrial activities of participants of the group, a list of significant materials exposed to precipitation that are stored by participants and material management practices employed to diminish contact of these materials by precipitation (see 40 CFR 122.26(c)(2)(i)). In addition, the part 1 application must identify the group participants that will submit quantitative data (sampling data) in part 2 of the group application. These participants must be representative of the group.

In part 2 of the group application, the subset of facilities identified in the Part 1 application must submit quantitative data. The provisions of 40 CFR 122.26(c)(2)(ii) establish a minimum criteria for identifying facilities from which sampling data must be submitted. EPA had proposed that, in general, groups submit data from at least 10 percent of the facilities in the group, with a minimum of 10 facilities submitting data (December 7, 1988 (53 FR 49435)). In the final rule, EPA allowed groups of 4 to 10 members to apply if 50 percent of the facilities

submitted data (November 16, 1990 (55 FR 48067)).

During the group application process, the regulated community exhibited some confusion regarding the minimum number of facilities that must submit sampling data for groups with 11 to 99 members. For groups with 11 to 99 members, some groups have interpreted the language in the November 16, 1990 regulations to require 10 percent of the facilities to submit sampling data, while other groups have interpreted the language to require a minimum of 10 facilities to submit sampling data.

In today's action, EPA wants to clarify that for groups with 20 or fewer members, at least 50 percent of the dischargers participating in the group must submit quantitative data. For example, at least nine facilities must submit quantitative data if a group is composed of 17 members. For groups with 21 to 99 members, at least 10 dischargers participating in the group must submit quantitative data. For example, at least ten facilities must submit quantitative data if a group is composed of 25 members. For groups with 100 to 1,000 members, at least 10 percent of the dischargers participating in the group must submit quantitative data. For groups with more than 1,000 members, no more than 100 dischargers participating in the group must submit quantitative data.

For groups with more than 10 members, either a minimum of two dischargers from each precipitation zone indicated in appendix E of 40 CFR part 122 in which ten or more members of the group are located, or one discharger from each precipitation zone indicated in appendix E of 40 CFR part 122 in which nine or fewer members of the group are located, must be identified to submit quantitative data. For groups of 4 to 10 members, at least one facility in each precipitation zone in which members of the group are located must submit data. EPA has made a correction to the group application requirements to reflect the above, which represents EPA's original intent in the November 16, 1990 rule.

F. Transportation Act Deadlines

Section 1068 of the Transportation Act addresses permit application deadlines for storm water discharges associated with industrial activity that are owned or operated by municipalities. Today's rule codifies three changes to existing regulatory deadlines to reflect the new provisions of section 1068. The first two modifications address individual application deadlines, and the third addresses group application deadlines.

¹² The notice addresses draft general permits in 12 States (MA, ME, NH, FL, LA, TX, OK, NM, SD, AZ, AK, ID), and six Territories (District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands) without authorized NPDES State programs; on Indian lands in AL, CA, GA, KY, MI, MN, MS, MT, NC, ND, NY, NV, SC, TN, UT, WI, and WY; located within federal facilities and Indian lands in CO and WA; and located within federal facilities in Delaware.

The deadlines for submitting individual permit applications for storm water discharges associated with industrial activity that are owned or operated by municipalities are consistent with the October 1, 1992 regulatory deadline that EPA established on November 5, 1991 (56 FR 56548) with two exceptions:

(1) Municipal facilities that have been identified in a part 1 group application that has been submitted in a timely manner where either the group application is denied or the particular facility is rejected from the group, are not required to submit an individual application until the 180th day following the date on which the denial or rejection is made; and

(2) Facilities owned or operated by a municipality with a population of less than 100,000 other than an airport, powerplant, or uncontrolled sanitary landfill are not required to submit a permit application at this time unless a permit is required under either section 402(p)(2) (A) or (E) of the CWA.

With regard to facilities that are either part of a group that has been denied or which are individually rejected from a group, today's rule codifies alternative deadlines for storm water discharges associated with industrial activity from facilities that are owned or operated by a municipality and that are rejected as members of a part 1 group application. Such dischargers shall submit an individual application no later than 180 days after the date of receipt of the notice of rejection or October 1, 1992, whichever is later.

With respect to facilities owned or operated by municipalities with a population of 100,000 or less, EPA believes that Congress intended this language to place all of their storm water discharges (except for those from airports, powerplants and uncontrolled sanitary landfills) into Phase II of the storm water program.

Today's rule also codifies the Transportation Act's alternative deadlines for group applications for storm water discharges associated with industrial activities that are owned or operated by municipalities with a population of less than 250,000. Reflecting the new provisions of Section 1068 of the Transportation Act, the group application deadlines for these facilities are now May 18, 1992 for part 1 applications and May 17, 1993 for part 2 applications.

EPA also wants to clarify that the Transportation Act did not affect any of the regulatory application deadlines for storm water discharges associated with industrial activity from facilities that are either not owned or operated by a

municipality or that are owned or operated by a municipality with a population of 250,000 or more. The legislative history for the Transportation Act clarified that "nothing in the conference report affects most of the dates for submitting stormwater permit applications established in EPA's recent rulemaking published in the Federal Register on November 5, 1991. * * * The conference report, while silent on the deadlines for these privately owned industries, is not intended to override the dates established in EPA's rulemaking action." (Vol. 137 Cong. Rec. H11509 (daily ed. November 26, 1991), Rep. Hammerschmidt). Thus, the permit application deadlines for storm water discharges associated with industrial activity from privately owned and operated facilities, including those that discharge through a municipal separate storm sewer to waters of the United States, are not changed by today's rule with the exception of the part 2 application deadlines discussed elsewhere in today's notice. Also, where a facility is privately owned and operated, but has a service contract with a municipality, the facility is not considered to be "municipally operated". For example, a privately owned and operated landfill that receives municipal waste pursuant to a contract with a municipality or some other form of reimbursement from a municipality can not avail itself of the application deadline extensions in the Transportation Act, which apply only to facilities owned or operated by municipal governments.

As outlined above, section 1068 of the Transportation Act contains special provisions for municipalities with a population of less than 100,000. Section 1068(c) of the Transportation Act defines two classes of industrial facilities that are owned or operated by municipalities with a population of less than 100,000. The first group of facilities is comprised of airports, powerplants, and uncontrolled sanitary landfills that are owned or operated by a municipality with a population of less than 100,000. It is clear that Congress did not intend in section 1068(c) to change the existing individual application deadlines for these discharges. Group application requirements for storm water discharges associated with industrial activity from these facilities are addressed by section 1068(b) of the Transportation Bill. As discussed above, the group application deadlines for these facilities are May 18, 1992 for Part 1 applications and May 17, 1993 for part 2 applications.

The second group is comprised of facilities with storm water discharges associated with industrial activity other

than airports, powerplants or uncontrolled sanitary landfills that are owned or operated by municipalities with a population of less than 100,000. Section 1068(c) provides that EPA shall not require this second group of industrial facilities to apply for or obtain a permit before October 1, 1992, unless a permit is required under either section 402(p)(2) (A) or (E) of the CWA.

With respect to this second group of facilities, today's rule reserves the regulatory deadlines for storm water applications. The Agency intends to address these facilities in a manner that is similar to other storm water discharges addressed by section 402(p)(1) or the CWA.¹³ Currently, the Agency intends to evaluate storm water discharges associated with industrial activity that are owned or operated by a municipality with a population of less than 100,000 (except for those from powerplants, uncontrolled sanitary landfills and airports) along with other storm water discharges addressed by section 402(p)(1) in two studies required under section 402(p)(5) of the CWA. These studies will be used to support the development of regulations under section 402(p)(6).¹⁴ It is clear from the legislative history of the Transportation Act that Congress intended to address these discharges in this manner, i.e., as discharges subject to the permit moratorium of section 402(p)(1) of the CWA. "EPA defined industrial activity in such a way as to require many cities with a population under 100,000 to make application for stormwater permits, notwithstanding the moratorium on permit requirements that the Congress thought it was putting in place * * * This legislation will clarify that small cities need not apply for permits associated with some of the industrial facilities they own or operate until October 1, 1992, [the] date for the general moratorium on their permit requirements." (Vol. 137 Cong. Rec. S18596 (daily ed. November 27, 1991), Sen. Chafee). "[M]unicipalities with populations of less than 100,000 would

¹³ Section 402(p)(1) of the CWA creates a moratorium on issuing NPDES permits until October 1, 1992 for storm water discharges that are not identified in section 402(p)(2) of the CWA.

¹⁴ Section 402(p)(6) of the CWA requires EPA, in consultation with State and local officials, is required to issue regulations by no later than October 1, 1992, which designate additional storm water discharges to be regulated to protect water quality and establish a comprehensive program to regulate such designated sources. This program must establish, at a minimum, (A) priorities, (B) requirements for State Storm Water Management Programs, and (C) expeditious deadlines. The program may include performance standards, guidelines, guidance, and management practices and treatment requirements as appropriate.

not be required to apply for permits for stormwater discharges associated with industrial activities except for power plants, uncontrolled sanitary landfills, and airports." (Vol. 137 Cong. Rec. H11509 (daily ed. November 26, 1991), Rep. Hammerschmidt).

1. Determining the Population of Municipalities

The Transportation Act establishes phased requirements for NPDES permits for storm water discharges associated with industrial activity from facilities that are owned or operated by municipalities with specified populations. However, the Transportation Act uses a different classification scheme than is used in section 402(p) of the CWA to define classes of municipal separate storm sewer systems. Under section 402(p) of the CWA, municipal separate storm sewer systems are classified on the basis of population served by the system. Under the Transportation Act, the population used for classifying industrial operations owned or operated by municipalities is the population of the municipality. This distinction is important because a number of municipal entities with a population of 100,000 or more are not addressed by the regulatory definitions of large and medium municipal separate storm sewer systems.

40 CFR 122.26(b)(4) and (7) specifically identify 173 cities and 47 counties as having large or medium municipal separate storm sewer systems (e.g. systems serving a population of 100,000 or more).¹⁵ While these definitions identify all incorporated cities with a population of 100,000 or more, they only specifically identify 47 of the 447 counties with a population of 100,000 or more based on the 1990 Census.¹⁶ In addition, other types of municipal entities which may own or operate storm water discharges associated with industrial activity are not specifically addressed by the regulatory definition of large and medium municipal separate storm sewer systems. Examples include: sanitary sewer districts, flood control districts, and unincorporated towns and townships.

In providing phased requirements for different storm water discharges associated with industrial activity that are owned or operated by municipalities, EPA believes that a

¹⁵ See appendices F, G, H, and I to 40 CFR part 122.

¹⁶ The regulatory definitions of large and medium municipal separate storm sewer systems only specifically identify counties with a population of 100,000 in unincorporated, urbanized areas of the county.

primary concern of Congress was the economic burdens placed on municipalities with a smaller population base over which to spread costs. In general, when determining the population of a municipal entity, EPA will look at the general population or service population of the municipal entity.

For the purpose of today's rule, the 1990 Census will be used to determine the population of counties. Service populations will be used to determine the population of sewage treatment districts which operate publicly owned treatment works (POTWs). Where one sewer district operates a number of plants, the entire service population of the district will be used to determine the applicable population classification of all of the treatment works operated by the district.¹⁷ Populations within service districts will be used to determine the populations of flood control districts and other municipal entities with service populations. The State population will be used to determine the population of State DOTs.¹⁸ Where an industrial facility is owned or operated by more than one municipality, then EPA intends to use the combined populations of the appropriate municipalities in determining population thresholds.

EPA believes that the distinction between the population of a municipality and the population served by a municipal separate storm sewer system is appropriate and was intended by Congress. In the November 16, 1990 rulemaking, EPA noted inter-jurisdiction complexities associated with municipal governments developing controls for storm water into such large and medium systems played a role in defining the regulatory terms large and medium municipal separate storm sewer systems. However, such concerns do not appear to be as evident with industrial facilities that are owned or operated by municipal entities.

¹⁷ For example, if a district with a cumulative service population of 350,000 operates two sewage treatment plants, one of which serves 300,000, and the other which serves 50,000, both plants will be considered to be a facility that is owned or operated by a municipality with a population of 250,000 or more.

¹⁸ Under this approach, EPA would base the population of facilities operated by a State DOT on the entire State population rather than the population of the local government entity with land use authority (e.g. city, town, township, county) in which the facility is physically located. EPA believes that this approach is appropriate because the State DOT facility will typically be operated fairly independently of the local government entity with land use authority and the major revenue sources of the State DOT are State-wide (such as gasoline taxes).

2. Uncontrolled Sanitary Landfills

Section 1068(c) of the Transportation Act provides that facilities owned or operated by a municipality with a population of less than 100,000 other than an airport, powerplant, or uncontrolled sanitary landfill are not required to apply for permit applications at this time unless a permit is required under either section 402(p)(2) (A) or (E) of the CWA.

Section 1068(d) of the Transportation Act defines the term "uncontrolled sanitary landfill" to mean a landfill or open dump, whether in operation or closed, that does not meet the requirements for runoff and runoff controls established pursuant to subtitle D of the Solid Waste Disposal Act. Today's action codifies this definition at 40 CFR 122.26(b)(15).

On October 9, 1991, (56 FR 50978), EPA published criteria for solid waste disposal facilities, including municipal solid waste landfills (MSWLFs), pursuant to subtitle D of the Solid Waste Disposal Act. Several provisions of these regulations specifically address runoff and runoff from the active portions of regulated units. Owners or operators of all MSWLF units are required under 40 CFR 258.25 to design, construct and maintain a runoff control system to prevent flow onto the active portion of the MSWLF unit during the peak discharge from a 25-year storm. In addition, all MSWLF units are required to design, construct, and maintain a runoff control system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm. Runoff from the active portion of the unit must be handled in accordance with the surface water requirements of 40 CFR 258.27(a), which provides that all MSWLF units must be operated in compliance with NPDES requirements.¹⁹ Any discharges of a nonpoint source of pollution from an MSWLF unit into waters of the United States must also be in conformance with any established water quality management plan developed under the CWA. The

¹⁹ The October 9, 1991 rule clarified that the subtitle D requirements call for the collection and control of runoff from the active portion of MSWLF units, but do not require that the collected runoff be sampled or treated. This was because when the notice was issued, EPA was in the process of implementing NPDES requirements for storm water discharges associated with industrial activity from landfills. In the October 9, 1991 notice EPA explained that the NPDES permit under the CWA would be the appropriate mechanism for ensuring that point source discharges of runoff from MSWLFs are protective of human health and the environment (see October 9, 1991, (56 FR 51054)).

effective date for these requirements are October 9, 1993.

Operators of landfills that are owned or operated by a municipality with a population of less than 100,000 with a storm water discharge associated with industrial activity²⁰ that are 'uncontrolled' must submit an NPDES permit application for their discharge, or obtain coverage under an appropriate general permit.

EPA remains concerned about the risks to surface water quality posed by landfills.²¹ The Agency wants to clarify that storm water discharges from landfills that are owned or operated by a municipality with a population of less than 100,000 can still be required to obtain an NPDES permit even where they are in compliance with subtitle D requirements where they are designated under section 402(p)(2)(E) of the CWA as needing an NPDES permit because they are significant contributors of pollutants to waters of the United States or they contribute to a violation of a water quality standard.

III. Economic Impact

EPA has prepared an Information Collection Request (ICR) for the purpose of estimating the information collection burden imposed on Federal, State and local governments and industry by today's revisions to requirements to submit annual monitoring reports, minimum notice of intent (NOI) requirements for NPDES general

²⁰ The existing landfill criteria in part 257 address all landfills except those covered by the revised criteria in part 258 which address municipal landfills which receive household hazardous wastes or hazardous wastes from small quantity generators. By contrast, the NPDES regulatory definition of "storm water discharge associated with industrial activity" addresses landfills that receive or have received any industrial wastes (wastes received from any of the other classes of facilities addressed by the regulatory definition of storm water discharges associated with industrial activity) (see 40 CFR 122.26(b)(14)).

²¹ Surface water impacts associated with solid waste landfills are well characterized. In the August 30, 1988 (53 FR 33317) NPRM addressing solid waste disposal facility criteria under RCRA subtitle D, EPA noted that state inspection data, case study evidence, risk characterization studies, and the current limited use of design controls indicate that some solid waste landfills have degraded surface water quality and that this degradation could continue. Older landfills are of most concern because they may have received large volumes of hazardous waste and, in general, their use of design controls was very limited. States reported that of the 1,100 municipal solid waste landfills which monitored discharges to surface water, 860 were cited for surface water impacts. EPA believes that newer and future solid waste landfills may present lower risks because subtitle C regulations keep most hazardous waste out of solid waste landfills. In addition, design controls for solid waste landfills have improved, and are expected to continue to improve with the implementation of subtitle D requirements (see October 9, 1991 (56 FR 50981)).

permits, and for States to submit State Storm Water Permitting Plans.

EPA estimates that the total annual cost of complying with the revised monitoring reporting requirements for storm water discharges is \$12,756,146. The Agency estimates that today's rule results in a annual reduction in costs to the regulated community of \$8,973,526 over the prior regulatory requirement. EPA estimates that the annual costs of complying with NOI submissions required by NPDES permits to be \$282,348. However, EPA believes that today's rule will not increase the existing burdens of complying with NOI requirements.

EPA estimates that the annual costs to State governments and EPA of reviewing monitoring reports for storm water discharges is \$136,158. The Agency estimates that the annual costs to States and EPA of reviewing NOIs is \$210,919. However, EPA believes that today's rule will not increase the existing burdens of reviewing NOIs. EPA estimates the total annual costs of preparing and reviewing State Storm Water Permitting Plans to \$351,846.

IV. Executive Order 12291

Executive Order 12291 requires EPA and other agencies to perform regulatory analyses of major regulations. Major regulations are those which impose a cost on the economy of \$100 million or more annually or have certain other economic impacts. Today's regulatory amendments generally make the NPDES permit applications more flexible and less burdensome for the regulated community. These regulations do not satisfy any of the criteria specified in section 1(b) of the Executive Order and, as such, do not constitute a major rule. This regulation was submitted to the Office of Management and Budget (OMB) for review.

V. Paperwork Reduction Act

The information requirements in this rule have been approved by the Office of Management and Budget (OMB) under provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and have been assigned OMB Control number 2040-0004.

Public reporting burden for this collection of information is estimated to average 17.46 hours per response, an increase of 1.50 hours. This includes time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. The 17.46 figure is an average for all dischargers under the NPDES program, including POTWs,

industrial process, and stormwater dischargers. For storm water dischargers, the average burden per response will decrease by 3.8 hours per respondent.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223Y, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

VI. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to prepare a Regulatory Flexibility Analysis to assess the impact of rules on small entities. No Regulatory Flexibility Analysis is required, however, where the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Today's amendments to the regulations would generally make the NPDES regulations more flexible and less burdensome for permittees. Accordingly, I hereby certify, pursuant to 5 U.S.C. 605(b), that these amendments will not have a significant impact on a substantial number of small entities.

VII. APA Requirements

The amendments to permit application deadlines for storm water discharges associated with industrial activity from facilities owned or operated by municipalities are being adopted without notice and comment. As they merely codify the provisions of section 1068 of the Intermodal Surface Transportation Efficiency Act of 1991, they constitute interpretive rules for which notice and comment is not required. EPA requested comment on the issue of the minimum number of facilities that must submit sampling data in a group application in a December 7, 1988 notice (53 FR 49416). Additional notice and comment is not required for the clarification to the group application regulations made in today's rule because the Agency has already taken comments on this issue and today's action only clarifies the approach that was intended by the November 16, 1990 rule.

List of Subjects in 40 CFR Part 122

Administrative practice and procedure, Environmental protection, Reporting and record keeping

notifies a discharger (or treatment works treating domestic sewage) that it is covered by a general permit in accordance with paragraph (b)(2)(vi) of this section. A complete and timely, notice of intent (NOI), to be covered in accordance with general permit requirements, fulfills the requirements for permit applications for purposes of §§ 122.6, 122.21 and 122.26.

(ii) The contents of the notice of intent shall be specified in the general permit and shall require the submission of information necessary for adequate program implementation, including at a minimum, the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, and the receiving stream(s). General permits for storm water discharges associated with industrial activity from inactive mining, inactive oil and gas operations, or inactive landfills occurring on Federal lands where an operator cannot be identified may contain alternative notice of intent requirements. All notices of intent shall be signed in accordance with § 122.22.

(iii) General permits shall specify the deadlines for submitting notices of intent to be covered and the date(s) when a discharger is authorized to discharge under the permit;

(iv) General permits shall specify whether a discharger (or treatment works treating domestic sewage) that has submitted a complete and timely notice of intent to be covered in accordance with the general permit and that is eligible for coverage under the permit, is authorized to discharge, (or in the case of a sludge disposal permit, to engage in a sludge use or disposal practice), in accordance with the permit either upon receipt of the notice of intent by the Director, after a waiting period specified in the general permit, on a date specified in the general permit, or upon receipt of notification of inclusion by the Director. Coverage may be terminated or revoked in accordance with paragraph (b)(3) of this section.

(v) Discharges other than discharges from publicly owned treatment works, combined sewer overflows, primary industrial facilities, and storm water discharges associated with industrial activity, may, at the discretion of the Director, be authorized to discharge under a general permit without submitting a notice of intent where the Director finds that a notice of intent

requirement would be inappropriate. In making such a finding, the Director shall consider: the type of discharge; the expected nature of the discharge; the potential for toxic and conventional pollutants in the discharges; the expected volume of the discharges; other means of identifying discharges covered by the permit; and the estimated number of discharges to be covered by the permit. The Director shall provide in the public notice of the general permit the reasons for not requiring a notice of intent.

(vi) The Director may notify a discharger (or treatment works treating domestic sewage) that it is covered by a general permit, even if the discharger (or treatment works treating domestic sewage) has not submitted a notice of intent to be covered. A discharger (or treatment works treating domestic sewage) so notified may request an individual permit under paragraph (b)(3)(iii) of this section.

§ 122.28 [Amended]

3. In redesignated paragraph 122.28(b)(3)(ii), the reference; "(b)(2)(i)" is revised to read "(b)(3)(i)".

4. In paragraph 122.28(c)(3), the reference; "122.28(b)(2)(i) (A) through (F)" is revised to read "122.28(b)(3)(i) (A) through (G)"

Subpart C—Permit Conditions

5. Section 122.44 is amended by revising paragraph (i)(2) and adding paragraphs (i)(3) through (i)(5) to read as follows:

§ 122.44 Establishing limitations, standards, and other permit conditions (applicable to State NPDES programs, see § 123.25).

(i) * * *

(2) Except as provided in paragraphs (i)(4) and (i)(5) of this section, requirements to report monitoring results shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year. For sewage sludge use or disposal practices, requirements to monitor and report results shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the sewage sludge use or disposal practice; minimally this shall

be as specified in 40 CFR part 503 (where applicable), but in no case less than once a year.

(3) Requirements to report monitoring results for storm water discharges associated with industrial activity which are subject to an effluent limitation guideline shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year.

(4) Requirements to report monitoring results for storm water discharges associated with industrial activity (other than those addressed in paragraph (i)(3) of this section) shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge. At a minimum, a permit for such a discharge must require:

(i) The discharger to conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity and evaluate whether measures to reduce pollutant loadings identified in a storm water pollution prevention plan are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed;

(ii) The discharger to maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the plan and the permit, and identifying any incidents of non-compliance;

(iii) Such report and certification be signed in accordance with § 122.22; and

(iv) Permits for storm water discharges associated with industrial activity from inactive mining operations may, where annual inspections are impracticable, require certification once every three years by a Registered Professional Engineer that the facility is in compliance with the permit, or alternative requirements.

(5) Permits which do not require the submittal of monitoring result reports at least annually shall require that the permittee report all instances of noncompliance not reported under § 122.41(l) (1), (4), (5), and (6) at least annually.

[FR Doc. 92-7279 Filed 4-1-92; 8:45 am]

BILLING CODE 5560-50-M



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FLOOD CONTROL DISTRICT RECEIVED	
JUL 06 1992	
CH ENG	P&M
DEP	HYDR
ADMIN	LMGT
FINANCE	FILE
G & O	CWM
ENGR	

OFFICE OF
WATER MARKS

MB

JUN 19 1992

Dear Group Representative:

The U.S. Environmental Protection Agency (EPA) has developed Part 2 guidance for participants in the group application process. Part 2 of the group application requires selected facilities to submit quantitative data no later than October 1, 1992. As a result of the Intermodal Surface Transportation Efficiency Act of 1991, facilities owned or operated by a municipality with a population of less than 250,000, however, have until May 17, 1993, to submit Part 2.

The attached guidance describes the steps necessary to fulfill Part 2 of the group application process. A "model" submittal representing a sampler is provided to assist group applicants with the preparation of Part 2.

Please submit all information, including all quantitative data from all samplers, in one complete package to the Director, Office of Wastewater Enforcement and Compliance (EN-336), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: William F. Swietlik. If you need further assistance please contact the EPA Storm Water Hotline at (703) 821-4823.

Sincerely,

Ephraim King
Ephraim King, Chief
NPDES Branch

**PART 2 INDUSTRIAL STORM WATER
GROUP APPLICATION
GUIDANCE**



**U.S. Environmental Protection Agency
Office of Wastewater Enforcement and Compliance
Permits Division
401 M Street, SW
Washington, DC 20460**

June 1992

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PART 2 INDUSTRIAL STORM WATER GROUP APPLICATION GUIDANCE

PURPOSE

This document provides the regulated community guidance to complete Part 2 of the storm water group application. Appendix A, a "model" submittal for a Part 2 participant, is to be used as a reference to help prepare the application.

BACKGROUND

On November 16, 1990, the U.S. Environmental Protection Agency (EPA) published the final storm water regulations. These regulations set forth National Pollutant Discharge Elimination System (NPDES) permit application requirements for storm water discharges associated with industrial activity and storm water discharges from certain municipal separate storm sewer systems. The regulation presented three permit application options for storm water discharges associated with industrial activity. The first option is to submit an individual application consisting of Forms 1 and 2F. The second option is to become a participant in a group application. The third option is to file a notice of intent (NOI) to be covered under a general permit in accordance with the requirements of an issued general permit.

INTRODUCTION

The concept of a group application is slightly different from the traditional NPDES application approaches utilized in the past, hence many members of the regulated community have been unsure as to how the group application is developed. The group application process consists of Parts 1 and 2. Part 1 of the group application consisted of the group members submitting information on their facility's location, industrial activities, significant materials exposed to storm water, and material management practices. In addition, a sampling subgroup was identified. The Part 1 application deadline was September 30, 1991. Part 2 of the application must include the quantitative data in Sections VII, VIII, and IX of the Form 2F and must be submitted to EPA Headquarters no later than October 1, 1992. (Note: deadlines for certain municipally owned or operated facilities are listed under the Special Conditions section below). Once a complete application has been received, EPA will evaluate both parts of the application and formulate model permit language for members of that group. The model permit language and a fact sheet will then be distributed to every NPDES authorized State, or EPA Region (if the State is not NPDES authorized) in which participants are located. The fact sheet will be developed by EPA to explain the basis on which the model permit was developed. The State then reviews the model permit. If the State finds that the model permit is acceptable and in compliance with applicable State regulations, the State will then propose and finalize an individual permit for each facility included in the application located in the State or the State may propose and finalize a general permit if the State has such authority. If the State feels additional information is needed to develop a complete permit, it may ask each or any of the applicants within the State for more information on their facility and/or discharge. EPA Regional Offices will follow these same steps for participants who are located in States without NPDES authorization.

SPECIAL CONDITIONS

For industrial activities owned or operated by a municipality with a population of less than 250,000, the Transportation Act of 1991 established new group application deadlines of May 18, 1992 for Part 1 and May 17, 1993 for Part 2. The Transportation Act also provides an exemption from storm water permitting requirements for industrial activities owned or operated by municipalities with a population of less than 100,000, with the exception of municipally owned or operated airports, powerplants, and uncontrolled sanitary landfills.

WHO IS REQUIRED TO SUBMIT PART 2 OF THE GROUP APPLICATION?

Facilities approved in Part 1 of the group application as samplers are required to submit quantitative data for Part 2. The group may submit data from additional facilities in order to provide a larger data set for the group. EPA expects that the group organizer will collect the Part 2 data from each designated sampler and submit all information for the group together.

WHERE SHOULD PART 2 OF THE GROUP APPLICATION BE SUBMITTED TO?

Submit Part 2 information from all samplers, together in one package, to:

Office of Wastewater Enforcement and Compliance(EN-336)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460
Attention: William F. Swietlik

WHEN MUST PART 2 OF THE GROUP APPLICATION BE SUBMITTED?

October 1, 1992 is the general deadline for submitting Part 2 of the application for existing groups with an approved Part 1. Please note, as indicated in the Special Conditions section above, that for certain groups comprised of industrial activities owned or operated by a municipality with a population of between 100,000 and 250,000 the Part 2 deadline is May 17, 1993.

WHAT IS REQUIRED FOR PART 2 OF THE GROUP APPLICATION?

The group organizer should submit quantitative data for those facilities identified as "samplers" in Part 1 of the application. The storm water permit application regulations at 122.26 (c)(2)(ii) state that *part 2 of a group application shall contain quantitative data (NPDES Form 2F), as modified by paragraph (c)(1) of section [122.26], so that when part 1 and part 2 of the group application are taken together, a complete NPDES application (Form 1, Form 2C, and Form 2F) can be evaluated for each discharger identified in paragraph (c)(2)(i)(D) of [122.26].* The intent of 122.26(c)(2)(ii) is for each of the designated samplers to submit the quantitative sampling data to the extent required for an individual application. Designated samplers are also encouraged to provide additional information on the drainage area of each outfall for which data is reported. This information will assist the permit writer in formulating a permit that best reflects the activities occurring on that type of industrial site (see Additional Information section).

QUANTITATIVE DATA

The quantitative data must be submitted for each outfall at the designated "sampler" facility that contains storm water associated with an industrial activity. The quantitative data include the following:

- ▲ Any pollutant limited in an effluent guideline to which the facility is subject. Applicable effluent guidelines appear in 40 CFR Subchapter N and are organized by industrial category. Within each industrial category are one or more subcategories. Facilities that meet the description of a particular subcategory and are subject to the published limitations specified for that subcategory must list these pollutants in Section VIIB of Form 2F.
- ▲ Any pollutant limited in the facility's NPDES permit for its process wastewater, if the facility is operating under an existing NPDES permit.
- ▲ Oil and grease, pH, BOD5, COD, total suspended solids (TSS), total phosphorus, total Kjeldahl nitrogen, and nitrate plus nitrite nitrogen.
- ▲ Any information on the effluent characterization requirements for NPDES discharges for conventional and nonconventional pollutants (40 CFR 122.21(g)(7)(iii) and iv).
- ▲ Flow measurements or estimates of the flow rate, and the total amount of discharge for the storm event sampled, and the method of flow measurement or estimation.
- ▲ The date and duration (in hours) of the storm event sampled, the amount (in inches) of rainfall during the storm event, and the duration (in hours) between the storm event sampled and the end of the previous measurable storm event.

ADDITIONAL INFORMATION

Certain additional information will be useful to the permit writer. If the following information is available, the group organizer and the sampling facilities should submit it:

- ▲ The location and kind of outfall.
- ▲ A site map and/or a narrative description of the drainage area for each outfall.
- ▲ Information on the site map such as the location of significant materials exposed to storm water, material management measures to limit exposure to storm water, material handling areas, storm water control measures, impervious areas, areas of disturbed land, areas of past spills or leaks, refuse areas, sites used for disposal of process wastewater, loading and unloading areas, access roads or rail lines, and storage areas.
- ▲ Any other information required in sections I-VI of Form 2F.

Group applicants are encouraged to prepare and submit draft storm water permits that would include proposed permit conditions, proposed storm water management plans, and/or pollution prevention practices. Although the EPA and State permitting authorities are not required to use these materials, consideration will be given in the drafting of model permits for the group.

HOW SHOULD THE REQUIRED QUANTITATIVE DATA BE SUBMITTED?

Quantitative data for Part 2 must be reported in sections VII, VIII and IX of Form 2F. Section X, the certification, must also be completed. Some sections may not apply to your facility. For example, section IX requests information on the contract laboratory that performed the analysis of your samples. If you did not use a contract laboratory, enter N/A in this section.

INSTRUCTIONS FOR COMPLETING SECTION VII

This section briefly describes the instructions for Section VII of the Form 2F. Note that the tables in Section VII include columns for "Average Values". The applicant is not required to fill in the "Average Value" columns but should if the data is available.

SECTION VIIA PARAMETERS

Provide sampling data for oil and grease, BOD₅, COD, TSS, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen, total phosphorus and pH. Please note that there is an error on Form 2F dated 1/92. Section VII, Part A, on page VII-1 incorrectly lists total nitrogen in the pollutant column. The table should list total Kjeldahl nitrogen and nitrate plus nitrite nitrogen in two separate rows in the Section VII column.

SECTION VIIB PARAMETERS

Identify all pollutants that are limited in an effluent guideline to which the facility is subject.

Facilities are also required to identify pollutants limited in the facility's NPDES permit for its process wastewater. Facilities must sample storm water discharges for all pollutants identified in Section VIIB.

SECTION VIIC PARAMETERS

List each pollutant presented in Tables 2F-2, 2F-3, and 2F-4 that you know, or have reason to believe, may be present in the storm water discharge from each outfall. Parameters listed in these tables include conventional and nonconventional pollutants, toxic pollutants and total phenol, gas chromatography/mass spectrometry (GC/MS) fraction volatile compounds, acid compounds, base/neutral compounds, pesticides, and hazardous substances. These tables are provided in Appendix B of this document and on the back of Form 2F. There are specific requirements associated with each table, and these requirements are summarized below.

TABLE 2F-2 CONVENTIONAL AND NONCONVENTIONAL POLLUTANTS

Analyze and report data for any pollutants in Table 2F-2 that are indirectly limited by an effluent guideline limitation through an indicator. Indicator limits are intended to control specific pollutants based on known relationships between the pollutants and the indicator (e.g., Total Suspended Solids, Metals, etc.). For other pollutants listed in Table 2F-2 that are not addressed in any other Sections of Form 2F, the applicant must either report quantitative data or briefly describe the reasons the pollutant is expected to be in the discharge.

TABLE 2F-3 TOXIC POLLUTANTS

Submit quantitative data for each pollutant in Table 2F-3 that is expected to be discharged in concentrations of 10 parts per billion (ppb) or greater (100 ppb or greater for acrolein, acrylonitrile, 2,4-dinitrophenol, and 2-methyl-4,6-dinitrophenol). For each pollutant expected to be discharged with a concentration less than 10 ppb (or 100 ppb for the four parameters mentioned above), the applicant must either submit quantitative data or briefly explain why the pollutant is expected to be discharged.

SMALL BUSINESS EXEMPTION

Small businesses are exempted from the storm water application reporting requirements for the organic toxic pollutants presented in Table 2F-3. Applicants can claim a small business exemption if:

- ▲ *The facility is a coal mine and the probable annual production is less than 100,000 tons per year. The applicant may submit past production data or estimate future production data instead of conducting analyses for the organic toxic pollutants listed in Table 2F-3.*
- ▲ *The facility is not a coal mine, and the gross total annual sales for the most recent 3 years averages less than \$100,000 per year, reflected in second quarter 1980 dollars. The applicant may submit sales data for those years instead of conducting analyses for the organic toxic pollutants listed in Table 2F-3.*

Facilities claiming the small business exemption should provide an explanation stating that the option is being exercised.

TABLE 2F-4 HAZARDOUS SUBSTANCES

List pollutants from Table 2F-4 that are expected to be present in the discharge and explain why the pollutant is expected to be present. No sampling is required for these parameters; however, if data from previous analyses exists the results must be reported.

INSTRUCTIONS FOR COMPLETING SECTION VIII

The applicant must identify any biological toxicity tests which he or she knows or has reason to believe have been made within the past 3 years on any of the applicant's storm water discharge or on a receiving water in relation to a discharge. Results from the test must be provided in Section VIII of the Form 2F. The applicant should describe the type of test used (including species), the date of the test, results, length and the dilution of the test, as well as whether the discharge or receiving stream was tested.

PART II MODEL APPLICATION

Appendix A is a "model" Part 2 application from a designated sampler of a group application. This application is from a hypothetical facility. For purposes of clarification, this model submittal only includes information from one sampler. The Part 2 of the group application, however, must include similar submittals for each of the approved samplers. The group organizer should compile Part 2 data from all sampling facilities into one submittal. The submittal should be organized so that it clearly indicates which data correspond to each outfall at each sampling facility.

**APPENDIX A - MODEL STORM WATER
PERMIT GROUP APPLICATION (Part 2)**

GROUP ORGANIZER: Copper Formers Association
EPA Group Application # 9999

SAMPLING FACILITY: George's Copper Forming
555 Wonka Drive
Hooville, NC. 22244
Sampler #3

FACILITY CONTACT: George Jones - President
Phone (919) 555-1234

NO. 100
INDUSTRIAL WASTEWATER
- 0 187

SAMPLER #3
GEORGE'S COPPER FORMING

NARRATIVE DESCRIPTION OF OUTFALLS

There are three outfalls associated with industrial activities at George's Forming facility. Outfall 1 is located near the southwest corner of the plant yard. A grass swale running north to south discharges to a municipal separate storm sewer system along Route 123. The following areas associated with an industrial activity are drained by this outfall:

- ▲ Runoff from the southwest side of the plants main building. It is feasible that small particle emissions could run off the roof during a heavy storm, even though there are no downspouts on this side of the building.
- ▲ Runoff from the outside storage of copper ingots.

Outfall 2 is located at the southeast corner of the plant yard. This outfall is the endpoint of a non-municipal sewer. This sewer conveys storm water from our detention pond and discharges it to a small stream. The following areas associated with an industrial activity are drained by this outfall:

- ▲ Runoff from the roof of the manufacturing building.
- ▲ Runoff from a coal pile which is located next to our employee parking area.

Outfall 3 is located at the northeast corner of the plant yard. This outfall is the endpoint of a non-municipal storm sewer that discharges into a stream running along side the yard. The following areas associated with an industrial activity are drained by this outfall:

- ▲ Runoff from a storage shed. This storage shed houses acids as well as lubricating fluids used in the manufacturing process.
- ▲ Runoff from the plants loading dock.
- ▲ Runoff from the roof of the manufacturing building.

Outfall 1

EPA ID Number (copy from item 1 of Form 1)

George's Copper Forming (Sampler # 3)

Continued from Page 2

VII. Discharge Information

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided. Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

E. Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below)

No (go to Section IX)

Copper

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below)

No (go to Section IX)

Acute toxicity testing has been done during one event for each of our 3 storm water discharges.

1/20/90

Fathead Minnow

Ceriodaphnia dubia (water flea)

No significant mortality
LC 50 > 100% effluent

Significant mortality
LC 50 = 10% effluent

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm?

Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below)

No (go to Section IX)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed
E-Z Laboratory	1515 Laneway, NC 10000	(919) 555-1111	All pollutants analyzed and biological toxicity testing.

X. Certification

I certify under penalty of law that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and report the information submitted. Based on my inquiry of the person or persons who manage the system or those 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.

A. Name & Official Title (type or print) George Jones - President	B. Area Code and Phone No. (919) 555
C. Signature George Jones -	D. Date Signed 5/28/92

Outfall 2

Continued from Page 2

EPA ID Number (copy from Item 1 of Form 1)

George's Copper Farming (Sampler #3)

VII. Discharge Information

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.

Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

E. Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below)

No (go to Section IX)

Copper

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below)

No (go to Section IX)

1/20/90

Fathead Minnow

No Significant mortality

LC 50 > 100% effluent

Ceriodaphnia dubia (water flea)

Significant mortality

LC 50 = 10% effluent

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm?

Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below)

No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed
E-Z Laboratory	1515 Laneway, NC 10000	(919) 555-1111	All pollutants analyzed and biological toxicity test.

X. 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 gather and report 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.

A. Name & Official Title (type or print)

George Jones - President

B. Area Code and Phone No.

(919) 555-

C. Signature

George Jones

D. Date Signed

5/28/

VII. Discharge Information (Continued from page 3 of Form 2F)

Part A - You must provide the results of at least one analysis for every pollutant in this table. Complete one table for each outfall. See instructions for additional details.

Pollutant and CAS Number (if available)	Maximum Values (include units)		Average Values (include units)		Number of Storm Events Sampled	Sources of Pollutants
	Grab Sample Taken During First 20 Minutes	Flow-weighted Composite	Grab Sample Taken During First 20 Minutes	Flow-weighted Composite		
Oil and Grease	6 mg/L	N/A	6 mg/L	*	1	Oil leaked from parked vehicles
Biological Oxygen Demand (BOD5)	3 mg/L	* - see below	3 mg/L	*	1	Decomposing Vegetation Gas & Oil leaked from parked vehicles.
Chemical Oxygen Demand (COD)	5 mg/L	*	5 mg/L	*	1	Same as BOD5
Total Suspended Solids (TSS)	5 mg/L	*	5 mg/L	*	1	Settled dust, runoff from coal pile, erosion, decomposing Vegetation
Total (A)	1.1 mg/L	*	1.1 mg/L	*	1	Decomposing Vegetation
Nitrogen (B)	.5 mg/L	*	.5 mg/L	*	1	Fertilizer
Total Phosphorus	.10 mg/L	*	.10 mg/L	*	1	Fertilizer
pH	Minimum 6.5	Maximum 6.5	Minimum 6.5	Maximum 6.5	1	N/A

See Below

Part B - List each pollutant that is limited in an effluent guideline which the facility is subject to or any pollutant listed in the facility's NPDES permit for its process wastewater (if the facility is operating under an existing NPDES permit). Complete one table for each outfall. See the instructions for additional details and requirements.

Pollutant and CAS Number (if available)	Maximum Values (include units)		Average Values (include units)		Number of Storm Events Sampled	Sources of Pollutants
	Grab Sample Taken During First 20 Minutes	Flow-weighted Composite	Grab Sample Taken During First 20 Minutes	Flow-weighted Composite		
TSS	See date in Section VII A					
Oil & Grease	"		"			
pH	"		"			
Cr	<.02 mg/L	*		*		Below detection level
Cu	.1 mg/L	*		*		Raw Material Handling
Pb	<.05 mg/L	*		*		Below detection level
Ni	<.02 mg/L	*		*		Below detection level
Zn	<.005 mg/L	*		*		Below detection level

(A) = Total Kjeldahl Nitrogen

(B) = Nitrate plus Nitrite Nitrogen

* = This Outfall drains a pond with a retention period of greater than 24 hrs. Therefore only grab samples are required from this outfall.

Outfall 3
Continued from Page 2

EPA ID Number (copy from item 1 of Form 1)

George's Copper Farming
(Sample # 3)

VII. Discharge Information

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided. Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

E: Potential discharges not covered by analysis - is any toxic pollutant listed in table 2F-2, 2F-3 or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below) No (go to Section IX)

Copper

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below) No (go to Section IX)

1/20/90

Fathead Minnow

Ceriodaphnia dubia (waterflea)

No significant mortality
LC50 > 100% effluent

Significant mortality
LC50 = 10% effluent

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm?

Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below) No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed
E-Z Laboratory	1515 Laneway, NC 10000	(919) 555-1111	All pollutants analyzed and biological toxicity testing.

X. 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 gather and evaluate 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.

A. Name & Official Title (type or print) George Jones - President	B. Area Code and Phone No. (919) 555-1234
C. Signature George Jones	D. Date Signed 5/28/92

Outfall 3

EPA ID Number (copy from item 1 of Form 1)

Form Approved. OMB No. 2040-0086
Approval expires 5-31-92

VII. Discharge Information (Continued from page 3 of Form 2F)

Part A - You must provide the results of at least one analysis for every pollutant in this table. Complete one table for each outfall. See instructions for additional details.

Pollutant and CAS Number (if available)	Maximum Values (include units)		Average Values (include units)		Number of Storm Events Sampled	Sources of Pollutants
	Grab Sample Taken During First 20 Minutes	Flow-weighted Composite	Grab Sample Taken During First 20 Minutes	Flow-weighted Composite		
Oil and Grease	5 mg/L	N/A	5 mg/L	N/A	1	Oil Leaked from parked vehicles - loading/unloading areas
Biological Oxygen Demand (BOD ₅)	7 mg/L	5 mg/L	7 mg/L	5	1	Decomposing Vegetation Gas; Oil from parked Vehicles
Chemical Oxygen Demand (COD)	10 mg/L	8 mg/L	10 mg/L	8	1	Same as BOD ₅
Total Suspended Solids (TSS)	15 mg/L	13 mg/L	15 mg/L	13	1	Settled dust, unloading of raw materials, erosion, decomposing Vegetation
Total Nitrogen (A)	1.3 mg/L	1 mg/L	1.3 mg/L	1	1	Decomposing Vegetation
Nitrogen (B)	.7 mg/L	.5 mg/L	.7 mg/L	.5	1	Fertilizer
Total Phosphorus	.20 mg/L	.13 mg/L	.20 mg/L	.13	1	Fertilizer
pH	Minimum 6.3	Maximum 6.3	Minimum 6.3	Maximum 6.3	1	Storage of acidic materials

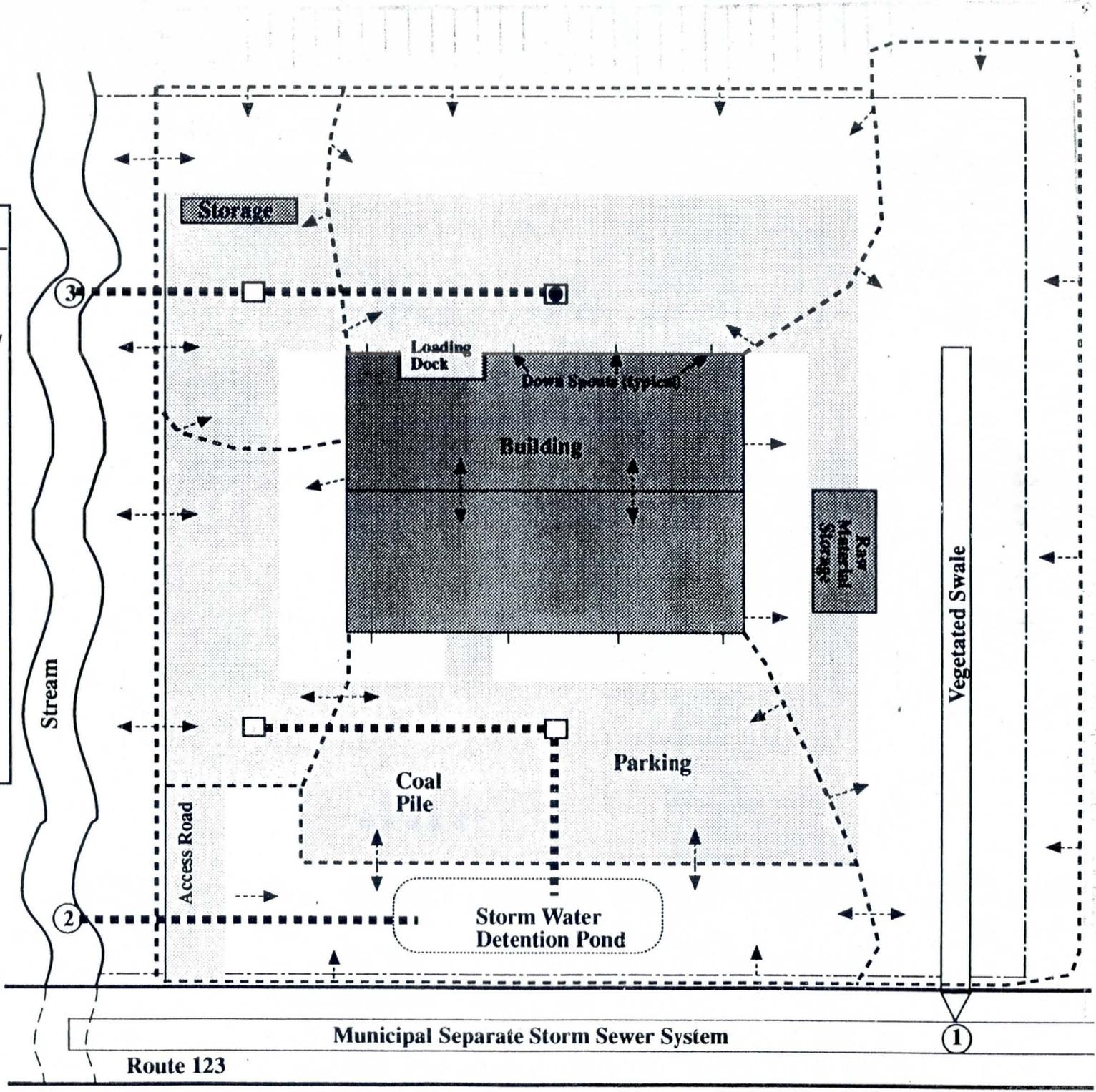
See Below

Part B - List each pollutant that is limited in an effluent guideline which the facility is subject to or any pollutant listed in the facility's NPDES permit for its process wastewater (if the facility is operating under an existing NPDES permit). Complete one table for each outfall. See the instructions for additional details and requirements.

Pollutant and CAS Number (if available)	Maximum Values (include units)		Average Values (include units)		Number of Storm Events Sampled	Sources of Pollutants
	Grab Sample Taken During First 20 Minutes	Flow-weighted Composite	Grab Sample Taken During First 20 Minutes	Flow-weighted Composite		
TSS	See data in Section VII A		VII A			
Oil & Grease	"		"			
pH	"		"			
Cr	4.02 mg/L	4.02 mg/L	4.02 mg/L	4.02 mg/L	1	Below detection levels
Cu	3.0 mg/L	2.5 mg/L	3.0 mg/L	2.5 mg/L	1	Material loading & unloading areas
Pb	.07 mg/L	.05 mg/L	.07 mg/L	.05 mg/L	1	Impurities in raw materials
Ni	4.02 mg/L	4.02 mg/L	4.02 mg/L	4.02 mg/L	1	Below detection levels
Zn	4.005 mg/L	4.02 mg/L	4.02 mg/L	4.02 mg/L	1	Below detection levels

(A) = Total Kjeldahl Nitrogen

(B) = Nitrate plus Nitrite Nitrogen



DATE: 01/20/2008 10:00:00 AM
PROJECT: GEORGE'S COPPER FORMING
DRAWN: J. HARRIS
CHECKED: J. HARRIS
SCALE: AS SHOWN

APPENDIX B - TABLES 2F-2, 2F-3 AND 2F-4

Table 2F-2

Conventional and Nonconventional Pollutants

Bromide
Chlorine, Total Residual
Color
Fecal Coliform
Fluoride
Nitrate-Nitrite
Nitrogen, Total Organic
Oil and Grease
Phosphorus, Total
Radioactivity
Sulfate
Sulfite
Surfactants
Aluminum, Total
Barium, Total
Boron, Total
Cobalt, Total
Iron, Total
Magnesium, Total
Molybdenum, Total
Manganese, Total
Tin, Total
Titanium, Total

Table 2F-3

Toxic Pollutants

Toxic Pollutants and Total Phenol

Antimony, Total
 Arsenic, Total
 Beryllium, Total
 Cadmium, Total
 Chromium, Total

Copper, Total
 Lead, Total
 Mercury, Total
 Nickel, Total
 Selenium, Total

Silver, Total
 Thallium, Total
 Zinc, Total
 Cyanide, Total
 Phenols, Total

GC/MS Fraction Volatiles Compounds

Acrolein
 Acrylonitrile
 Benzene
 Bromoform
 Carbon Tetrachloride
 Chlorobenzene
 Chlorodibromomethane
 Chloroethane
 2-Chloroethylvinyl Ether
 Chloroform

Dichlorobromomethane
 1,1-Dichloroethane
 1,2-Dichloroethane
 1,1-Dichloroethylene
 1,2-Dichloropropane
 1,3-Dichloropropylene
 Ethylbenzene
 Methyl Bromide
 Methyl Chloride
 Methylene Chloride

1,1,2,2-Tetrachloroethane
 Tetrachloroethylene
 Toluene
 1,2-Trans-Dichloroethylene
 1,1,1-Trichloroethane
 1,1,2-Trichloroethane
 Trichloroethylene
 Vinyl Chloride

Acid Compounds

2-Chlorophenol
 2,4-Dichlorophenol
 2,4-Dimethylphenol
 4,6-Dinitro-O-Cresol

2,4-Dinitrophenol
 2-Nitrophenol
 4-Nitrophenol
 p-Chloro-M-Cresol

Pentachlorophenol
 Phenol
 2,4,6-Trichlorophenol
 2-methyl-4,6 dinitrophenol

Base/Neutral

Acenaphthene
 Acenaphthylene
 Anthracene
 Benzidine
 Benzo(a)anthracene
 Benzo(a)pyrene
 3,4-Benzofluoranthene
 Benzo(ghi)perylene
 Benzo(k)fluoranthene
 Bis(2-chloroethoxy)methane
 Bis(2-chloroethyl)ether
 Bis(2-chloroisopropyl)ether
 Bis(2-ethylhexyl)phthalate
 4-Bromophenyl Phenyl Ether
 Butylbenzyl Phthalate

2-Chloronaphthalene
 4-Chlorophenyl Phenyl Ether
 Chrysene
 Dibenzo(a,h)anthracene
 1,2-Dichlorobenzene
 1,3-Dichlorobenzene
 1,4-Dichlorobenzene
 3,3'-Dichlorobenzidine
 Diethyl Phthalate
 Dimethyl Phthalate
 Di-N-Butyl Phthalate
 2,4-Dinitrotoluene
 2,6-Dinitrotoluene
 Di-N-Octylphthalate
 1,2-Diphenylhydrazine (as Azobenzene)

Fluoranthene
 Fluorene
 Hexachlorobenzene
 Hexachlorobutadiene
 Hexachloroethane
 Indeno(1,2,3-cd)pyrene
 Isophorone
 Naphthalene
 Nitrobenzene
 N-Nitrosodimethylamine
 N-Nitrosodi-N-Propylamine
 N-Nitrosodiphenylamine
 Phenanthrene
 Pyrene
 1,2,4-Trichlorobenzene

Pesticides

Aldrin
 Alpha-BHC
 Beta-BHC
 Gamma-BHC
 Delta-BHC
 Chlordane
 4,4'-DDT
 4,4'-DDE
 4,4'-DDD

Dieldrin
 Alpha-Endosulfan
 Beta-Endosulfan
 Endosulfan Sulfate
 Endrin
 Endrin Aldehyde
 Heptachlor
 Heptachlor Epoxide
 PCB-1242

PCB-1254
 PCB-1221
 PCB-1232
 PCB-1248
 PCB-1260
 PCB-1016
 Toxaphene

**Table 2F-4
Hazardous Substances**

Toxic Pollutant

Asbestos

Hazardous Substances

Acetaldehyde	Dinitrobenzene	Napthenic acid
Allyl alcohol	Diquat	Nitrotoluene
Allyl chloride	Disulfoton	Parathion
Amyl acetate	Diuron	Phenolsulfonate
Aniline	Epichlorohydrin	Phosgene
Benzonitrile	Ethion	Propargite
Benzyl chloride	Ethylene diamine	Propylene oxide
Butyl acetate	Ethylene dibromide	Pyrethrins
Butylamine	Formaldehyde	Quinoline
Carbaryl	Furfural	Resorcinol
Carbofuran	Guthion	Stronhium
Carbon disulfide	Isoprene	Strychnine
Chlorpyrifos	Isopropanolamine	Styrene
Coumaphos	Keithane	2,4,5-T (2,4,5-Trichlorophenoxyacetic acid)
Cresol	Kepone	TDE (Tetrachlorodiphenyl ethane)
Crotonaldehyde	Malathion	2,4,5-TP [2-(2,4,5-Trichlorophenoxxy) propanoic acid]
Cyclohexane	Mercaptodimethur	Trichlorofan
2,4-D (2,4-Dichlorophenoxyacetic acid)	Methoxychlor	Triethylamine
Diazinon	Methyl mercaptan	Trimethylamine
Dicamba	Methyl methacrylate	Uranium
Dichlobenil	Methyl parathion	Vanadium
Dichlone	Mevinphos	Vinyl acetate
2,2-Dichloropropionic acid	Mexacarbate	Xylene
Dichlorvos	Monoethyl amine	Xylenol
Diethyl amine	Monomethyl amine	Zirconium
Dimethyl amine	Naled	

FLOOD CONTROL DISTRICT
OF
MARICOPA COUNTY

SUMMARY OF MEETING

DATE: 27 May 92
29 May 92

TIME: 9:30 am
11:30 am (follow-up)

LOCATION: Telephone

CALLED BY: DGP

SUBJECT/PURPOSE: To discuss Federal Register (2 Apr 92) Requirements for Landfills

PRESENT: E. Bromley and DGP

DISCUSSION: I asked E. Bromley various questions concerning our options and clarification on some requirements brought about by promulgation of the 2 April 1992 Final Rule (40 CFR 122 Part VI).

The Final Rule says that monitoring data may not be a preliminary requirement in the NPDES general permit ^{application} requirements, however, Part 2 of the group permit application does require (substantial) monitoring data.

In response, E. Bromley stated that filing a NOI does not require monitoring data, however, he believes that a general permit for landfills will require some monitoring--how much is not known. He further stated that the permit requirements under a general permit will not be less stringent than permit requirements under a permit resulting from a group application. At this time, the minimum requirements for "monitoring" under a general permit have been reduced to annual inspections.

I mentioned that our landfills are currently listed under a group application: Should we (can we) dissolve the group and submit NOIs?

E. Bromley said we can.

I told him that locating sample points are a problem, since our active areas are great big holes that will not generate runoff, and in the case of closed landfills, are convex caps that produce sheet flow.

E. Bromley said that if there is no runoff, we don't have to sample. He also said that access roads are considered industrially active areas along with any other area where a spill could occur.

Concerning monitoring requirements for the Part 2 group application: One of the sections of Form 2F requires the applicant to test for any of the pollutants listed in table 2F-3 that are "expected to be present" in stormwater runoff. (A complete Form 2F represents most of the requirements for Part 2) A footnote under Table 2F-3 states that if an owner/operator of a facility expects any of the listed pollutants to be present at a detection level of 10 parts per billion or more, samples should be collected and analyzed for those expected pollutants. A question is: how does one know whether to sample for the pollutant in the first place? Ten ppb represents a very small "spill" when considering normal rainfall/runoff/basin size conditions. (For a 3-hour "design" storm, 100 acre basin, only 14 ounces of pure product could cause a mean concentration of 10 ppb).

MFR: E. Bromley, 27 May 1992
Page 2

Mr. Bromley stated that his advice is to sample for all pollutants listed on Table 2F-3! Table 3-F includes a total of 124 pollutants: metals cyanide and phenols (15), volatiles (28), acid (11), base/neutral (45), pesticides and PCBs (25). This brings considerably more complexity and funding into the sampling protocol than the original 8 "required" pollutant tests.

One of our landfills (Hassayampa) has been dropped from the group because it is a superfund site. This will probably be handled by submission of a NOI.

CONCLUSION: The group should decide whether to disband and submit NOIs or collect quantitative data for Part 2 of the group application.

FOLLOW-UP CALL: Regarding deadlines, Mr. Bromley said that if any member of a "heterogeneous group" has a population of less than 250,000, the entire group gets the later deadline (17 May 1993). Therefore, our group has until 17 May 1993 to submit Part 2.

ACTION REQUIRED: When the general permit (finally) gets promulgated, we will have all the information necessary to decide whether to dissolve the group and submit NOIs.

ACTION REFERRED TO:

ROUTING TO: CWM
CC: VAR

BY: *ASP*

? Reporting requirements?
Safes "D"