

November 8, 2006

The Honorable Ben Grumbles  
Assistant Administrator, Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Assistant Administrator Grumbles:

The Office of Advocacy submitted comments and a Technical Memorandum to your office on March 14, 2006.<sup>1</sup> My office's submittal was intended to provide the U.S. Environmental Protection Agency (EPA) with information so that the concerns of small entities would be adequately considered in the Proposed 2006 Multi-Sector General Permit (MSGP) for Industrial Facilities.<sup>2</sup>

While we are aware that the opportunity for formal public comment has expired, we believe that the information on analytical monitoring of total suspended solids (TSS) contained in the attached Technical Memorandum can assist EPA's efforts to regulate stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) program.

The Office of Advocacy continues to believe that EPA's proposal constitutes a rulemaking and we are hopeful that EPA takes the appropriate procedural steps to accommodate our views on this legal matter.<sup>3</sup> Regarding the requirements contained in EPA's proposal, the Office of Advocacy offers this Technical Memorandum to assist EPA's consideration of how their regulations will impact small entities.

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<sup>1</sup> Letter from Thomas Sullivan, Chief Counsel for Advocacy, U.S. Small Business Administration to Benjamin Grumbles, Assistant Administrator for Water, U.S. Environmental Protection Agency (March 14, 2006). Letter accessible at: [http://www.sba.gov/advo/laws/comments/epa06\\_0314.pdf](http://www.sba.gov/advo/laws/comments/epa06_0314.pdf).

<sup>2</sup> 70 Fed. Reg. 72116 (December 1, 2005).

<sup>3</sup> See, March 14, 2006 letter, accessible at: [http://www.sba.gov/advo/laws/comments/epa06\\_0314.pdf](http://www.sba.gov/advo/laws/comments/epa06_0314.pdf).

If you have questions regarding this letter or the attached Technical Memorandum, please do not hesitate to contact me or Kevin Bromberg who may be reached at: (202) 205-6964 or [Kevin.bromberg@sba.gov](mailto:Kevin.bromberg@sba.gov).

Sincerely,

Thomas M. Sullivan  
Chief Counsel for Advocacy

Kevin Bromberg  
Assistant Chief Counsel

Enclosure:

Technical Memorandum, Prepared by E.H. Pechan & Associates, Inc., "Review and Analysis of EPA Proposal to Require Analytical Monitoring of Total Suspended Solids as Part of Multi-Sector General Permit, Technical Memorandum," (November 2006).

cc: Steven Aitken, Acting Assistant Administrator for the Office of Information and Regulatory Affairs