



U.S. Environmental Protection Agency
Office of Wastewater Management
401 M Street, S.W.
Washington, D.C. 20460



**Instructions for Permittees Regarding the Expiration of the
EPA Storm Water Baseline Industrial General Permit**

The EPA Storm Water Baseline Industrial Permit, which was issued in 1992, expires in September 1997. EPA is proposing to terminate this permit in most locations where it was issued¹ and, in its place, cover all industrial storm water dischargers under the EPA Multi-Sector General Permit originally issued in 1995. To accomplish this, EPA is proposing to modify the Multi-Sector General Permit.

Please read these instructions carefully. Following these instructions will assist you in maintaining NPDES Storm Water General Permit coverage for your industrial activity in States where EPA is the permitting authority during the permit termination and reissuance period.

General Information

The 1987 Congressional Amendments to the Clean Water Act require EPA to control the discharge of pollutants from storm water point sources. Regulations were finalized by EPA in 1990, and storm water permits for industrial activities were required starting in 1992. **The 1992 EPA Storm Water Baseline General Permit for Industrial Activities expires at midnight, September 9, 1997, or midnight, September 25, 1997, depending on where the Industrial activity is located².**

EPA proposed to modified the Multi-Sector General Permit in the *Federal Register* on July 11, 1997 (Volume 62, Number 133, pages 37448-37475). Public comments will be accepted on the proposed permit through August 15, 1997. Copies of the proposed permit are available through the USEPA Office of Water Resources Center at (202) 260-7786 or through the following internet sites:

<http://www.epa.gov/owmitnet/pipes/storm.htm>
<http://www.epa.gov/earth1r6/6en/w/sw/home.htm>

There exists the potential that the modified Multi-Sector General Permit will not be issued prior to the expiration of the 1992 Baseline Industrial General Permit. **Industrial facilities that are currently covered under the Baseline Industrial General Permit and are eligible to transfer coverage to the existing Multi-Sector General Permit may do so beginning June 9, 1997 (Refer to the September 29, 1995 *Federal Register* Volume 60, Number 189, pages 50821-50824 for eligibility). Transferring coverage before the Baseline Industrial General Permit expires is a recommended option which will be less burdensome on permitted facilities and will avoid any gaps in storm water discharge permit coverage.**

¹ EPA proposes to let the Baseline Industrial General Permit continue in the following locations-- the Island of American Samoa, Federal facilities in Colorado, and Indian Country lands located in Colorado (including the portion of the Ute Mountain Ute Reservation located in New Mexico), Montana, North Dakota, South Dakota (including the portion of the Pine Ridge Reservation located in Nebraska), Utah (except for the Goshute and Navajo Reservation lands) and Wyoming. To continue coverage under the Baseline Industrial Permit in these areas, permittees must submit a new NOI prior to the expiration date of the Baseline Permit.

² The 1992 EPA Baseline Industrial General Permit expires at midnight, September 25, 1997, in Massachusetts, Washington DC, Guam, American Samoa, Puerto Rico, Indian lands in New York, and for Federal Facilities in Delaware. The permit expires at midnight, September 9, 1997, in all other areas where EPA is the permitting authority. It should be noted that there is conflicting information in the 1992 Baseline Industrial General Permit that states that the expiration date is October 1, 1997 (57 *FR* 41223 and 57 *FR* 44454). However, EPA believes that the more consistent reading of the permit in accordance with the Clean Water Act would provide for the permit to expire at midnight, September 9, 1997, and September 25, 1997, respectively.

According to the Administrative Procedures Act, permittees that wish to continue permit coverage for their industrial activities under the 1992 Baseline General Permit beyond September 9, 1997 (or September 25, 1997 in certain areas¹) must “administratively extend” their existing Baseline Industrial General Permit to have continuing permit coverage until EPA finalizes modifications to the MSGP. The following instructions provide guidance on how to administratively extend your existing permit and how to apply for the replacement permit once it is final.

Please note that the following instructions are based on the terms and conditions of the proposed modified Multi-Sector General Permit published in the *Federal Register* on July 11, 1997.

Instructions:

A. TO EXTEND EXISTING BASELINE INDUSTRIAL GENERAL PERMIT COVERAGE:

1. Submit a Notice of Intent (NOI) form for extended coverage under the 1992 Baseline Industrial General Permit **prior to September 9, 1997 (or September 25, 1997 in certain areas¹)** to the address given in B.3 below. Use EPA NOI Form 3510-6 (enclosed). The form number is printed on the bottom left corner of the form. This indicates that you wish to continue coverage under an “administratively extended” Baseline Industrial General Permit until EPA publishes the modified Multi-Sector General Permit. Include the project’s existing NPDES Permit Number in Section IV of the NOI form. If the NPDES Permit Number is not known, contact the EPA NOI Processing Center at (703) 931-3230.
2. Continue to follow the terms and conditions of the 1992 Baseline Industrial General Permit until coverage is acquired under the modified Multi-Sector General Permit as described in section B. below.

NOTE: Permittees that have terminated industrial activity and do not wish to remain covered under the Baseline Industrial General Permit, should **not** submit an NOI for an administrative extension. Permittees **may** submit a Notice of Termination (NOT) (EPA Form 3510-7) to terminate coverage at any time prior to September 9, 1997 (or September 25, 1997, in certain areas¹) but coverage will terminate automatically when the permit expires at midnight, September 9, 1997 (or September 25, 1997, in certain areas¹) unless an NOI for extended permit coverage is submitted.

B. TO ACQUIRE COVERAGE UNDER THE EPA MODIFIED MULTI-SECTOR GENERAL PERMIT WHEN FINAL

1. Obtain a copy of the final EPA Modified Multi-Sector General Permit when it is published in the *Federal Register*.
2. Read and comply with all aspects of the Modified Multi-Sector General Permit (note that some requirements may differ from those of the 1992 Baseline Industrial General Permit).
3. Submit an NOI form **within 30 days of the effective date** of the final Modified Multi-Sector General Permit to:

Storm Water Notice of Intent (4203)
USEPA
401 M Street, S.W.
Washington, DC 20460

USEPA/OWM, August 1997