



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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DALLAS, TX 75202-2733

July 2000

HORTON GLASS CO INC
121 GIBSON LN
CORPUS CHRISTI TX 78406

Facility Info: HORTON GLASS CO INC
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CORPUS CHRISTI TX 78406

Telephone:
Texas Taxpayer #: 17411648292

Re: Federal NPDES Storm Water Permitting under Clean Water Act

Dear Business Professional:

The Clean Water Act of 1972 mandated that the Waters of the United States should be Fishable and Swimmable. After 20 years of progress, annual State monitoring results show that many of our rivers, lakes, and streams still have failed to meet these goals. In 1987, Congress amended the Clean Water Act to include storm water runoff from industrial and municipal sources to improve water quality and to reach these goals. The mandate was based on years of study including the National Urban Runoff Protection report to Congress and annual State water quality reports.

The U.S. Environmental Protection Agency (EPA) issued final guidance in 1992 for certain facilities to obtain National Pollutant Discharge Elimination System (NPDES) permits for storm water runoff, and to use pollution prevention planning to reduce the potential of pollution reaching our rivers, lakes, and streams in storm water runoff. Facilities that discharge "Storm Water Associated with Industrial Activity" (SWAWIA) were required to apply for NPDES permits if they are identified in EPA regulation 40 C.F.R. 122.26(b)(14). This definition primarily relies on Standard Industrial Classification (SIC) codes. Information from the State of Texas Comptroller's database indicates you have the following primary SIC code, which is a SIC code subject to these regulations:

5039 Construction Materials, NEC

If the primary SIC code for your facility meets the definition of SWAWIA, then you should have applied for an NPDES storm water permit by October 1992. If you already have an NPDES storm water permit, you may disregard this letter and should continue implementing pollution prevention practices. Additionally, permittees will receive another letter in the mail reminding you of the assumption of NPDES storm water general permitting program by the State of Texas. If you do not meet the definition of SWAWIA, you may disregard this letter and are encouraged to perform your business activities in ways that protect the environment. The definition of SWAWIA determines if you need an NPDES permit. If you feel the above SIC code is in error, you may need to correct this information with the Texas Comptroller (800-252-5555). Additionally, you will need to determine your correct SIC code and whether the correct code subjects you to the regulations. Please review the attached SWAWIA definition. A book of SIC code definitions is available at a library or on the internet at <http://www.osha.gov/oshstats/sicser.html>.

Regulations signed by EPA on October 29, 1999, allow most facilities subject to these regulations to be exempted from the NPDES permitting program, if they have no exposure of industrial activity to storm water runoff. You will need to review your facility carefully to ensure that you meet the non-exposure definition. To avail yourself of this exemption, you will need to complete the enclosed "Non-Exposure" certification form and submit it to EPA. This exemption applies to facilities that already have an NPDES storm water permit and wish to discontinue permit coverage. They should also submit a Notice of Termination along with the Non-Exposure certification. You may visit the following web page for the regulations and guidance on the Non-Exposure exemption: <http://www.epa.gov/owm/sw/phase2/>.

If you meet the definition of SWAWIA, eligible applicants may use the enclosed Notice of Intent (NOI) to apply for permit coverage under the Multi-Sector General Permit (MSGP). You will need to prepare and implement a Storm Water Pollution Prevention Plan before submitting the NOI to EPA. This may require you to seek assistance from an environmental consultant if you are not experienced in developing these plans.

The State of Texas has assumed the NPDES program and will begin implementing the storm water general permit for SWAWIA on September 30, 2000, except for construction activities. The MSGP will expire September 29, 2000, and you will need to obtain your next federal NPDES permit from the Texas Natural Resource Conservation Commission (TNRCC). For information on renewal of the MSGP, or to obtain coverage after the September 29, 2000 expiration date, you may visit the TNRCC's storm water web page at <http://www.tnrcc.state.tx.us>. The storm water web page may be accessed from the main page through the index by striking the "S" index key.

Accidental or unknowing failure to obtain a permit, to submit a Non-Exposure certification, or to abide by permit conditions may subject you to civil penalties under Section 309 of the Clean Water Act of up to \$27,500 per day. Knowingly or negligently failing to comply with these regulations may subject you to criminal prosecution by the U.S. Attorney with monetary penalties of up to \$250,000 per day of violation and up to three (3) years in prison per count.

Obtaining a storm water NPDES permit and implementing pollution prevention practices will help achieve the goal of making our rivers, lakes, and streams "Fishable and Swimmable." Information regarding the NPDES storm water program may be found on the EPA Region 6 storm water web page at <http://www.epa.gov/region6/sw>.

Sincerely yours,

Robert V. Murphy (handwritten signature)

Robert V. Murphy
Water Enforcement Branch

Enclosures (4)