

5. FLEXIBILITY IN SAMPLING

The requirements for storm water sampling for permit applications offer some flexibility by the permitting authority. The areas of flexibility are discussed below.

5.1 PROTOCOL MODIFICATIONS

The permitting authority may allow sampling protocol modifications for specific requirements on a case-by-case basis. For example, the permitting authority may accept application forms with incomplete sampling data if there was no rainfall at the applicant's facility prior to the submission deadline. However, the permitting authority will require that sampling data be submitted as soon as possible. The reason for not submitting data must be certified by a corporate official (for industrial facilities) or the principal executive officer or ranking official (for municipalities).

Another area where permitting authorities may allow flexibility in storm water sampling is acceptance of quantitative data from a storm event that does not meet the representative rainfall criteria of within 50 percent of the volume and duration for the average storm event for the area. The permitting authority may decide that the discharge data provided is better than no data at all.

In addition, the permitting authority may 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. The permitting authority should be contacted for preapproval of any necessary protocol modifications. In the case of group applications, EPA Headquarters should be contacted.

5.2 PETITION FOR SUBSTITUTING SUBSTANTIALLY IDENTICAL EFFLUENTS

As described at 40 CFR 122.21(g)(7), when an industrial applicant has two or more outfalls with substantially identical effluents, the permitting authority may allow the applicant to test only one outfall and to report that the quantitative data also apply to the substantially identical outfalls. In the case of group applications, the petition must be submitted to EPA Headquarters.

For facilities seeking to demonstrate that storm water outfalls are substantially identical, a variety of methods can be used as determined by the permitting authority. Three possible petition options are discussed here: (1) submission of a narrative description and a site map; (2) submission of matrices; or (3) submission of model matrices. Detailed guidance on each of the three options for demonstrating substantially identical outfalls is provided below. An owner/operator certification should be submitted with each option. See Section 5.2.3 for an example of this certification.

5.2.1 OPTION ONE: NARRATIVE DESCRIPTION/SITE MAP

Facilities demonstrating that storm water outfalls are substantially identical may submit a narrative description of the facility and a site map to the permitting authority. The narrative portion must include a description of why the outfalls are substantially identical. Petitioners may demonstrate that these outfalls contain storm water discharges associated with:

- Substantially identical industrial activities and processes;
- Substantially identical significant materials that may be exposed to storm water [including, but 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 the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges as per 40 CFR 122.26(b)(12)];
- Substantially identical storm water management practices (such as retention ponds, enclosed areas, diversion dikes, gutters, and swales) and material management practices (such as protective coverings and secondary containment); and
- Substantially identical flows, as determined by the estimated runoff coefficient and approximate drainage area at each outfall.

The site map should include an indication of the facility's topography; each of the drainage and discharge structures; the drainage area of each storm water outfall; paved areas and buildings within the drainage area for each storm water outfall; all past or present areas used for outdoor storage or disposal of significant materials; identification of the significant materials in each drainage area; and identification of each existing

structural control measures used to reduce pollutants in storm water runoff, materials loading and access areas, and areas where pesticides, herbicides, soil conditioners, and fertilizers are applied.

**EXHIBIT 5-1. PETITION TO SAMPLE SUBSTANTIALLY IDENTICAL OUTFALLS
(NARRATIVE DESCRIPTION/SITE MAP)**

Examples

I. The Pepper Company of Philadelphia, Pennsylvania, is primarily engaged in manufacturing paperboard, including paperboard coated on the paperboard machine (from wood pulp and other fiber pulp). This establishment is classified under SIC code 2631. Pursuant to the November 16, 1990, NPDES storm water permit application regulations, this facility is considered to be "engaging in industrial activity" for the purposes of storm water permit application requirements in 40 CFR 122.26(b)(14)(i) and (ii).

II. "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 Pepper Company hereby petitions the State of Pennsylvania (the permitting authority) for approval to sample certain representative storm water outfalls in groupings of storm water outfalls that are substantially identical. The Pepper Company will demonstrate that of the ten (10) outfalls discharging storm water from our paperboard manufacturing plant, there are two pairs of substantially identical outfalls. Outfalls 3 and 4 are substantially identical and should be grouped together. Outfalls 8 and 9 are substantially identical and should be grouped together. Outfalls 1, 2, 5, 6, 7, and 10 have distinct characteristics and, therefore, will not be grouped together with other outfalls for the purposes of storm water discharge sampling.

III. The Pepper Company will demonstrate that the substantially identical outfalls that have been grouped together contain storm water discharges associated with: (1) substantially identical industrial activities and processes that are occurring outdoors; (2) substantially identical significant materials (including raw materials, fuels, finished materials, waste products, and material handling equipment) that may be exposed to storm water; (3) substantially identical material management practices (such as runoff diversions, gutters and swales, protective coverings, and structural enclosures); and (4) substantially identical flows, as determined by the estimated runoff coefficient and approximate drainage area at each outfall.

**EXHIBIT 5-1. PETITION TO SAMPLE SUBSTANTIALLY IDENTICAL OUTFALLS
(NARRATIVE DESCRIPTION/SITE MAP) (Continued)****1. Industrial Activities****A. Description of Industrial Activities at the Pepper Company**

The Pepper Company receives wastepaper in bales. This baled wastepaper is sent through a hydropulper and converted to pulp. The fiber material is concentrated, stored, and then drawn through refiners to the paper machines. Wires, plastics, and miscellaneous material are removed during the pulping.

Three systems are used to produce top liner, back paper, and filler. The highest quality fiber is used for the top liner, the medium quality is used for the back paper, and the poorest quality is used for the filler paper. Wireforming or conventional boxboard processes are employed to produce clay-coated boxboard, using a water-based clay-coating material. Additional materials may be used as binders. These are stored indoors and are not exposed to precipitation. Ammonia is used in the clay-coating process. Off-grade fiber and trim material are ground up and returned to the liquid process stream. Slime control agents, consisting of bactericides, are used in association with this process. These agents are organic materials used to prevent souring of mill operations. They are received in drums and stored indoors. Empty drums are returned to the supplier to reuse. In addition, the Pepper Company operates an onsite landfill for the disposal of miscellaneous waste materials removed during pulping and paper cuttings operations.

B. Demonstration of Why Outfalls Are Substantially Identical in Terms of Industrial Activities Conducted Outdoors.**Outfalls 3 and 4**

Outfalls 3 and 4 are substantially identical in terms of industrial activities conducted outdoors. Both outfalls contain storm water discharges associated with the outdoor storage of baled wastepaper. The wastepaper, which consists of old corrugated containers, mixed paper, and other types of wastepaper, is received weekly and stored for up to 3 weeks in Storage Areas #1 and #2. These uncovered storage areas are enclosed by chain-link fencing.

Outfalls 8 and 9

Outfalls 8 and 9 drain storm water runoff from areas where all industrial activities occur indoors. The industrial activities occurring under roof cover at these two outfalls include hydropulping, storage of concentrated fiber material, refining, and paperboard production. These industrial processes have no potential for contact with precipitation.

**EXHIBIT 5-1. PETITION TO SAMPLE SUBSTANTIALLY IDENTICAL OUTFALLS
(NARRATIVE DESCRIPTION/SITE MAP) (Continued)****2. Significant Materials****A. Description of Significant Materials at the Pepper Company**

The significant materials listed below are used by the Pepper Company to manufacture paperboard. These materials are stored indoors, unless otherwise indicated.

(i) Raw materials, including baled wastepaper (off-spec damaged paper stock or recycled paper) [**wastepaper is stored outdoors at Storage Areas #1 and #2**]; clays, ammonias, sizings, and slime control agents (chlorine dioxide); caustic; ammonia, which is stored in two tanks. [**See Storage Area #3**].

(ii) Waste Materials, including miscellaneous materials removed during pulping and paper cuttings (such as staples, rubber bands, styrofoam, etc.). These waste materials are stored indoors in open dumpsters. However, prior to disposing of the waste in the onsite landfill, these dumpsters are moved outdoors where they are potentially exposed to precipitation for 12 hours or less. [**See Storage Area #3**].

(iii) Finished Products, including paperboard and molded fiber products. These are always stored indoors.

(iv) Others, including wood pallets (which are used to transport and haul raw materials, waste materials, and finished products) are stored both indoors and outdoors. [**See Storage Area #3**]. The Pepper Company has an above-ground fuel tank with a pump. [**See Storage Area #3**].

B. Demonstration of Why Outfalls are Substantially Identical in Terms of Significant Materials that Potentially May be Exposed to Storm Water**Outfalls 3 and 4**

Outfalls 3 and 4 are substantially identical in terms of significant materials that may be exposed to storm water. Both outfalls contain storm water discharges associated with the outdoor storage of baled wastepaper. The wastepaper, which consists of old corrugated containers, mixed paper, and other types of wastepaper, is received weekly and stored for up to 3 weeks in Storage Areas #1 and #2. These uncovered storage areas are enclosed by chain-link fencing.

Outfalls 8 and 9

Outfalls 8 and 9 are substantially identical in terms of significant materials. Both outfalls contain storm water runoff from areas that have no significant materials potentially exposed to storm water. All industrial activities occurring in the areas drained by Outfalls 8 and 9 occur completely indoors.

**EXHIBIT 5-1. PETITION TO SAMPLE SUBSTANTIALLY IDENTICAL OUTFALLS
(NARRATIVE DESCRIPTION/SITE MAP) (Continued)**

3. Material Management Practices

A. Description of Material Management Practices at the Pepper Company

The Pepper Company uses a wide range of storm water management practices and material management practices to limit the contact of significant materials with precipitation. Non-structural storm water management practices include employee training, spill reporting and clean-up, and spill prevention techniques. Structural storm water management practices include:

- (i) Diversion Devices (both above-ground trenches and subterranean drains) are used to divert surface water from entering a potentially contaminated area.
- (ii) Gutters/Swales (constructed of concrete or grass) channel storm water runoff to drainage systems leading to separate storm sewers.
- (iv) Overland Flow (which is the flow of storm water over vegetative areas prior to entrance into a storm water conveyance) allows much of the storm water to infiltrate into the ground. The remainder is naturally filtered prior to reaching the storm water conveyance. This is not considered sheet flow since natural drainage channels may be carved out during a heavy storm event.

B. Demonstration of Why Outfalls Are Substantially Identical in Terms of Storm Water Management Practices Used

Outfalls 3 and 4

Outfalls 3 and 4 are substantially identical in terms of storm water management practices used. Both outfalls contain storm water discharges associated with the outdoor storage of baled wastepaper, located in Storage Areas #1 and #2. Concrete gutters at both sites channel storm water away from the storage areas down to the respective outfalls.

Outfalls 8 and 9

Outfalls 8 and 9 are substantially identical in terms of storm water management practices used. Both outfalls contain storm water runoff from areas that have no significant materials potentially exposed to storm water. All industrial activities occurring in the areas drained by Outfalls 8 and 9 occur completely indoors. Both outfalls receive overland flow storm water. From roof drains, the storm water in both drainage areas is then conveyed over similarly graded vegetative areas prior to entrance into the respective outfalls.

**EXHIBIT 5-1. PETITION TO SAMPLE SUBSTANTIALLY IDENTICAL OUTFALLS
(NARRATIVE DESCRIPTION/SITE MAP) (Continued)**

4. Flow Characteristics

A. 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

Outfalls 3 and 4

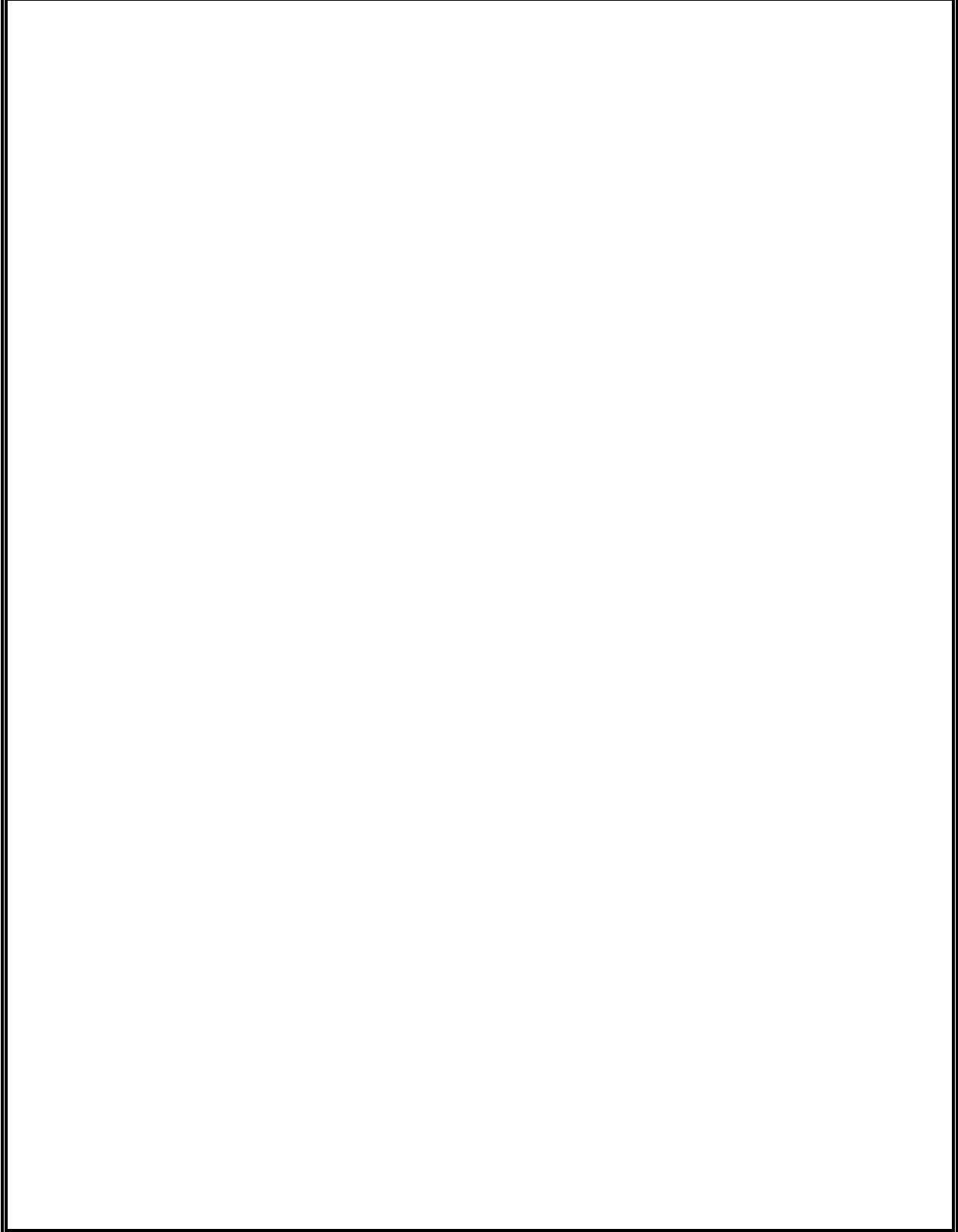
Outfalls 3 and 4 are substantially identical in terms of flow. Both drainage areas have a 2 to 7 percent grade and contain fine textured soil (greater than 40 percent clay) with a vegetative cover. The estimated runoff coefficient for both outfalls is .2. The approximate drainage area for each outfall is similar. Outfall 3 has an approximate drainage area of 3,500 square feet. Outfall 4 has an approximate drainage area of 2,900 square feet.

Outfalls 8 and 9

Outfalls 8 and 9 are substantially identical in terms of flow. Both drainage areas have a 2 to 7 percent grade and contain fine textured soil (greater than 40 percent clay) with a vegetative cover. The estimated runoff coefficient for both outfalls is .2. The approximate drainage area for each outfall is similar. Outfall 8 has an approximate drainage area of 7,600 square feet. Outfall 9 has an approximate drainage area of 8,700 square feet.

offers an example of a narrative description/site map petition that sufficiently demonstrates identical outfalls. A demonstration of how to determine runoff coefficient estimates was presented in Section 3.2.2.

EXHIBIT 5-2. SITE MAP



5.2.2 OPTION TWO: USE OF MATRICES TO INDICATE IDENTICAL OUTFALLS

Facilities attempting to demonstrate that storm water outfalls are substantially identical may submit matrices and an owner/operator certification describing specific information associated with each outfall to the permitting authority. Matrix information is required only for those outfalls that the permit applicant is attempting to demonstrate are identical, not for all outfalls. Petitioners must demonstrate, using the matrices, that the outfalls have storm water discharges that meet the criteria listed in Section 5.2.1. Refer to Exhibit 5-3

EXHIBIT 5.3 MATRICES DEMONSTRATING SUBSTANTIALLY IDENTICAL OUTFALLS

Industrial Activities

OUTFALL	A	B	C	D	E
3	X	--	--	X	--
4	X	--	--	X	--

8	--	--	--	--	--
9	--	--	--	--	--

Key:

- A = Outdoor storage of raw materials and material-handling equipment
- B = Fueling
- C = Waste materials storage (dumpster)
- D = Loading/unloading of raw materials, intermediate products, and final products
- E = Landfill activity

Significant Materials That May Be Exposed to Storm Water

OUTFALL	A	B	C	D	E	F
3	-	--	--	--	X	--
4	--	--	--	--	X	--

8	--	--	--	--	--	--
9	--	--	--	--	--	--

Key:

- A = Outdoor ammonia tank
- B = Wood pallets
- C = Above ground gas tank
- D = Waste materials
- E = Baled wastepaper
- F = Finished products

EXHIBIT 5.3 MATRICES DEMONSTRATING SUBSTANTIALLY IDENTICAL OUTFALLS (Continued)

Storm Water Management Practices

OUTFALL	A	B	C
3	--	X	--
4	--	X	--

8	--	--	X
9	--	--	X

Key:

- A = Runoff diversions
- B = Gutters/swales
- C = Overland flow (not sheet flow; flow through vegetative areas)

Flow Characteristics

OUTFALL	A	B
3	0.2	3,500
4	0.2	2,900

8	0.2	7,600
9	0.2	8,700

Key:

- A = Estimated runoff coefficient
- B = Approximate drainage area of outfall (square feet)

for examples of matrices that demonstrate substantially identical outfalls and Section 3.2.2 for guidance on determining runoff coefficient estimates.

5.2.3 OPTION THREE: MODEL MATRICES

Facilities attempting to demonstrate that storm water outfalls are substantially identical may submit model matrices and an owner/operator certification to the permitting authority. This option is particularly appropriate for facilities with a large number of storm water outfalls and the potential for numerous groupings of identical outfalls. In addition, this option may be useful in group applications that have a large sampling subgroup.

Model matrices should contain information for one grouping of substantially identical outfalls. For example, if a facility has 150 outfalls and several groupings of identical outfalls, the facility would choose one of the groupings of identical outfalls to provide information in the model matrices. The petitioner must demonstrate, using these matrices, that all outfalls within this grouping have storm water discharges that meet the criteria listed in Section 5.2.1.

The facility should provide an owner certification that all other groupings of outfalls have been examined and certified as substantially identical outfalls according to the criteria established in the model matrices described in Exhibit 5-3. The owner/operator who signs documents in this section should include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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" [as per 40 CFR 122.22(d)].

5.3 ALTERNATE 40 CFR PART 136 METHOD

As required in 40 CFR 136.4, the applicant must request the approval of an alternate test procedure in writing (in triplicate) prior to testing. The request must be submitted to the Regional Administrator through the Director of the State agency responsible for issuing NPDES permits. The applicant must:

- Provide the name and address of the responsible person or firm making the discharge (if not the applicant), the applicable identification number of the existing or pending permit, the issuing agency, the type of permit for which the alternate test procedure is requested, and the discharge serial number;
- Identify the pollutant or parameter for which approval of an alternate testing procedure is being requested;
- Provide justification for using testing procedures other than those specified in 40 CFR Part 136;
- Provide a detailed description of the proposed alternate test procedure, together with references to published studies of the applicability of the alternate test procedure to the effluents in question;
- Provide comparability data (for applicants applying for nation wide approval of an alternative test procedures).

The permitting authority will notify the applicant within 90 days regarding the approval of the alternate method.

5.4 LACK OF METHOD IN 40 CFR PART 136

If a specific pollutant that must be tested does not have a corresponding analytical method listed in 40 CFR Part 136, the applicant must submit information on an appropriate method to be used. The permitting authority must approve its use prior to collection and analysis of sampling data. The laboratory should be consulted for suggestions and information about analytical methods that can be used. All information justifying the alternative method should be sent to the permitting authority prior to use.