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Notices

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ENVIRONMENTAL PROTECTION AGENCY (EPA)

[FRL-5559-9]

Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits

61 FR-43761

Final National Policy

DATE: Monday, August 26, 1996

ACTION: Notice.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has issued a policy outlining an interim approach for incorporating water quality-based effluent limitations into storm water permits.

Background and Purpose

Due to the nature of storm water discharges, and the typical lack of information on which to base numeric water quality-based effluent limitations (expressed as concentration and mass), EPA has developed an interim permitting approach for National Pollution Discharge Elimination System (NPDES) storm water permits. While this interim permitting approach applies only to EPA, the Agency also encourages authorized States and Tribes to adopt similar policies for storm water permits.

The policy addresses issues related to the type of effluent limitations that are most appropriate for NPDES storm water permits to provide for the attainment of water quality standards. Since the policy only applies to water quality-based effluent limitations, it is not intended to affect technology-based limitations, such as those based on effluent guidelines or the permit writer's best professional judgements, that are incorporated into storm water permits. With this policy, the Office of Water is seeking to fulfill objectives of the 1996-1997 National Water Program Agenda for the Future, including reducing the threat of wet weather discharges to water quality, providing States and local governments with greater flexibility to solve wet weather problems, and identifying and taking appropriate steps to reduce the existing burden of the Storm Water Phase I program.

Numerous parties were involved in preparing this policy. In addition to receiving significant input from the Urban Wet Weather Flows (UWWF) Federal Advisory

61 FR 43761

-2-

August 26, 1996

Committee, EPA also consulted with the States and Regional Storm Water Coordinators. This interim permitting approach may be modified as a result of ongoing policy dialogue with the UWWF Federal Advisory Committee.

Policy Statement

In response to recent questions regarding the type of water quality-based effluent limitations that are most appropriate for National Pollutant Discharge Elimination System (NPDES) storm water permits, the Environmental Protection Agency (EPA) is adopting an interim permitting approach for regulating wet weather storm water discharges. Due to the nature of storm water discharges, and the typical lack of information on which to base numeric water quality-based effluent limitations (expressed as concentration and mass), EPA will use an interim permitting approach for NPDES storm water permits.

The interim permitting approach uses best management practices (BMPs) in first-round storm water permits, and expanded or better-tailored BMPs in subsequent permits, where necessary, to provide for the attainment of water quality standards. In cases where adequate information exists to develop more specific conditions or limitations to meet water quality standards, these conditions or limitations are to be incorporated into storm water permits, as necessary and appropriate. This interim permitting approach is not intended to affect those storm water permits that already include appropriately derived numeric water quality-based effluent limitations. Since the policy only applies to water quality-based effluent limitations, it is not intended to affect technology-based limitations, such as those based on effluent guidelines or the permit writer's best professional judgement, that are incorporated into storm water permits.

Each storm water permit should include coordinated and cost-effective monitoring program to gather necessary information to determine the extent to which the permit provides for attainment of applicable water quality standards and to determine the appropriate conditions or limitations for subsequent permits. Such a monitoring program may include, ambient monitoring, receiving water assessment, discharge monitoring (as needed), or a combination of monitoring procedures designed to gather necessary information.

This interim permitting approach applies only to EPA, however, EPA also encourages authorized States and Tribes to adopt similar policies for storm water permits. This interim permitting approach provides time, where necessary, to more fully assess the range of issues and possible options for the control of storm water discharges for the protection of water quality. This interim permitting approach may be modified as a result of the ongoing Urban Wet Weather Flows Federal Advisory Committee policy dialogue on this subject.

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61 FR 43761

-3-

August 26, 1996

DATES: The policy was signed by the Assistant Administrator for Water on August 1, 1996.

FOR FURTHER INFORMATION CONTACT: If you have questions about the policy, please contact, Bill Swietlik, Storm Water Phase I Matrix Manager, Office of Wastewater Management, at (202) 260-9529 or William Hall, Urban Wet Weather Flows Matrix Manager, Office of Wastewater Management, at (202) 260-1458, or by Internet: hall.william@epamail.epa.gov.

Dated: August 19, 1996.

Fred Lindsey, Acting Director, Office of Wastewater Management, Designated Federal Official.

[FR Doc. 96-21671 Filed 8-23-96; 8:45 am]