

a municipal separate storm sewer system.

One commenter indicated that many Navy activities would fall under both VIII.Q. Vehicle Maintenance Shops/ Equipment Cleaning Operations and VIII.R. Ship Building and Repair and would like to see EPA establish some guidelines for sector applicability. In response, the permit does specify that when an industrial facility has industrial activities being conducted onsite that meet the description(s) of industrial activities in another sector(s), that the industrial facility must comply with any and all applicable monitoring and pollution prevention plan requirements of each of those sector(s).

One commenter explained that marine terminal and ports have a multitude of activities undertaken by many industrial facilities and contractors in the common areas of the port. This commenter wanted to know who is responsible for obtaining permit coverage for these common areas which are usually served by a common storm sewer system. The commenter suggested that EPA require the property owner (port authority) to be the primary permit holder and have each lessee or contractor become a co-permittee. In response, the property owner (port authority) is responsible for permitting the common areas of the facility, and each lessee operating an industrial activity is responsible for obtaining permit coverage for the specific operations occurring on their leased property. In today's permit, EPA does require that the co-permittee arrangement be utilized at airport facilities; however, EPA will not require this approach at marine terminals or ports. The industrial facilities and contractors located at airports generally are similar in nature, and one pollution prevention plan can more easily address the issues of concern. A marine terminal or port often has many dissimilar activities occurring within the facility lending itself to an approach which can focus on each specific industrial operation. A co-permittee approach would be acceptable to the Agency, but it is not required.

One commenter felt that facilities in this sector are being forced to monitor for parameter(s) that no one believed were of concern, were not monitored for in Part II, and are not even handled by the facility, specifically, the metals. In response, EPA has revised the monitoring requirements in the final permit for the water transportation sector based on the methodology described previously. To address the concern that some facilities would have to monitor for pollutants not found or

suspected in their discharge, pollutant-by-pollutant certification will eliminate the requirement to monitor for those pollutants not present.

#### *Ship and Boat Building or Repairing Yards*

Comments received on the permit requirements included in sector R, ship and boat building or repairing yards, focused on grouping of industrial facilities, the benchmark values, and the application of multiple sectors to one facility (co-located industrial activities). Several commenters were concerned with the grouping of fiberglass and aluminum boat manufacturers into one sector. In response, EPA has evaluated the grouping of these types of boat manufacturers and has determined retain these industrial activities in one sector. EPA does not believe this will cause an undue burden on either industry given the revised monitoring requirements, which are now sub-sector specific and the flexibility of the pollution prevention plan requirements.

Two commenters took issue with the basis of the benchmark values. The benchmarks have been revised. For a full discussion of the revision see the part of the fact sheet that address the benchmark values directly.

One commenter was concerned with the burden of complying with all applicable sectors of the permit under the co-located industrial activities requirement. EPA has retained this provision in the final permit to ensure comprehensive environmental protection and does not believe this requirement is overly burdensome. This provision does not require that a separate and distinct pollution prevention plan be developed based on each applicable sector, but requires consideration of other BMPs from other sectors, and incorporation of those applicable BMPs into the pollution prevention plan for the facility. Where monitoring requirements from two or more sectors overlap, only one sample and analysis needs to be conducted (see discussion of co-located industrial activities above).

#### *Air Transportation*

Comments on Sector S, Air Transportation, primarily focused on obligations and responsibilities of the airport authority and its tenants. The storm water permit application regulations at 40 CFR 122.26(b)(14) define the storm water discharges associated with industrial activity in terms of eleven categories of industrial activities. Category (viii) includes transportation facilities classified as Standard Industrial Classification (SIC)

code 45 that have vehicle and equipment maintenance (including vehicle and equipment rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or airport deicing operations (including aircraft and runway deicing). Review of the *Standard Industrial Classification Manual*, published in 1987 by the Office of Management and Budget, clarifies that SIC code 45, which addresses air transportation facilities, is not limited to the operators of airports, air terminals and flying fields. In fact, SIC code 45 also includes establishments primarily engaged in providing foreign and domestic air transportation, air courier services, and other fixed base operators who are primarily engaged in servicing, repairing, or maintaining airports and/or aircraft and these activities will also need to be permitted if they have point source discharges of storm water from regulated activities defined under 40 CFR 122.26(b)(14)(viii).

Tenants at the airport, other than the airport authority itself, who conduct industrial operations at the airport facility described at 40 CFR 122.26(b)(14)(viii), and establishments who conduct regulated industrial activities described elsewhere under 40 CFR 122.26(b)(14), and whose operations result in storm water point source discharges are also required to apply for coverage under an NPDES storm water permit for their areas of operation. EPA recognizes that airports and their tenants enter into contractual relationships, therefore, these types of tenant facilities could be co-permittees with the airport operator if both parties chose, or could be permitted separately, and thereby be responsible individually for compliance with the permit and implementation of a pollution prevention plan. EPA encourages co-permittee status because this approach to permit coverage promotes better coordination of the pollution prevention plan measures and possibly better control of the storm water discharges. However, as the owner/operator of an airport facility and the storm sewer system, airport authorities are ultimately responsible for storm water discharges from their storm sewer system to waters of the U.S. or to a municipal separate storm sewer system.

Other tenants at the airport, such as car rental and food preparation establishments, which are not defined separately as storm water discharges associated with industrial activity under 40 CFR 122.26(b)(14) must also be addressed. These tenants may chose to be co-permittees with the airport operator, or private agreements may be