



Enviroscope

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It's Raining Again . . .

It's raining again ..." is the opening line to one of my favorite songs by the band *Supertramp*, but these days that phrase reminds me to collect my stormwater samples. Stormwater monitoring is about to change again with the final rule publication of Phase II by March 1, 1999. As metal finishers, we are already covered under Phase I, but we should keep a proactive stance toward Phase II.

Phase I sources include sources of stormwater from large municipalities (100,000+ population), large construction sites (5+ acres) and industrial activities. Discharges from industrial activities mean any conveyance used for collection and channeling of stormwater directly related to manufacturing, processing or storage of raw materials.

Phase II will address two categories: Small municipal separate storm sewer systems and small construction sites. Phase II is directly related to an estimate by the U.S. Environmental Protection Agency (EPA) that 60 percent of the pollutant loading in our waters is from urbanized areas not covered by Phase I.

In August 1995, the EPA published a final rule establishing Phase II in a two-tier process that would be regulated by the local National Pollutant Discharge Elimination System (NPDES) authorities. The first tier requires dischargers of pollutants that impair water quality to file for a permit. Tier two dischargers would have until August 7, 2001 to apply for an NPDES permit. The 1995 rule was written to protect dischargers from Clean Water Act (CWA) civil suit

liability. The EPA is currently under a court order to have supplemental rules published by September 1, 1997, with final rules published by March 1, 1999.

The draft rule does contain a "no exposure" provision that represents a significant expansion of the previous 1990 clause. The new provision makes all classes of industrial facilities eligible for waivers from identification as being "associated with industrial activity." In order to be covered by the no exposure provision, regulated facilities would have to meet certain requirements. There is still some debate as to the requirements and the level of skill of the "certifier." EPA claims that only minimal information would have to be submitted to the NPDES permitting authority for the no exposure provision.

The NPDES permitting authority would be allowed to inspect the facility applying for the waiver and to insure compliance with the requirements. Inspection information would become public record and would be available to anyone, upon request. EPA states that this program would be a minimal administrative burden on the NPDES authority, who would have to maintain a list of all facilities with the waiver.

In addition to changes to the Phase II section, merging of Phase I and Phase II is a real possibility. It is unknown how the merged final rule will affect the surface finishing industry, but there will be changes that will have to be addressed. The AESF is keeping a proactive stance on this regulatory effort, and I

recommend that we all help in that effort. **P&SF**

About the Columnist

Britt Allgood is a senior production engineer for finishing with Universal Fasteners Inc., a subsidiary of YKK Corp. of America. He graduated from Tennessee Technological University with an MS in chemistry. He is president of AESF's Mid-Tennessee Branch, AESF's Water Committee chairman, a member of the AESF OSHA Committee, and a member of the American Chemical Society.

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