



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

MEMORANDUM

SUBJECT: Request for extension of June 3, 2020 No Action Assurance for the NPDES Stormwater Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity

FROM: Anna Wildeman
Acting Assistant Administrator

Wildeman, Anna Digitally signed by Wildeman, Anna
Date: 2021.01.15 14:27:33 -05'00'

TO: Susan Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance (OECA)

The Office of Water (OW) is requesting that the Office of Enforcement and Compliance Assurance (OECA) extend the termination date for the No Action Assurance for the NPDES Stormwater Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity that OECA issued on June 3, 2020 (the NAA). The new MSGP, referred to as the 2021 MSGP, was signed by EPA on January 15, 2021 and has an effective date of March 1, 2021. In order to put industrial facilities that are operating consistent with the NAA on the same timetable for submission of a Notice of Intent (NOI) under the 2021 MSGP as existing facilities whose discharges are covered by the administratively continued 2015 MSGP, OW is requesting that the NAA termination date be extended from April 29, 2021 to June 29, 2021. All other conditions and requirements of the NAA should remain the same.

When OW requested that OECA issue the NAA in May of 2020 because of the pending expiration of the 2015 MSGP on June 3, 2020 without a new permit in effect, we expected that the new MSGP would be signed on November 12, 2020 and in effect by the end of December 2020. Consistent with prior MSGPs, existing permittees whose coverage under the 2015 MSGP was administratively continued would remain covered by the 2015 MSGP for 120 days after the effective date of the new permit (90 days to submit an NOI under the new permit plus 30 days for coverage to be in effect after the NOI is submitted). To maintain consistency between existing facilities whose permit coverage would be administratively continued and new facilities that would be operating consistent with the NAA, OW requested in May of 2020 that the NAA remain in effect until 120 days after the expected effective date of the new MSGP, which would have been April 29, 2021.

For several reasons, OW was not able to finalize and have the new MSGP signed by EPA until January 15, 2021, and the 2021 MSGP will not be in effect until March 1, 2021. To maintain consistency for all existing facilities, OW is requesting that OECA extend the termination date of the NAA until June 29,

2021. OW is asking that all other conditions and requirements of the NAA remain the same. In addition to the above explanation for extending the deadline, all other reasons that were provided by OW to support the original NAA are still valid: there is no other mechanism available to adequately address the gap in permit coverage, public health and the environment will not be adversely impacted, and the NAA is necessary to serve the public interest. If you have any questions or concerns regarding this request for an extension of the termination date for the NAA, please contact me or have your staff contact Emily Halter, halter.emily@epa.gov.