

**From:** Moore, Bill (ECY) [BMOO461@ECY.WA.GOV]

**Sent:** Thursday, April 19, 2007 9:01 AM

**To:** Moore, Bill (ECY); Varner, Phyllis; Navetski, Doug; damondd@comcast.net

**Cc:** Vidmar, Dennis; Bennett, Alison; Ota, Navdeep; Hashim, Bill (ECY); Winters, Nancy (ECY); LaSpina, Jim (ECY)

**Subject:** RE: Municipal Operations' Road Maintenance Facilities Coverage

**Importance:** High

Hi Phyllis, Doug:

I did some additional investigating and talked some more with folks around here and my April 5th e-mail on this subject (below) is wrong in some respects and in other respects it is misleading. - Please forward this e-mail to anybody you sent my earlier, April 5th e-mail.

**In short, municipally owned/operated road maintenance facilities and heavy equipment maintenance and storage areas will be covered under the municipal stormwater permits and NOT under the industrial stormwater general permit.**

Coverage of road maintenance facilities and heavy equipment maintenance and storage areas under the municipal stormwater permits is consistent with Ecology's approach under the previous phase I permit, earlier versions of the ISWGP and the current draft ISWGP.

After some additional review, I realized the ISTEPA exemption is not relevant for municipally owned/operated road maintenance facilities and heavy equipment maintenance and storage areas. These areas are not one of the EPA listed SIC codes for facilities generating stormwater associated with industrial activities (see 40 CFR 122.26(b)(14)). The closest SIC codes under which road maintenance facilities/heavy equipment maintenance and storage facilities would fit is "Heavy Construction other than building construction" – SIC 1611, 1622, 1623 and 1629. These SIC codes are not among the listed SIC codes in 40 CFR 122.26 (b)(14) which require permit coverage under the industrial stormwater general permit.

The 2002 ISWGP Appendix 1 lists SIC codes which were required to have permit coverage. Road maintenance facilities/heavy equipment maintenance and storage areas were not included under either the SIC codes or explicitly.

The current ISWGP and the proposed ISWGP currently out for public comment do include vehicle maintenance areas associated with the following transportation related SIC codes: 40 (railroads), 41 (Local and suburban transit and interurban highway transportation), 42 (Motor Freight transportation and warehousing), 43 (United States Postal Service), 44 (Water transportation), 45 (air transportation), 5171 (Petroleum bulk stations and terminals). This is consistent with EPA rules (see 40 CFR 122.26(b)(14)(viii)). None of these fit road maintenance facilities or heavy equipment maintenance and storage areas.

I do want to note that bus/transit maintenance facilities would fall within SIC code 41 and would be subject to the ISWGP, in which case they would "fall-out" of the municipal stormwater permits.

I apologize for any confusion this has caused. If you have any questions call or e-mail me.

thanks

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