



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

Permit

OCT 28 2005

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Multi-Sector General Permit Enforcement

FROM: Granta Y. Nakayama *Granta Y. Nakayama*
Assistant Administrator

TO: Regional Administrators, Regions I-X

This memorandum is to inform you of the pending lack of a Multi-Sector General Permit for industrial facilities and to alert you to the Environmental Protection Agency's (EPA) current position on our civil enforcement response to this situation. The current Multi-Sector General Permit (General Permit) under the National Pollutant Discharge Elimination System (NPDES) program will expire on October 30, 2005, and the new permit has not yet been finalized. This lack of a new permit will leave industrial facilities in the 30 industrial sectors listed in the current General Permit without the ability to gain coverage under a general permit in those States, Territories and Tribes where EPA is the permitting authority.

EPA has decided to make administrative or civil enforcement for lack of permit coverage against these dischargers a low priority because a new general permit has not been promulgated. This prioritization does not apply to criminal violations or to situations where egregious circumstances exist which may cause serious harm or which may present an imminent and substantial endangerment to public or the environment, or where no best management practices are in place to protect public health or the environment. The Agency also reserves the right, at any time, to exercise its enforcement discretion with respect to a specific discharge should circumstances warrant.

Under this low enforcement priority approach, EPA will not pursue actions against industrial dischargers who lack a permit but are meeting the obligations ordinarily imposed by the current General Permit. These obligations include but are not limited to Storm Water Pollution Prevention Plan development and implementation, proper installation and maintenance of best management practices, and any additional sector-specific requirements outlined in Section 6 of the current General Permit.



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This low enforcement priority approach for industrial facilities will terminate after six months or upon publication of a new general permit, whichever comes first. If you have any questions about this matter please contact Mark Pollins, Director, Water Enforcement Division, at (202) 564-4001, or Everett Volk, Attorney-Advisor in the Water Enforcement Division, at (202) 564-2828.

cc: Benjamin H. Grumbles, Assistant Administrator, Office of Water
Ann R. Klee, General Counsel