ENVIRONMENTAL PROTECTION AGENCY

[FRL–6472–8]

Report to Congress on the Phase II Storm Water Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of Report to Congress.

SUMMARY: EPA submitted a Report to Congress prior to promulgation of the new Phase II storm water regulations. The Report was required in the Agency's appropriation legislation for fiscal year 2000. The appropriation legislation also requires that USEPA invite public comment on the Report. By this notice, USEPA invites public comment.

DATES: Written comments on this notice and the Report to Congress must be submitted on or before January 7, 2000.

ADDRESSES: The Report to Congress on the Phase II Storm Water Regulations is available through the Internet on the EPA Office of Wastewater Management web site at http://www.epa.gov/owm/sw/phase2. Hard copies may be obtained by contacting the U.S. EPA Water Resource Center, 401 M Street, S.W., Washington, D.C. 20460; telephone: (202) 260–7786 (24-hour voice mail), fax: (202) 260–0386, e-mail: center.resource@epa.gov. Comments should be mailed to George Utting, USEPA, Office of Wastewater Management, Mail Code 4203, 401 M Street, S.W., Washington, D.C. 20460. Comments also may be faxed to (202)

260–1460 or submitted via the Internet to sw2@epamail.epa.gov.

FOR FURTHER INFORMATION CONTACT: George Utting, Office of Wastewater Management, Mail Code 4203, 401 M Street, S.W., Washington, D.C. 20460; telephone (202) 260–9530; email: sw2@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: On October 29, 1999, the Administrator of EPA signed a regulation that implements Section 402(p)(6) of the Clean Water Act. This rulemaking is referred to as the final Phase II storm water rule and is also published in today's **Federal Register**.

The Phase II storm water rule expands the existing National Pollutant Discharge Elimination System (NPDES) permitting program to address storm water runoff from construction sites between one and five acres and municipal separate storm sewer systems in urbanized areas serving populations of less than 100,000. The Phase II rule builds on the existing Phase I program, which controls storm water runoff from municipalities with populations greater than 100,000 and 11 industrial categories, including construction disturbing over five acres.

Statutory Authority

The Report to Congress on the Phase II Storm Water Regulations was required by section 431(a) of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act of 2000, Public Law 106–74 (1999) (Appropriations Act). Section 431(a) of the Appropriations Act directed EPA to submit a report that

addresses the following issues with respect to the Phase II Storm Water Rule: (1) An analysis of the impact of the rule on local governments, (2) an explanation of the rationale for lowering the threshold for regulation of construction sites from 5 acres to 1 acre, (3) an explanation of why the coverage of the regulation is based on a census-determined population instead of a water quality threshold and documentation that storm water runoff is generally a problem in communities with populations of 50,000 to 100,000, and (4) information that supports the position of the Administrator that the Phase II storm water program should be administered as part of the NPDES permit program.

On October 28, 1999, EPA delivered to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report that satisfied the mandate of section 431(a). Section 431(c) of the Appropriations Act directs EPA to publish the report in the **Federal Register** for public comment. By today's notice, EPA invites public comment by January 7, 2000. EPA will carefully review and evaluate comments received and determine whether the comments warrant further action.

Dated: November 4, 1999.

J. Charles Fox,

Assistant Administrator, Office of Water.

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