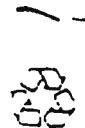




# NPDES Storm Water Program

## Question And Answer Document Volume 1



### **Category VIII - Transportation Facilities**

- 21. Are gas stations and automotive repair shops required to apply for an NPDES storm water discharge permit?**

No. These facilities are classified in SIC codes 5541 (gasoline filling stations) and 7538 (automotive repair shops). The storm water rule generally does not address facilities with SIC classifications pertaining to wholesale, retail, service or commercial activities. Additional regulations addressing these sources may be developed under Section 403(p)(6) of the CWA if studies required under Section 402(p)(5) indicate the need for regulation.

- 22. Does a vehicle maintenance shop or an equipment cleaning facility need to apply for a permit?**

Yes, if the shop is categorized by the SIC codes listed in the transportation category of facilities engaged in industrial activity [i.e., SIC codes 40, 41, 42 (except 4221-25) 43, 44, 45 and 5171]. Only the vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) and equipment cleaning areas (such as truck washing areas) must be addressed in the application.

As explained above, gas stations are classified in SIC code 5541 and automotive repair services are classified as SIC code 75, which are not included in the regulatory definition of industrial activity, and therefore are not required to submit NPDES storm water discharge permit applications.

- 23. Are municipally owned and/or operated school bus maintenance facilities required to apply for an NPDES permit?**

No. The SIC Manual states that "school bus establishments operated by educational institutions should be treated as auxiliaries" to the educational institution. Since the SIC code assigned to educational institutions is 82, the municipally operated (i.e., by a school board, district, or other municipal entity) school bus establishments would not be required to apply for an NPDES permit for their storm water discharges. Private contract school bus services are required to apply for an NPDES permit for their storm water discharges.

**24. Is SIC code 4212 always assigned to facilities with dump trucks?**

No. The maintenance facility must be primarily engaged in maintaining the dump truck to be characterized as SIC code 4212. Dump trucks used for road maintenance and construction and facilities that maintain these trucks are classified under SIC code 16 (heavy construction other than building construction) and therefore would not be characterized as engaging in industrial activity.

**25. How does a municipality determine what type of vehicle a particular maintenance facility is primarily engaged in servicing?**

The SIC Manual recommends using a value of receipts or revenues approach to determine what is the primary activity of a facility. For example, if a maintenance facility services both school buses and intercity buses, the facility would total receipts for each type of vehicle and whichever generated the most revenue, would be the vehicle type that the facility is primarily engaged in servicing. If data on revenues and receipts are not available, the number of vehicles and frequency of service may be compared. If a facility services more than two types of vehicles, whichever type generates the most (not necessarily greater than half of the total) revenue, or is most frequently serviced, is the vehicle type the facility is primarily engaged in servicing.

**26. Is a municipal maintenance facility that is primarily engaged in servicing garbage trucks required to apply for a permit?**

The answer depends on the SIC code assigned to the establishment. If the municipality also owns the disposal facility (e.g., landfill, incinerator) that receives refuse transported by the trucks, then the maintenance facility would be classified as SIC code 4953 and thus would not be required to apply for a permit unless the maintenance facility was located at a facility covered under one of the other categories of industrial activity (e.g., a landfill that receives industrial waste). If, however, the municipality does not own the disposal facility, the truck maintenance facility would be classified as SIC code 4212 and thus would be required to apply for a permit. If other vehicles are serviced at the same maintenance facility, the facility may not be required to submit a permit application (see question #25 above).

**31. Are railroad facilities included?**

Railroad facilities, classified as SIC code 40, which have vehicle maintenance activities, equipment cleaning operations or are otherwise identified under 122.26(b)(14)(i)-(vii) or (ix)-(xi) need to apply for a permit.

**32. Are repairs along a railroad system considered to be vehicle maintenance and thus regulated?**

No. Only nontransient vehicle maintenance shops are included in the transportation category.

**33. Are tank farms at petroleum bulk storage stations covered by the rule?**

No, unless the storm water discharge from the tank farm area commingles with storm water from any vehicle maintenance shops or equipment cleaning operations located onsite. However, tank farms located onsite with other industrial facilities, as defined in 122.26(b)(14), are included in the regulation.

**34. Is a parking lot associated with a vehicle maintenance shop included in the regulation?**

Yes. Under 122.26 (b)(14)(viii) vehicle maintenance and equipment cleaning operations are considered industrial activity. Parking lots used to store vehicles prior to maintenance are considered to be a component of the vehicle maintenance activity.

**35. Is the fueling operation of a transportation facility (SIC codes 40 through 45) covered if there are no other vehicle maintenance activities taking place at the facility?**

Yes. A nonretail fueling operation is considered vehicle maintenance [see 122.26(b)(14)(viii)] and requires an NPDES storm water discharge permit application.

**36. Is a manufacturing facility's offsite vehicle maintenance facility required to apply for a permit under the transportation category?**

No. An offsite vehicle maintenance facility supporting one company would not be required to apply for a permit if that company is not primarily engaged in providing transportation services and therefore would not be classified as SIC

code 42. The maintenance facility would be considered an auxiliary operation to the manufacturing facility. For a full discussion on auxiliary facilities see page 13 through 17 of the 1987 Standard Industrial Classification Manual. If the maintenance facility is located on the same site as the manufacturing operation, it would be included in the areas associated with industrial activity and must be addressed in an application.

37. **Is a marina required to apply for a storm water permit if it operates a retail fueling operation, but other vehicle maintenance or equipment cleaning activities are not conducted onsite?**

Facilities that are "primarily engaged" in operating marinas are best classified as SIC 4493 - marinas. These facilities rent boat slips, store boats, and generally perform a range of other marine services including boat cleaning and incidental boat repair. They frequently sell food, fuel, fishing supplies, and may sell boats. For facilities classified as 4493 that are involved in vehicle (boat) maintenance activities (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning operations, those portions of the facility that are involved in such vehicle maintenance activities are considered to be associated with industrial activity and are covered under the storm water regulations.

Facilities classified as 4493 that are not involved in equipment cleaning or vehicle maintenance activities (including vehicle rehabilitation, mechanical repairs, painting, and lubrication) are not intended to be covered under 40 CFR Section 122.26(b)(14)(viii) of the storm water permit application regulations. The retail sale of fuel alone at marinas, without any other vehicle maintenance or equipment cleaning operations, is not considered to be grounds for coverage under the storm water regulations.

Marine facilities that are "primarily engaged" in the retail sale of fuel and lubricating oils are best classified as SIC code 5541 - marine service stations - and are not covered under 40 CFR Section 122.26(b)(14)(viii) of the storm water permit application regulations. These facilities may also sell other merchandise or perform minor repair work.

Facilities "primarily engaged" in the operation of sports and recreation services such as boat rental, canoe rental, and party fishing, are best classified under SIC code 7999 - miscellaneous recreational facilities - and are not covered under 40 CFR Section 122.26(b)(14)(viii).