

OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS

FOR THE FIRST CIRCUIT

MARGARET CARTER
CLERK

UNITED STATES COURTHOUSE
1 COURTHOUSE WAY, SUITE 2500
BOSTON, MA 02210
(617) 748-9057

July 17, 2015

Catherine O'Hagan Wolf, Clerk
Thurgood Marshall
United States Courthouse
40 Centre Street, Room 1704
New York, NY

RE: 15-1781 Conservation Law Foundation, Inc. v. U.S. Environmental Protection Agency

Dear Clerk Wolf:

This Court entered a judgment transferring the above-entitled case to the United States Court of Appeals for the Second Circuit. Enclosed please find the following:

- 1) Electronic copy of the:
 - a) Public Docket Report; and
 - b) all electronic filings, including a copy of the judgment of transfer;

Please acknowledge receipt of this letter on the enclosed copy and return to my attention. If you should have any questions, please do not hesitate to contact me.

Sincerely,

Melinda Asiamah
Case Manager
US Court of Appeals
for the First Circuit
(617) 748-4214

Enclosures

cc:
Christopher Michael Kilian
Carl Dierker

General Docket

United States Court of Appeals for the First Circuit

Court of Appeals Docket #: 15-1781 Conservation Law Foundation, I v. U.S. Environmental Protection Appeal From: Environmental Protection Administration (EPA) Fee Status: filing fee paid		Docketed: 07/02/2015 Termed: 07/17/2015
Case Type Information: 1) agency 2) review 3) review		
Originating Court Information: District: EPA-1 : EPA-HQ-OW-2012-0803 Date Filed: 07/02/2015 Date Decided: 06/22/2015 Date Rec'd COA: 07/02/2015 District: EPA-1 : FRL-9920-21-OW Date Filed: 07/02/2015 Date Decided: 06/22/2015 Date Rec'd COA: 07/02/2015		
Prior Cases: None		
Current Cases: None		

15-1781 Conservation Law Foundation, Inc. v. U.S. Environmental Protection

CONSERVATION LAW FOUNDATION, INC.
Petitioner

Christopher Michael Kilian
Direct: 802-223-5343
[COR NTC Retained]
Conservation Law Foundation
Suite 4
15 E State St
Ste 4
Montpelier, VT 05602

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY
Respondent

Carl Dierker
Direct: 617-918-1090
[NTC Federal Government]
Office of Regional Counsel
U.S. Env. Protection Agency
Region I, J.F.K. Federal Bldg.
One Congress St.
Boston, MA 02203-0000

15-1781 Conservation Law Foundation, I v. U.S. Environmental Protection







CONSERVATION LAW FOUNDATION, INC.

Petitioner

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Respondent

07/02/2015		AGENCY CASE docketed. Petition for review filed by Petitioner Conservation Law Foundation, Inc.. Appearance form due 07/21/2015. Administrative record due 08/17/2015. Fee due 07/21/2015. Copy of petition served on respondent(s) pursuant to FRAP 15(c). [15-1781] (MA)
07/02/2015		CORPORATE disclosure statement filed by Petitioner Conservation Law Foundation, Inc.. [15-1781] (MA)
07/13/2015		Courtesy Copy of Notice to the Judicial Panel on MultiDistrict Litigation of MultiCircuit Petitions For Review filed by Petitioner Conservation Law Foundation, Inc. Certificate of service dated 07/10/2015. [15-1781]. CLERK'S NOTE: Docket entry was edited to modify the docket text. [15-1781]. CLERK'S NOTE: Docket entry was edited to modify the docket text. [15-1781] (MA)
07/13/2015		NOTICE of Consolidation Order filed by Judicial Panel on MultiDistrict Litigation. [15-1781]. CLERK'S NOTE: Docket entry was edited to modify the docket text. [15-1781]. CLERK'S NOTE: Docket entry was edited to modify the docket text. [15-1781] (MA)
07/16/2015		NOTICE of appearance on behalf of Petitioner Conservation Law Foundation, Inc. filed by Attorney Christopher M. Kilian, Esq.. Certificate of service dated 07/16/2015. [15-1781] (CMK)
07/16/2015		Filing fee was paid by Petitioner Conservation Law Foundation, Inc.. Receipt number: 021790. [15-1781] (MA)
07/17/2015		JUDGMENT: In accordance with the consolidation order of the United States Judicial Panel on Multidistrict Litigation, dated June 16, 2015, it is hereby ordered that the above-captioned petition for review be transferred to the United States Court of Appeals for the Second Circuit. [15-1781] (MA)

United States Court of Appeals For the First Circuit

No. 15-1781

CONSERVATION LAW FOUNDATION, INC.

Petitioner

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Respondent

JUDGMENT

Entered: July 17, 2015
Pursuant to 1st Cir. R. 27.0(d)

In accordance with the consolidation order of the United States Judicial Panel on Multidistrict Litigation, dated June 16, 2015, it is hereby ordered that the above-captioned petition for review be transferred to the United States Court of Appeals for the Second Circuit.

By the Court:

/s/ Margaret Carter, Clerk

cc:

Catherine O'Hagan Wolfe, Clerk of Court for the U.S. Court of Appeals Second Circuit
Christopher Michael Kilian
Carl Dierker

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

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FILED IN CLERKS OFFICE
U.S. COURT OF APPEALS
FOR THE FIRST CIRCUIT

CONSERVATION LAW FOUNDATION,
INC.

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

Respondent.

PETITION FOR REVIEW

Docket No. _____

[Agency Docket No.
EPA-HQ-OW-2012-0803; FRL-
9920-21-OW]

PETITION FOR REVIEW

Pursuant to Section 509(b)(1) of the federal Clean Water Act, 33 U.S.C. § 1369(b)(1), and Rule 15 of the Federal Rules of Appellate Procedure, Conservation Law Foundation, Inc. hereby petitions this Court for review of a final action of respondent United States Environmental Protection Agency, entitled *National Pollutant Discharge Elimination System Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity* ("MSGP"), the notification of the issuance of which was published at 80 Fed. Reg. 34,403 (June 16, 2015). For purposes of judicial review, the MSGP was issued on June 22,

2015. A copy of the Federal Register notification of issuance of the MSGP is attached to this petition.

The MSGP itself, which exceeds 300 pages, is not attached to this petition but is available online at: <http://water.epa.gov/polwaste/npdes/stormwater/EPA-Multi-Sector-General-Permit-MSGP.cfm>. Petitioner will be pleased to provide the Court with a courtesy hard copy of the MSGP if the Court so desires.

Respectfully submitted this 2nd day of July 2015.

CONSERVATION LAW FOUNDATION, INC.

By its attorney,



Christopher M. Kilian, Esq.
First Circuit Bar # 1143253
15 East State St., Suite 4
Montpelier, VT 05602
(802) 223-5992

EXHIBIT A

**COPY OF THE FEDERAL REGISTER
NOTICE OF THE ISSUANCE
OF THE 2015 MSGP**

the Commission and open to public inspection.

Any questions regarding this application should be directed to Kelly Allen, Manager, Regulatory Affairs Department, Trans-Pecos Pipeline, LLC, 1300 Main Street, Houston, Texas 77002, or by calling (713) 989-2606 (telephone) or (713) 989-1205 (fax) Kelly.Allen@energytransfer.com.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 5 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will

consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern Time on June 30, 2015.

Dated: June 9, 2015.

Kimberly D. Bose,
Secretary.

IFR Doc. 2015-14740 Filed 6-15-15; 8:45 am
BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2012-0803; FRL-9920-21-OW]

Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final permit issuance.

SUMMARY: The EPA's Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 are issuing their final 2015 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from industrial activity, also referred to as the Multi-Sector General Permit (MSGP). This permit replaces the existing permit covering stormwater discharges from industrial facilities in the EPA's Regions 1, 2, 3, 5, 6, 9, and 10 that expired September 29, 2013, and provides coverage for industrial facilities in areas where the EPA is the NPDES permitting authority in the EPA's Regions 7 and 8. The MSGP consists of 44 separate regional EPA general permits that may vary from each other based on state or tribal certifications and water quality-based requirements. As with earlier permits, this permit authorizes the discharge of stormwater associated with industrial activities in accordance with the terms and conditions described therein. Industrial dischargers have the option to instead seek coverage under an individual permit. An individual permit may be necessary if the discharger cannot meet the terms and conditions or eligibility requirements in this permit. The EPA is issuing this permit for five years.

DATES: The permit became effective on June 4, 2015. This effective date is necessary to provide dischargers with the immediate opportunity to comply with Clean Water Act requirements in light of the expiration of the 2008 MSGP on September 29, 2013. In accordance with 40 CFR part 23, this permit shall be considered issued for the purpose of judicial review on June 22, 2015. Under section 509(b) of the Clean Water Act, judicial review of this general permit can be requested by filing a petition for review in the United States Court of Appeals within 120 days after the permit is considered issued. Under section 509(b)(2) of the Clean Water Act, the requirements in this permit may not be challenged later in civil or criminal proceedings to enforce these requirements. In addition, this permit may not be challenged in other agency proceedings. Deadlines for submittal of

notices of intent are provided in Part 1.2 of the 2015 MSGP. The 2015 MSGP also provides additional dates for compliance with the terms of these permits.

FOR FURTHER INFORMATION CONTACT: For further information on the final NPDES MSGP, contact the appropriate EPA Regional Office listed in Section I.C., or Bryan Rittenhouse, EPA Headquarters, Office of Water, Office of Wastewater Management at tel.: 202-564-0577 or email: rittenhouse.bryan@epa.gov.

SUPPLEMENTARY INFORMATION: This supplementary information is organized as follows:

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I. General Information

A. Does this action apply to me?

This MSGP regulates stormwater discharges from industrial facilities in the 30 sectors shown below:

- Sector A—Timber Products.
- Sector B—Paper and Allied Products Manufacturing.
- Sector C—Chemical and Allied Products Manufacturing.
- Sector D—Asphalt Paving and Roofing Materials Manufacturers and Lubricant Manufacturers.
- Sector E—Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing.
- Sector F—Primary Metals.
- Sector G—Metal Mining (Ore Mining and Dressing).
- Sector H—Coal Mines and Coal Mining-Related Facilities.
- Sector I—Oil and Gas Extraction.
- Sector J—Mineral Mining and Dressing.
- Sector K—Hazardous Waste Treatment Storage or Disposal.
- Sector L—Landfills and Land Application Sites.
- Sector M—Automobile Salvage Yards.
- Sector N—Scrap Recycling Facilities.
- Sector O—Steam Electric Generating Facilities.

- Sector P—Land Transportation.
- Sector Q—Water Transportation.
- Sector R—Ship and Boat Building or Repairing Yards.
- Sector S—Air Transportation Facilities.
- Sector T—Treatment Works.
- Sector U—Food and Kindred Products.
- Sector V—Textile Mills, Apparel, and other Fabric Products Manufacturing.
- Sector W—Furniture and Fixtures.
- Sector X—Printing and Publishing.
- Sector Y—Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.
- Sector Z—Leather Tanning and Finishing.
- Sector AA—Fabricated Metal Products.
- Sector AB—Transportation Equipment, Industrial or Commercial Machinery.
- Sector AC—Electronic, Electrical, Photographic and Optical Goods.
- Sector AD—Reserved for Facilities Not Covered Under Other Sectors and Designated by the Director.

Coverage under the 2015 MSGP is available to operators of eligible facilities located in areas where the EPA is the permitting authority and has made this general permit available for use. A list of eligible areas is included in Appendix C of the 2015 MSGP.

B. How can I get copies of these documents and other related information?

1. **Docket.** The EPA has established an official public docket for this action under Docket ID Number EPA-HQ-OW-2012-0803. The official public docket is the collection of materials that are available for public viewing at the Water Docket in the EPA Docket Center, (EPA/DC) WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. Although all documents in the docket are listed in an index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Publicly available docket materials are available in hard copy at the EPA Docket Center Public Reading Room, open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone number for the Water Docket is (202) 566-2426.

2. **Electronic Access.** You may access this **Federal Register** document electronically through the United States government on-line source for federal regulations at <http://www.regulations.gov>.

Electronic versions of the final permit and fact sheet are available on the EPA's NPDES Web site at <http://water.epa.gov/polwaste/npdes/stormwater/EPA-Multi-Sector-General-Permit-MSGP.cfm>.

An electronic version of the public docket is available through the EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.regulations.gov> to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/dockets>. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials at the EPA Docket Center.

C. Who are the EPA regional contacts for this final permit?

For EPA Region 1, contact David Gray at tel.: (617) 918-1577 or email at gray.davidj@epa.gov.

For EPA Region 2, contact Sergio Bosques at tel.: (787) 977-5838 or email at bosques.sergio@epa.gov.

For EPA Region 3, contact Kaitlyn Bendik at tel.: 215-814-2709 or email at bendik.kaitlyn@epa.gov.

For EPA Region 5, contact Brian Bell at tel.: (312) 886-0981 or email at bell.brianc@epa.gov.

For EPA Region 6, contact Nasim Jahan at tel.: (214) 665-7522 or email at jahan.nasim@epa.gov.

For EPA Region 7, contact Mark Matthews at tel. 913-551-7635 or email at matthews.mark@epa.gov.

For EPA Region 8, contact Gregory Davis at tel.: (303) 312-6314 or email at davis.gregory@epa.gov.

For EPA Region 9, contact Eugene Bromley at tel.: (415) 972-3510 or email at bromley.eugene@epa.gov.

For EPA Region 10, contact Margaret McCauley at tel.: (206) 553-1772 or email at mccauley.margaret@epa.gov.

II. Background of Permit

Section 405 of the Water Quality Act of 1987 added section 402(p) of the Clean Water Act (CWA), which directed the Environmental Protection Agency (EPA) to develop a phased approach to regulate stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) program. The EPA published a final regulation on the first phase on this program on November 16, 1990, establishing permit application requirements for "stormwater discharges associated with industrial activity." See 55 FR 48063. The EPA defined the term "stormwater discharge associated with industrial activity" in a comprehensive manner to cover a wide variety of facilities. See 40 CFR 122.26(b)(14). The EPA is issuing

the MSGP under this statutory and regulatory authority. The 2015 MSGP replaces the 2008 MSGP covering stormwater discharges from industrial facilities in the EPA's Regions 1, 2, 3, 5, 6, 9 and 10 that expired September 29, 2013, and provides coverage for industrial facilities in areas where the EPA is the NPDES permitting authority in the EPA's Regions 7 and 8.

Dischargers choosing to be covered by the MSGP must certify in their Notice of Intent (NOI) that they meet the requisite eligibility requirements described in Part 1 of the permit. In addition, dischargers must install and implement control measures to meet the effluent limits required in Part 2 and any sector-specific effluent limits in Part 8, and develop a stormwater pollution prevention plan (SWPPP) consistent with Part 5 describing their control measures used to achieve the effluent limits. The MSGP requires dischargers to conduct routine facility inspections (Part 3.1) and quarterly visual assessments of stormwater discharges (Part 3.2). Dischargers are also required to review and revise, as necessary, their SWPPP in order to meet the permit's effluent limits when certain triggering conditions occur (Part 4). Dischargers subject to benchmark monitoring are required to submit to the EPA quarterly benchmark monitoring results (Part 6.2.1). The EPA notes that Part 6.2.1 emphasizes that the benchmark thresholds used for monitoring are not effluent limits themselves, but rather information that is primarily for the use of the industrial facility to determine the overall effectiveness of its control measures and to assist in understanding when corrective action(s) may be necessary. Where applicable, dischargers must also submit to the EPA stormwater effluent data relating to impaired waters (Part 6.2.4) and compliance with numeric effluent limitations guidelines (Part 6.2.2). In addition, dischargers are required to submit an annual report containing permit compliance information generated from the past calendar year (Part 7.5).

III. Scope and Applicability of the Multi-Sector General Permit

A. Geographic Coverage

The 2015 MSGP provides coverage for sectors of industrial point source discharges that occur in areas not covered by an approved state or tribal NPDES program. The geographic coverage of the 2015 MSGP is listed in Appendix C of the permit, and includes the states of Idaho, Massachusetts, New Hampshire, and New Mexico as well as

all Indian Country lands (except in Region 4), and facilities operated by a federal operator in selected states. Permit coverage is also provided in Puerto Rico, the District of Columbia, and the Pacific Island territories. The EPA notes that, unlike the 2008 MSGP, facilities located in certain areas in the EPA's Regions 7 and 8 may be covered by this permit.

Because certifications required by Section 401 of the Clean Water Act were not received in time, operators of industrial facilities in the following areas are not yet eligible for coverage under the 2015 MSGP:

- The State of Idaho (except Indian country);
- The State of Washington (except Indian country) if operated by a federal operator; and
- Spokane Tribe of Indians lands.

The EPA will announce the availability of coverage under the 2015 MSGP for these areas in separate Federal Register notice(s) as soon as possible after the certifications are completed. In the meantime, existing dischargers in these areas that were authorized for coverage under the 2008 MSGP will remain covered under the 2008 MSGP until the 2015 MSGP has been issued. Once the permit is available, existing dischargers will be given 90 days to file an NOI for coverage under the 2015 MSGP.

B. Categories of Facilities Covered

This permit regulates stormwater discharges from industrial facilities in 30 sectors, as shown above in section I.A.

C. Summary of Significant Changes from the 2008 Multi-Sector General Permit

The 2015 MSGP replaces the 2008 MSGP, which was issued for a five-year term on September 29, 2008 (see 73 FR 56572) and expired September 29, 2013. The 2015 MSGP is similar to the 2008 MSGP, and is structured in nine parts: General requirements that apply to all facilities (e.g., eligibility of discharges, effluent limitations, stormwater pollution prevention plan (SWPPP) requirements, monitoring and reporting requirements) (Parts 1–7), industrial sector-specific conditions (Part 8), and specific requirements applicable to facilities within individual states or Indian country (Part 9). Additionally, the appendices provide forms for the submittal of a paper Notice of Intent, Notice of Termination, Conditional No Exposure Exclusion, Discharge Monitoring Report, and annual report, as well as step-by-step procedures for determining eligibility with respect to

protecting historic properties and threatened and endangered species, and for calculating site-specific, hardness-dependent benchmarks.

This 2015 MSGP includes several new or modified requirements from the 2008 MSGP. These changes are summarized below and are discussed in more detail in the 2015 MSGP fact sheet.

1. *NEPA Review for Dischargers Subject to any New Source Performance Standards (NSPS).* For the issuance of the 2015 MSGP, the EPA prepared an Environmental Assessment (EA)/finding of no significant impact (FONSI) that analyzed the potential environmental impacts of the permit. The EA considered the potential environmental impacts from the discharge of new source pollutants in stormwater discharges associated with industrial facilities where the EPA is the permitting authority (see the permit's docket for a copy of the EPA's EA and FONSI).

2. *Information Required for Notices of Intent.* The 2015 MSGP revises the information required in NOIs to provide the EPA with more complete information to determine eligibility and to enable the EPA to inform the operator of its specific monitoring requirements. Operators now need to include in their NOI location information for each stormwater outfall they discharge from, whether the facility discharges to saltwater, the hardness of the receiving water (if subject to benchmark monitoring for metals), whether the facility discharges to a federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site identified in Appendix P, as well as general information from their SWPPP if the SWPPP is not posted online. The EPA NPDES electronic Reporting Tool (NeT) will use latitude and longitude information for each outfall to automatically determine the receiving waters the facility discharges to and the receiving water's or waters' impairment status.

3. *Electronic Reporting Requirements.* Electronic reporting is required in the 2015 MSGP. Electronic reporting will create efficiencies and burden reduction regarding information submittal to the Agency. Recognizing there may be cases that make electronic submittals of information not possible, the EPA has included a waiver that an operator can receive from their EPA Regional Office. Waivers must be approved by the EPA Regional Office on a case-by-case basis and are not intended to cover information submittals for the entire permit term.

4. Threatened and Endangered Species Requirements. The EPA has finalized changes to the procedures operators must follow to establish their eligibility with regard to protection of threatened and endangered species and critical habitat (Appendix E) as a result of the EPA's consultation under Section 7 of the Endangered Species Act (ESA). These changes are necessary to ensure that the endangered and threatened species eligibility criteria in Part 1.1.4.5 are adequately protective of such species, and to ensure that operators are making accurate determinations of which eligibility criterion they qualify under.

5. Effluent Limit Clarifications. Several of the effluent limits in Part 2 of the 2015 MSGP include a greater level of specificity in order to make the requirements more clear and transparent. These clarifications will help permittees better understand how to comply with the effluent limits. The effluent limits in Part 2 for which the EPA has made clarifications include requirements for minimizing exposure, good housekeeping, maintenance, spill prevention and response procedures, and employee training.

6. Inspections. The EPA has consolidated the comprehensive site inspection and routine facility inspection procedures into one set of procedures to eliminate redundancies.

7. Corrective Actions. Although the 2008 MSGP required corrective actions, the EPA has provided greater detail about how these actions are to be handled. In the 2015 MSGP, the EPA clarified which conditions require a SWPPP review, modified the deadlines to further specify the EPA's expectations for what actions must be taken by the deadlines, and rewrote and clarified the reporting requirements following corrective actions.

8. SWPPP Documentation. To reduce permittee burden, the EPA identified the effluent limit requirements in Part 2.1.2 that are the most straightforward, *i.e.*, the ones that do not involve the site-specific selection of a control measure or are specific activity requirements (*e.g.*, "Plainly label containers . . . that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur"). Permittees can comply with the documentation requirements regarding these particular effluent limits by including the effluent limits verbatim in their SWPPP without providing additional information, thereby reducing the burden associated with SWPPP development (see Part 5.2.4). Requirements that involve activities that are done infrequently or are direct and

simple may be identified in the SWPPP as written in the permit to be executed effectively.

9. SWPPP Availability. To provide greater access to the SWPPP for the public, the EPA, and the Fish and Wildlife Service and National Marine Fisheries Services (the Services), the 2015 MSGP requires that permittees either provide a URL for their SWPPP on the NOI form, or provide selected information from the SWPPP on the NOI form. The selected information from the SWPPP that would have to be included in the NOI form includes: Onsite industrial activities exposed to stormwater, including potential spill and leak areas (see Parts 5.2.3.1, 5.2.3.3 and 5.2.3.5); pollutants or pollutant constituents associated with each industrial activity exposed to stormwater that could be discharged in stormwater and any authorized non-stormwater discharges listed in Part 1.1.3 (see Part 5.2.3.2); control measures employed to comply with the non-numeric technology-based effluent limits required in Part 2.1.2 and Part 8, and any other measures taken to comply with the requirements in Part 2.2 Water Quality-Based Effluent Limitations (see Part 5.2.4); a schedule for good housekeeping and maintenance (see Part 5.2.5.1); and a schedule for all inspections required in Part 3 (see Part 5.2.5.2).

10. Benchmark Monitoring. For the 2015 MSGP, the EPA has included additional non-hardness dependent metals benchmarks for facilities that discharge into saline waters. The addition of these benchmarks provide an appropriate indicator of the performance of the measures taken to meet the effluent limitations contained in the permit where stormwater is discharged into saline waters. Benchmark values in the 2008 MSGP for these metals were based on acute or chronic aquatic life freshwater criteria. These additional saline benchmark values are based on available acute ambient water quality criteria for arsenic, cadmium, copper, cyanide, lead, mercury, nickel, selenium, silver and zinc.

11. Industry Sector-specific Requirements. The following changes were made to Part 8 of the MSGP, which describes requirements specific to particular industry sectors:

Sector A, Timber Products— Discharges resulting from uncontaminated spray down or intentional wetting of logs at wet deck storage areas is an allowed non-stormwater discharge provided the effluent limitation in Part 8.A.7 is met. To accommodate situations where

facilities use water from a waterbody that they intend to return to the waterbody following spraying/wetting, the permit contains an allowance or credit for pollutants originally in the waterbody prior to use and discharge.

Sector G, Metal Mining—As with the 2008 MSGP, this permit provides coverage to operators for earth-disturbing activities conducted prior to active mining activities. Before 2008 those activities were required to be covered separately under the Construction General Permit (CGP) or an individual construction stormwater permit. To facilitate such coverage, additional requirements have been added that are consistent with limits from the Construction & Development (C&D) Effluent Limitation Guideline (ELG) (for earth-disturbing activities associated with the construction of staging roads and the construction of access roads conducted prior to active mining), and for mine site preparation earth disturbances, revised limits based on EPA's best professional judgement (BPJ)).

Sector H, Coal Mining—Additional requirements have been added that are consistent with changes made to Sector G.

Sector J, Mineral Mining and Dressing—Additional requirements have been added that are consistent with changes made to Sector G.

Sector S, Air Transportation—The EPA has added requirements based on the final effluent limitation guidelines for airplane and airport deicing operations. Also, the EPA has included clarifications regarding airport operators' responsibilities and the permit requirements that airport authorities may conduct on behalf of airport tenants.

IV. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

Under Executive Order (EO) 12866 (58 FR 51735 (October 4, 1993)) this action is a "significant regulatory action." Accordingly, the EPA submitted this action to the Office of Management and Budget (OMB) for review under Executive Orders 12866 and 13563 and any changes made in response to OMB recommendations have been documented in the docket for this action.

V. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

In compliance with Executive Order 13175, the EPA has consulted with tribal officials to gain an understanding

of and, where necessary, to address tribal implications of the MSGP. In the course of this consultation, the EPA undertook the following activities:

- **December 11, 2012**—EPA presented an overview of the 2008 MSGP and potential changes for the renewal of the MSGP to the National Tribal Caucus.

- **December 12, 2012**—EPA presented an overview of the current MSGP and potential changes for the renewal of the MSGP to the National Tribal Water Council.

- **December 12, 2012**—EPA mailed notification letters to tribal leaders initiating consultation and coordination on the renewal of the MSGP. The initiation letter was posted on the tribal portal Web site at <http://www.epa.gov/tribal/consultation>.

- **January 15, 2013**—EPA held an informational teleconference open to all tribal representatives, and reserved the last part of the teleconference for official consultation comments. EPA also invited tribes to submit written comments on the permit renewal. The presentation was posted on the tribal portal Web site at <http://www.epa.gov/tribal/consultation>.

VI. Analysis of Economic Impacts

The EPA expects the economic impact on entities covered under this permit, including small businesses, to be minimal. A copy of the EPA's economic analysis, titled, "Cost Impact Analysis for the Multi-Sector General Permit (MSGP)" is available in the docket for this permit. The economic impact analysis indicates that while there will be some incremental increase in the costs of complying with the new permit, these costs will not have a significant economic impact on a substantial number of small entities.

Authority: Clean Water Act, 33 U.S.C. 1251 et seq.

Dated: June 4, 2015.

Deborah Szaro,
Acting Regional Administrator, EPA Region 1.

Dated: June 4, 2015.

José C. Font,
Director, Caribbean Environmental Protection Division, EPA Region 2.

Dated: June 4, 2015.

Jon M. Capacasa,
Director, Water Protection Division, EPA Region 3.

Dated: June 4, 2015.

Tinka G. Hyde,
Director, Water Division, EPA Region 5.

Dated: June 4, 2015.

William K. Honker,
Director, Water Quality Protection Division, EPA Region 6.

Dated: June 4, 2015.

Karen Flournoy,
Director, Water, Wetlands, and Pesticides Division, EPA Region 7.

Dated: June 4, 2015.

Darcy O'Connor,
Acting Assistant Regional Administrator, EPA Region 8.

Dated: June 4, 2015.

Nancy Woo,
Acting Director, Water Division, EPA Region 9.

Dated: June 4, 2015.

Daniel D. Opalski,
Director, Office of Water and Watersheds, EPA Region 10.

[FR Doc. 2015-14792 Filed 6-15-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9929-20-Region-6]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Valero Refining—Meraux, LLC in Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: Pursuant to Clean Air Act (CAA) Section 505(b)(2) and 40 CFR 70.8(d), the EPA Administrator signed an Order, dated May 29, 2015, denying the petition asking EPA to object to an operating permit issued by the Louisiana Department of Environmental Quality for the Meraux petroleum refinery (Title V operating permit number 2500-00001-V5). The EPA's May 29, 2015 Order responds to the petition submitted by the Concerned Citizens Around Murphy, represented by the Tulane Environmental Law Clinic, on April 3, 2012. Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may ask for judicial review of those portions of the Orders that deny issues raised in the petition by the United States Court of Appeals for the appropriate circuit. Any petition for

review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307(b) of the Act.

ADDRESSES: You may review copies of the final Order, the petition, and other supporting information at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733.

EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Orders, petitions, and other supporting information. You may view the hard copies Monday through Friday, from 9:00 a.m. to 3:00 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final May 29, 2015 Order is available electronically at: http://www.epa.gov/region07/air/title5/petitiondb/petitions/meraux_response2012.pdf.

FOR FURTHER INFORMATION CONTACT: Kyndall Cox at (214) 665-8567, email address: cox.kyndall@epa.gov or the above EPA, Region 6 address.

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review, and object, as appropriate, to a title V operating permit proposed by a state permitting authority. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator, within 60 days after the expiration of this review period, to object to a title V operating permit if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issue arose after this period.

EPA received the petition from the Concerned Citizens Around Murphy (CCAM) on April 3, 2012 (2012 Petition), which is the second petition that EPA received from CCAM concerning this facility's title V permit. EPA previously received a petition from CCAM regarding the 2009 Meraux Title V Modification Permit (2009 Permit) on December 10, 2009 (2009 Petition), and responded to that petition in a prior order (2011 Order) that granted in part and denied in part the request for an objection. Within 90 days after that

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

CONSERVATION LAW FOUNDATION,
INC.

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

Respondent.

Certificate of Service

Docket No. _____

[Agency Docket No.
EPA-HQ-OW-2012-0803; FRL-
9920-21- OW]

Certificate of Service

Pursuant Rule 15 of the Federal Rules of Appellate Procedure, Conservation Law Foundation, Inc. ("CLF") hereby certifies that, upon obtaining from the Office of the Clerk of Court a date-stamped copy of the accompanying petition for review of a final agency action, CLF will cause that date-stamped, as-filed copy to be served in-hand upon respondent United States Environmental Protection Agency at its headquarters in Washington, D.C.

Respectfully submitted this 2nd day of July 2015.

CONSERVATION LAW FOUNDATION, INC.

By its attorney,

A handwritten signature in black ink, appearing to read "CM Kilian".

Christopher M. Kilian, Esq.
First Circuit Bar # 1143253
15 East State St., Suite 4
Montpelier, VT 05602
(802) 223-5992



For a thriving New England

CLF Vermont 15 East State Street, Suite 4
Montpelier, VT 05602
P: 802 223 5992
F: 802 223 0060
www.clf.org

2015 JUL -2 P 12:47

HD
FILED IN CLERK'S OFFICE
JUL 2 2015

VIA Hand Delivery

July 2, 2015

Clerk, United States Court of Appeals for the First Circuit
U.S. Courthouse
1 Courthouse Way
Boston, Massachusetts 02210

To Whom it May Concern:

Enclosed please find Conservation Law Foundation's Petition for Review of a final action of respondent United States Environmental Protection Agency, entitled National Pollutant Discharge Elimination System Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP"), Exhibit A to the petition, CLF's Corporate Disclosure Statement, and CLF's Certificate of Service.

As discussed over the phone today with the Office of the Clerk of Court, this cover letter and the documents filed hereunder are signed with a scan of my original signature, due to CLF's urgent need to file today and my location in Vermont. Thank you very much for this accommodation.

Sincerely,

A handwritten signature in black ink, appearing to read "CM Kilian". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Christopher M. Kilian, Esq.
First Circuit Bar # 1143253
15 East State St., Suite 4
Montpelier, VT 05602
(802) 223-5992

United States Court of Appeals For the First Circuit

No. 15-1781

Agency No. EPA-HQ-OW-2012-0803; FRL-9920-21-OW
CONSERVATION LAW FOUNDATION, INC.

Petitioner

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Respondent

CASE OPENING NOTICE

Issued: July 2, 2015

A petition for review was received and docketed today by the clerk of the court of appeals in compliance with Fed. R. App. P. 15. A copy of the petition is being transmitted to counsel for the respondent with this notice.

The administrative record, or certified list of all documents, must be filed by **August 17, 2015**. Fed. R. App. P. 17.

The \$500 docketing fee must be paid to the clerk of the court of appeals, in accordance with Fed. R. App. P. 15(e), by **July 21, 2015**. Failure to pay the fee, or obtain in forma pauperis status, may result in the dismissal of this petition for want of diligent prosecution.

A notice advising you of the due date for filing your brief, and, if necessary, an appendix, will be sent upon the filing of the administrative record, or certified list, in this court.

An appearance form should be completed and returned immediately by any attorney who wishes to file pleadings in this court. 1st Cir. R. 12.0(a) and 46.0(a)(2). Petitioner must file an appearance form by **July 21, 2015** in order for it to be deemed timely filed. Any attorney who has not been admitted to practice before the First Circuit Court of Appeals must submit an application and fee for admission using the court's Case Management/Electronic Case Files ("CM/ECF") system prior to filing an appearance form. 1st Cir. R. 46.0(a). *Pro se* parties are not required to file an appearance form.

Dockets, opinions, rules, forms, attorney admission applications, the court calendar and general notices can be obtained from the court's website at www.ca1.uscourts.gov. Your attention is called specifically to the notice(s) listed below:

- [Notice to Counsel and Pro Se Litigants](#)

If you wish to inquire about your case by telephone, please contact the case manager at the direct extension listed below.

Margaret Carter, Clerk

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT
John Joseph Moakley
United States Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210
Case Manager: Melinda Asiamah - (617) 748-4214

United States Court of Appeals For the First Circuit

NOTICE OF ELECTRONIC AVAILABILITY OF CASE INFORMATION

The First Circuit has implemented the Federal Judiciary's Case Management/Electronic Case Files System ("CM/ECF") which permits documents to be filed electronically. In addition, most documents filed in paper are scanned and attached to the docket. In social security and immigration cases, members of the general public have remote electronic access through PACER only to opinions, orders, judgments or other dispositions of the court. Otherwise, public filings on the court's docket are remotely available to the general public through PACER. Accordingly, parties should not include in their public filings (including attachments or appendices) information that is too private or sensitive to be posted on the internet.

Specifically, Fed. R. App. P. 25(a)(5), Fed. R. Bank. P. 9037, Fed. R. Civ. P. 5.2 and Fed. R. Cr. P. 49.1 require that parties not include, or partially redact where inclusion is necessary, the following personal data identifiers from documents filed with the court unless an exemption applies:

- **Social Security or Taxpayer Identification Numbers.** If an individual's social security or taxpayer identification number must be included, only the last four digits of that number should be used.
- **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- **Dates of Birth.** If an individual's date of birth must be included, only the year should be used.
- **Financial Account Numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
- **Home Addresses in Criminal Cases.** If a home address must be included, only the city and state should be listed.

See also Rule 12 of this court's Administrative Order Regarding Case Management/Electronic Case Files System.

If the caption of the case contains any of the personal data identifiers listed above, the parties should file a motion to amend caption to redact the identifier.

Parties should exercise caution in including other sensitive personal data in their filings, such as personal identifying numbers, medical records, employment history, individual financial information, proprietary or trade secret information, information regarding an individual's cooperation with the government, information regarding the victim of any criminal activity, national security information, and sensitive security information as described in 49 U.S.C. § 114.

Attorneys are urged to share this notice with their clients so that an informed decision can be made about inclusion of sensitive information. The clerk will not review filings for redaction. Filers are advised that it is the experience of this court that failure to comply with redaction requirements is most apt to occur in attachments, addenda, or appendices, and, thus, special attention should be given to them. For further information, including a list of exemptions from the redaction requirement, see <http://www.privacy.uscourts.gov/>.

United States Court of Appeals For the First Circuit

NOTICE TO COUNSEL REGARDING MANDATORY REGISTRATION AND TRAINING FOR ELECTRONIC FILING (CM/ECF)

Beginning January 1, 2010, CM/ECF is mandatory for all attorneys filing in this court. Therefore, we strongly encourage all attorneys who practice in this court to register as an ECF Filer as soon as possible and become familiar with the system. Before you may file documents electronically in the CM/ECF system, you must complete the following steps.

- **Complete both of the **mandatory** Electronic Learning Modules (ELMs) located at www.ca1.uscourts.gov** on the CM/ECF (Electronic Filing) page. The lessons provide a step-by-step overview of how to file various types of documents, as well as how to avoid common filing errors.
- **Apply for admission if you are not a member of this court's bar.** In order to register as an ECF Filer, attorneys must be admitted to the bar of this court. For information on attorney admission, go to the Forms & Instructions page on the First Circuit's website at www.ca1.uscourts.gov.
- **Register for a PACER account at <http://www.pacer.psc.uscourts.gov>** if you or your law firm have not previously done so. A PACER account is required to view docket reports and electronically filed documents.
- **Register with PACER for a First Circuit Appellate ECF Filer account at <http://www.pacer.psc.uscourts.gov>.** You must register for an ECF Filer account with this court order to electronically file documents through the court's CM/ECF system. If you previously registered through PACER for electronic noticing in the First Circuit, and you are a member of the bar of the First Circuit Court of Appeals, you do not have to re-register for an appellate CM/ECF account.
- **Review the Administrative Order Regarding CM/ECF (which sets forth rules governing electronic filing) and the CM/ECF User's Guide.** Complete information about CM/ECF is available on the First Circuit's website at www.ca1.uscourts.gov.

cc:
Carl Dierker
Christopher Michael Kilian

United States Court of Appeals For the First Circuit

NOTICE TO ALL CM/ECF USERS REGARDING "NATIVE" PDF REQUIREMENT

All documents filed electronically with the court must be submitted as "native" Portable Document ("PDF") files. See Rule 1 of the [Administrative Order](#) Regarding Case Management/Electronic Case Files System ("CM/ECF"). A **native PDF file** is created by electronically converting a word processing document to PDF using Adobe Acrobat or similar software. A **scanned PDF file** is created by putting a paper document through an optical scanner. Use a scanner ONLY if you do not have access to an electronic version of the document that would enable you to prepare a native PDF file.

If you fail to file a document in the correct format, you will be asked to resubmit it. Instructions for converting Word or WordPerfect documents to PDF are available on the court's website at http://www.ca1.uscourts.gov/sites/ca1/files/WP_Conversion.pdf.

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

CONSERVATION LAW FOUNDATION,
INC.

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

Respondent.

**CORPORATE DISCLOSURE
STATEMENT**

Docket No. _____

[Agency Docket No.
EPA-HQ-OW-2012-0803; FRL-
9920-21-OW]

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U.S. COURT OF APPEALS
FOR THE FIRST CIRCUIT
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Conservation Law Foundation's Corporate Disclosure Statement

Petitioner Conservation Law Foundation, Inc. ("CLF"), a nongovernmental corporate party to the above-captioned proceeding, has nothing to disclose pursuant to Federal Rule of Appellate Procedure 26.1. CLF has no parent corporation. Nor is it a corporation in which any person or entity owns stock.

Respectfully submitted this 2nd day of July 2015.

CONSERVATION LAW FOUNDATION, INC.

By its attorney,



Christopher M. Kilian, Esq.
First Circuit Bar # 1143253
15 East State St., Suite 4
Montpelier, VT 05602
(802) 223-5992

2015 JUL 13 P 1:11

**NOTICE TO THE JUDICIAL PANEL ON MULTIDISTRICT
LITIGATION OF MULTICIRCUIT PETITIONS FOR REVIEW**

In re United States Environmental Protection
Agency, "National Pollutant Discharge Elimination
System Multi-Sector General Permit for Stormwater
Discharges Associated with Industrial Activity"
("MSGP"), 80 Fed. Reg. 34,403 (June 16, 2015).

MDL-_____

Pursuant to 28 U.S.C. § 2112(a)(3) and the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, the United States Environmental Protection Agency ("EPA" or the "Agency") hereby notifies the Judicial Panel on Multidistrict Litigation that three petitions for review of the same final agency action were filed in three different courts of appeals within ten days after issuance of the agency action and received by EPA from the petitioners within the applicable ten-day period.

1. On June 16, 2015, EPA published in the Federal Register notice of a final general permit entitled "National Pollutant Discharge Elimination System Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity" ("MSGP"), 80 Fed. Reg. 34,403 (June 16, 2015).

2. During the ten-day period specified by 28 U.S.C. § 2112 and EPA's regulations (40 C.F.R. part 23), EPA received three petitions for review of the MSGP filed in three different courts of appeals: *Ecological Rights Foundation, Our Children's Earth Foundation, Puget Soundkeeper, and Lake Pend Oreille Waterkeeper v. United States Environmental Protection Agency*, No. 15-72002 (9th Cir.) (Ex. 1 hereto); *Conservation Law Foundation v. United States Environmental Protection Agency*, No. 15-1781 (1st Cir.) (Ex. 2 hereto); and *Waterkeeper Alliance, Inc. v. United States Environmental Protection Agency*, No. 15-2091 (2^d Cir.) (Ex. 3 hereto). Jurisdiction over challenges to the MSGP lies in the courts of appeals. 33 U.S.C. § 1369(b)(1). In accordance with 40 C.F.R. part 23, the MSGP was considered issued for purposes of judicial review on June 22, 2015. The petitions identified above were filed with the courts of appeals and received by EPA within ten days thereafter.

3. Under Rule 25.1(b) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, EPA is required to notify the Panel that petitions for review of the same agency action have been filed in more than one circuit "within ten days after issuance of the agency order and received by the affected agency from the petitioners within that ten-day period." Under Panel Rule 17.1, the Panel is then to designate one court of appeals by means of random selection and issue an order

consolidating the petitions for review in that court of appeals. *See also* 28 U.S.C. § 2112(a)(3).

4. Attached to this Notice as Exhibits 1, 2 and 3 are copies of the three petitions for review embraced within this Notice, and a schedule setting forth the information required by Rule 25.2 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation. A proof of service as required by Rule 25.3 is also attached.

Respectfully submitted by Attorneys for
Respondent EPA:

JOHN C. CRUDEN
Assistant Attorney General
Environment & Natural Resources Division

DATED: July 10, 2015

BY: /s/ Martin F. McDermott
MARTIN F. MCDERMOTT
Ill. Bar No. 6183307
Environmental Defense Section
Environment & Natural Resources Division
United States Department of Justice
P.O. Box 7611
Washington D.C. 20044
Tel: (202) 514-4122; Fax: (202) 514-8865
martin.mcdermott@usdoj.gov

OF COUNSEL:
PETER Z. FORD
Office of General Counsel
United States Environmental Protection Agency
Water Law Office, Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C 20460

**SCHEDULE REQUIRED BY RULE 25.2 OF THE
RULES OF PROCEDURE OF THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

EPA's final general permit entitled "National Pollutant Discharge Elimination System Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity" ("MSGP"), 80 Fed. Reg. 34,403 (June 16, 2015), was issued for purposes of judicial review on June 22, 2013. Three petitions for review were filed and received by EPA in accordance with 28 U.S.C. § 2112(a) and EPA regulations:

Case Name	Circuit Court	Docket Number	Filing Date	Date received by EPA
<i>Waterkeeper Alliance, Inc. v. United States Environmental Protection Agency</i>	2 ^d Circuit	No. 15-2091	June 30, 2015	July 2, 2015
<i>Ecological Rights Foundation, Our Children's Earth Foundation, Puget Soundkeeper, and Lake Pend Oreille Waterkeeper v. United States Environmental Protection Agency</i>	9 th Circuit	No. 15-72002	June 30, 2015	July 2, 2015
<i>Conservation Law Foundation v. United States Environmental Protection Agency</i>	1 st Circuit	No. 15-1781	July 2, 2015	July 2, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2015, the foregoing NOTICE TO THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION OF MULTICIRCUIT PETITIONS FOR REVIEW was electronically filed with the the MDL, with copies served by email to the following counsel for petitioners and, in the case of the Circuit Courts of Appeals, electronically filed with the courts in accordance with applicable ECF procedures, and also to the following Clerks of Court by United States mail:

Clerks of Court

Clerk of the Court
United States Court of Appeals for the Ninth Circuit
95 Seventh Street
Post Office Box 193939
San Francisco, CA 94119-3939

Clerk of the Court
United States Court of Appeals for the Second Circuit
The Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Clerk of Court
United States Court of Appeals for the First Circuit
John Joseph Moakley United States Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210

Counsel for Petitioners

Counsel for Petitioners Ecological Rights Foundation, Our Children's Earth Foundation, Puget Soundkeeper, and Lake Pend Oreille Waterkeeper (9th Cir.):

DANIEL COOPER
Lawyers for Clean Water, Inc.
1004A O'Reilly Ave.

San Francisco, California 94129
415-440-6520 (tel)
415-440-4155 (fax)

Counsel for Petitioner *Waterkeeper Alliance, Inc. v. United States Environmental Protection Agency* (2^d Cir.):

REED W. SUPER
EDAN ROTENBERG
Super Law Group, LLC
411 State Street , Suite 2R
Brooklyn, New York 11217
212-242-2273 (tel)
855-242-7956 (fax)

Counsel for Petitioner *Conservation Law Foundation* (1st Cir.):

CHRISTOPHER M. KILIAN
15 East State Street, Suite 4
Montpelier, VT 05602
(802) 223-5992 (tel)

/s/ Martin F. McDermott
Martin F. McDermott
Attorney for Respondent EPA

EXHIBIT 1

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**ECOLOGICAL RIGHTS FOUNDATION,
OUR CHILDREN'S EARTH FOUNDATION,
PUGET SOUNDKEEPER, and
LAKE PEND OREILLE WATERKEEPER**

Petitioners,

v.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**

Respondents.

PETITION FOR REVIEW

Docket No. _____

[Agency Docket No.
EPA-HQ-OW-2012-0803; FRL-
9920-21- OW]

PETITION FOR REVIEW

1. Pursuant to Section 509(b)(1) of the federal Clean Water Act, 33 U.S.C. § 1369(b)(1), and Rule 15 of the Federal Rules of Appellate Procedure, Ecological Rights Foundation, Our Children's Earth Foundation, Puget Soundkeeper, and Lake Pend Oreille Waterkeeper, hereby petition this Court for review of final action of respondent United States Environmental Protection Agency, entitled *National Pollutant Discharge Elimination System Multi-Sector*

General Permit for Stormwater Discharges ("MSGP"), the notification of the issuance of which was published at 80 Fed. Reg. 34,403 (June 16, 2015). For purposes of judicial review, the MSGP was issued on June 22, 2015. A copy of the MSGP and the notification of its issuance in the Federal Register is attached to this petition.

Respectfully submitted this 30th day of June 2015

LAWYERS FOR CLEAN WATER, INC.



DANIEL COOPER, ESQ. (Cal. Bar No. 153576)
Lawyers for Clean Water, Inc.
1004A O'Reilly Ave.
San Francisco, California
94129
415-440-6520
415-440-4155 (fax)
Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June 2015, I caused to be served one copy of the foregoing *Petition for Review* on:

Administrator Gina McCarthy
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attorney General Loretta Lynch
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Correspondence Control Unit
Office of General Counsel Avi Garbow
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code 2311
1200 Pennsylvania Avenue, NW
Washington, DC 20460



Daniel Cooper

EXHIBIT 2

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

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RECEIVED OFFICE
JUL 2 2015

CONSERVATION LAW FOUNDATION,
INC.

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

Respondent.

PETITION FOR REVIEW

Docket No. _____

[Agency Docket No.
EPA-HQ-OW-2012-0803; FRL-
9920-21-OW]

PETITION FOR REVIEW

Pursuant to Section 509(b)(1) of the federal Clean Water Act, 33 U.S.C.
§ 1369(b)(1), and Rule 15 of the Federal Rules of Appellate Procedure,
Conservation Law Foundation, Inc. hereby petitions this Court for review of a final
action of respondent United States Environmental Protection Agency, entitled
*National Pollutant Discharge Elimination System Multi-Sector General Permit for
Stormwater Discharges Associated with Industrial Activity* ("MSGP"), the
notification of the issuance of which was published at 80 Fed. Reg. 34,403 (June
16, 2015). For purposes of judicial review, the MSGP was issued on June 22,

2015. A copy of the Federal Register notification of issuance of the MSGP is attached to this petition.

The MSGP itself, which exceeds 300 pages, is not attached to this petition but is available online at: <http://water.epa.gov/polwaste/npdes/stormwater/EPA-Multi-Sector-General-Permit-MSGP.cfm>. Petitioner will be pleased to provide the Court with a courtesy hard copy of the MSGP if the Court so desires.

Respectfully submitted this 2nd day of July 2015.

CONSERVATION LAW FOUNDATION, INC.

By its attorney,



Christopher M. Kilian, Esq.
First Circuit Bar # 1143253
15 East State St., Suite 4
Montpelier, VT 05602
(802) 223-5992

EXHIBIT A

**COPY OF THE FEDERAL REGISTER
NOTICE OF THE ISSUANCE
OF THE 2015 MSGP**

the Commission and open to public inspection.

Any questions regarding this application should be directed to Kelly Allen, Manager, Regulatory Affairs Department, Trans-Pecos Pipeline, LLC, 1300 Main Street, Houston, Texas 77002, or by calling (713) 989-2806 (telephone) or (713) 989-1205 (fax) Kelly.Allen@energytransfer.com.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 5 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will

consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentators will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentators will not be required to serve copies of filed documents on all other parties. However, the non-party commentators will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8859.

Comment Date: 5:00 p.m. Eastern Time on June 30, 2015.

Dated: June 9, 2015.

Kimberly D. Base,

Secretary.

(FER Doc. 2015-14740 Filed 6-15-15; 8:45 am)

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

(EPA-HQ-OW-2012-0603; FRL-9920-21-OW)

Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final permit issuance.

SUMMARY: The EPA's Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 are issuing their final 2015 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from industrial activity, also referred to as the Multi-Sector General Permit (MSGP). This permit replaces the existing permit covering stormwater discharges from industrial facilities in the EPA's Regions 1, 2, 3, 5, 6, 9, and 10 that expired September 29, 2013, and provides coverage for industrial facilities in areas where the EPA is the NPDES permitting authority in the EPA's Regions 7 and 8. The MSGP consists of 44 separate regional EPA general permits that may vary from each other based on state or tribal certifications and water quality-based requirements. As with earlier permits, this permit authorizes the discharge of stormwater associated with industrial activities in accordance with the terms and conditions described therein. Industrial dischargers have the option to instead seek coverage under an individual permit. An individual permit may be necessary if the discharger cannot meet the terms and conditions or eligibility requirements in this permit. The EPA is issuing this permit for five years.

DATES: The permit became effective on June 4, 2015. This effective date is necessary to provide dischargers with the immediate opportunity to comply with Clean Water Act requirements in light of the expiration of the 2008 MSGP on September 29, 2013. In accordance with 40 CFR part 23, this permit shall be considered issued for the purpose of judicial review on June 22, 2015. Under section 509(b) of the Clean Water Act, judicial review of this general permit can be requested by filing a petition for review in the United States Court of Appeals within 120 days after the permit is considered issued. Under section 509(b)(2) of the Clean Water Act, the requirements in this permit may not be challenged later in civil or criminal proceedings to enforce these requirements. In addition, this permit may not be challenged in other agency proceedings. Deadlines for submittal of

notices of intent are provided in Part 1.2 of the 2015 MSGP. The 2015 MSGP also provides additional dates for compliance with the terms of these permits.

FOR FURTHER INFORMATION CONTACT: For further information on the final NPDES MSGP, contact the appropriate EPA Regional Office listed in Section I.C., or Bryan Rittenhouse, EPA Headquarters, Office of Water, Office of Wastewater Management at tel.: 202-564-0577 or email: rittenhouse.bryan@epa.gov.

SUPPLEMENTARY INFORMATION: This supplementary information is organized as follows:

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I. General Information

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- A. Geographic Coverage
- B. Categories of Facilities Covered
- C. Summary of Significant Changes From the 2008 Multi-Sector General Permit

IV. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

V. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

VI. Analysis of Economic Impacts

I. General Information

A. Does this action apply to me?

This MSGP regulates stormwater discharges from industrial facilities in the 30 sectors shown below:

- Sector A—Timber Products.
- Sector B—Paper and Allied Products Manufacturing.
- Sector C—Chemical and Allied Products Manufacturing.
- Sector D—Asphalt Paving and Roofing Materials Manufactures and Lubricant Manufacturers.
- Sector E—Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing.
- Sector F—Primary Metals.
- Sector G—Metal Mining (Ore Mining and Dressing).
- Sector H—Coal Mines and Coal Mining-Related Facilities.
- Sector I—Oil and Gas Extraction.
- Sector J—Mineral Mining and Dressing.
- Sector K—Hazardous Waste Treatment Storage or Disposal.
- Sector L—Landfills and Land Application Sites.
- Sector M—Automobile Salvage Yards.
- Sector N—Scrap Recycling Facilities.
- Sector O—Steam Electric Generating Facilities.

- Sector P—Land Transportation.
- Sector Q—Water Transportation.
- Sector R—Ship and Boat Building or Repairing Yards.
- Sector S—Air Transportation Facilities.
- Sector T—Treatment Works.
- Sector U—Food and Kindred Products.
- Sector V—Textile Mills, Apparel, and other Fabric Products Manufacturing.
- Sector W—Furniture and Fixtures.
- Sector X—Printing and Publishing.
- Sector Y—Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.
- Sector Z—Leather Tanning and Finishing.
- Sector AA—Fabricated Metal Products.
- Sector AB—Transportation Equipment, Industrial or Commercial Machinery.
- Sector AC—Electronic, Electrical, Photographic and Optical Goods.
- Sector AD—Reserved for Facilities Not Covered Under Other Sectors and Designated by the Director.

Coverage under the 2015 MSGP is available to operators of eligible facilities located in areas where the EPA is the permitting authority and has made this general permit available for use. A list of eligible areas is included in Appendix C of the 2015 MSGP.

B. How can I get copies of these documents and other related information?

1. **Docket.** The EPA has established an official public docket for this action under Docket ID Number EPA-HQ-OW-2012-0803. The official public docket is the collection of materials that are available for public viewing at the Water Docket in the EPA Docket Center, (EPA/DC) WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. Although all documents in the docket are listed in an index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Publicly available docket materials are available in hard copy at the EPA Docket Center Public Reading Room, open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone number for the Water Docket is (202) 566-2426.

2. **Electronic Access.** You may access this Federal Register document electronically through the United States government on-line source for federal regulations at <http://www.regulations.gov>.

Electronic versions of the final permit and fact sheet are available on the EPA's NPDES Web site at <http://water.epa.gov/pollwaste/npdes/stormwater/EPA-Multi-Sector-General-Permit-MSGP.cfm>.

An electronic version of the public docket is available through the EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.regulations.gov> to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/dockets>. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials at the EPA Docket Center.

C. Who are the EPA regional contacts for this final permit?

For EPA Region 1, contact David Gray at tel.: (617) 918-1577 or email at gray.david@epa.gov.

For EPA Region 2, contact Sergio Bosques at tel.: (787) 977-5838 or email at bosques.sergio@epa.gov.

For EPA Region 3, contact Kaitlyn Bondik at tel.: 215-814-2709 or email at bondik.kaitlyn@epa.gov.

For EPA Region 5, contact Brian Bell at tel.: (312) 886-0981 or email at bell.brian@epa.gov.

For EPA Region 6, contact Nasim Jahan at tel.: (214) 665-7522 or email at jahan.nasim@epa.gov.

For EPA Region 7, contact Mark Matthews at tel. 913-551-7635 or email at matthews.mark@epa.gov.

For EPA Region 8, contact Gregory Davis at tel.: (303) 312-6314 or email at davis.gregory@epa.gov.

For EPA Region 9, contact Eugene Bromley at tel.: (415) 972-3510 or email at bromley.eugene@epa.gov.

For EPA Region 10, contact Margaret McCauley at tel.: (206) 553-1772 or email at mccauley.margaret@epa.gov.

II. Background of Permit

Section 405 of the Water Quality Act of 1987 added section 402(p) of the Clean Water Act (CWA), which directed the Environmental Protection Agency (EPA) to develop a phased approach to regulate stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) program. The EPA published a final regulation on the first phase on this program on November 18, 1990, establishing permit application requirements for "stormwater discharges associated with industrial activity." See 55 FR 48083. The EPA defined the term "stormwater discharge associated with industrial activity" in a comprehensive manner to cover a wide variety of facilities. See 40 CFR 122.26(b)(14). The EPA is issuing

the MSGP under this statutory and regulatory authority. The 2015 MSGP replaces the 2008 MSGP covering stormwater discharges from industrial facilities in the EPA's Regions 1, 2, 3, 5, 6, 8 and 10 that expired September 29, 2013, and provides coverage for industrial facilities in areas where the EPA is the NPDES permitting authority in the EPA's Regions 7 and 8.

Dischargers choosing to be covered by the MSGP must certify in their Notice of Intent (NOI) that they meet the requisite eligibility requirements described in Part 1 of the permit. In addition, dischargers must install and implement control measures to meet the effluent limits required in Part 2 and any sector-specific effluent limits in Part 3, and develop a stormwater pollution prevention plan (SWPPP) consistent with Part 5 describing their control measures used to achieve the effluent limits. The MSGP requires dischargers to conduct routine facility inspections (Part 3.1) and quarterly visual assessments of stormwater discharges (Part 3.2). Dischargers are also required to review and revise, as necessary, their SWPPP in order to meet the permit's effluent limits when certain triggering conditions occur (Part 4). Dischargers subject to benchmark monitoring are required to submit to the EPA quarterly benchmark monitoring results (Part 6.2.1). The EPA notes that Part 6.2.1 emphasizes that the benchmark thresholds used for monitoring are not effluent limits themselves, but rather information that is primarily for the use of the industrial facility to determine the overall effectiveness of its control measures and to assist in understanding when corrective action(s) may be necessary. Where applicable, dischargers must also submit to the EPA stormwater effluent data relating to impaired waters (Part 6.2.4) and compliance with numeric effluent limitations guidelines (Part 6.2.2). In addition, dischargers are required to submit an annual report containing permit compliance information generated from the past calendar year (Part 7.5).

III. Scope and Applicability of the Multi-Sector General Permit

A. Geographic Coverage

The 2015 MSGP provides coverage for sectors of industrial point source discharges that occur in areas not covered by an approved state or tribal NPDES program. The geographic coverage of the 2015 MSGP is listed in Appendix C of the permit, and includes the states of Idaho, Massachusetts, New Hampshire, and New Mexico as well as

all Indian Country lands (except in Region 4), and facilities operated by a federal operator in selected states. Permit coverage is also provided in Puerto Rico, the District of Columbia, and the Pacific Island territories. The EPA notes that, unlike the 2008 MSGP, facilities located in certain areas in the EPA's Regions 7 and 8 may be covered by this permit.

Because certifications required by Section 401 of the Clean Water Act were not received in time, operators of industrial facilities in the following areas are not yet eligible for coverage under the 2015 MSGP:

- The State of Idaho (except Indian country);
- The State of Washington (except Indian country) if operated by a federal operator; and
- Spokane Tribe of Indians lands.

The EPA will announce the availability of coverage under the 2015 MSGP for these areas in separate Federal Register notice(s) as soon as possible after the certifications are completed. In the meantime, existing dischargers in these areas that were authorized for coverage under the 2008 MSGP will remain covered under the 2008 MSGP until the 2015 MSGP has been issued. Once the permit is available, existing dischargers will be given 90 days to file an NOI for coverage under the 2015 MSGP.

B. Categories of Facilities Covered

This permit regulates stormwater discharges from industrial facilities in 30 sectors, as shown above in section I.A.

C. Summary of Significant Changes from the 2008 Multi-Sector General Permit

The 2015 MSGP replaces the 2008 MSGP, which was issued for a five-year term on September 29, 2008 (see 73 FR 56572) and expired September 29, 2013. The 2015 MSGP is similar to the 2008 MSGP, and is structured in nine parts: General requirements that apply to all facilities (e.g., eligibility of discharges, effluent limitations, stormwater pollution prevention plan (SWPPP) requirements, monitoring and reporting requirements) (Parts 1–7), industrial sector-specific conditions (Part 8), and specific requirements applicable to facilities within individual states or Indian country (Part 9). Additionally, the appendices provide forms for the submittal of a paper Notice of Intent, Notice of Termination, Conditional No Exposure Exclusion, Discharge Monitoring Report, and annual report, as well as step-by-step procedures for determining eligibility with respect to

protecting historic properties and threatened and endangered species, and for calculating site-specific, hardness-dependent benchmarks.

This 2015 MSGP includes several new or modified requirements from the 2008 MSGP. These changes are summarized below and are discussed in more detail in the 2015 MSGP fact sheet.

1. NEPA Review for Dischargers Subject to any New Source Performance Standards (NSPS). For the issuance of the 2015 MSGP, the EPA prepared an Environmental Assessment (EA)/finding of no significant impact (FONSI) that analyzed the potential environmental impacts of the permit. The EA considered the potential environmental impacts from the discharge of new source pollutants in stormwater discharges associated with industrial facilities where the EPA is the permitting authority (see the permit's docket for a copy of the EPA's EA and FONSI).

2. Information Required for Notices of Intent. The 2015 MSGP revises the information required in NOIs to provide the EPA with more complete information to determine eligibility and to enable the EPA to inform the operator of its specific monitoring requirements. Operators now need to include in their NOI location information for each stormwater outfall they discharge from, whether the facility discharges to saltwater, the hardness of the receiving water (if subject to benchmark monitoring for metals), whether the facility discharges to a federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site identified in Appendix P, as well as general information from their SWPPP if the SWPPP is not posted online. The EPA NPDES electronic Reporting Tool (NeT) will use latitude and longitude information for each outfall to automatically determine the receiving waters the facility discharges to and the receiving water's or waters' impairment status.

3. Electronic Reporting Requirements. Electronic reporting is required in the 2015 MSGP. Electronic reporting will create efficiencies and burden reduction regarding information submittal to the Agency. Recognizing there may be cases that make electronic submittals of information not possible, the EPA has included a waiver that an operator can receive from their EPA Regional Office. Waivers must be approved by the EPA Regional Office on a case-by-case basis and are not intended to cover information submittals for the entire permit term.

4. Threatened and Endangered Species Requirements. The EPA has finalized changes to the procedures operators must follow to establish their eligibility with regard to protection of threatened and endangered species and critical habitat (Appendix E) as a result of the EPA's consultation under Section 7 of the Endangered Species Act (ESA). Those changes are necessary to ensure that the endangered and threatened species eligibility criteria in Part 1.1.4.5 are adequately protective of such species, and to ensure that operators are making accurate determinations of which eligibility criterion they qualify under.

5. Effluent Limit Clarifications. Several of the effluent limits in Part 2 of the 2015 MSGP include a greater level of specificity in order to make the requirements more clear and transparent. These clarifications will help permittees better understand how to comply with the effluent limits. The effluent limits in Part 2 for which the EPA has made clarifications include requirements for minimizing exposure, good housekeeping, maintenance, spill prevention and response procedures, and employee training.

6. Inspections. The EPA has consolidated the comprehensive site inspection and routine facility inspection procedures into one set of procedures to eliminate redundancies.

7. Corrective Actions. Although the 2008 MSGP required corrective actions, the EPA has provided greater detail about how these actions are to be handled. In the 2015 MSGP, the EPA clarified which conditions require a SWPPP review, modified the deadlines to further specify the EPA's expectations for what actions must be taken by the deadlines, and rewrote and clarified the reporting requirements following corrective actions.

8. SWPPP Documentation. To reduce permittee burden, the EPA identified the effluent limit requirements in Part 2.1.2 that are the most straightforward, i.e., the ones that do not involve the site-specific selection of a control measure or are specific activity requirements (e.g., "Plainly label containers . . . that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur"). Permittees can comply with the documentation requirements regarding these particular effluent limits by including the effluent limits verbatim in their SWPPP without providing additional information, thereby reducing the burden associated with SWPPP development (see Part 5.2.4). Requirements that involve activities that are done infrequently or are direct and

simple may be identified in the SWPPP as written in the permit to be executed effectively.

9. SWPPP Availability. To provide greater access to the SWPPP for the public, the EPA, and the Fish and Wildlife Service and National Marine Fisheries Service (the Services), the 2015 MSGP requires that permittees either provide a URL for their SWPPP on the NOI form, or provide selected information from the SWPPP on the NOI form. The selected information from the SWPPP that would have to be included in the NOI form includes: Onsite industrial activities exposed to stormwater, including potential spill and leak areas (see Parts 5.2.3.1, 5.2.3.3 and 5.2.3.5); pollutants or pollutant constituents associated with each industrial activity exposed to stormwater that could be discharged in stormwater and any authorized non-stormwater discharges listed in Part 1.1.3 (see Part 5.2.3.2); control measures employed to comply with the non-numeric technology-based effluent limits required in Part 2.1.2 and Part 8, and any other measures taken to comply with the requirements in Part 2.2 Water Quality-Based Effluent Limitations (see Part 5.2.4); a schedule for good housekeeping and maintenance (see Part 5.2.5.1); and a schedule for all inspections required in Part 3 (see Part 5.2.5.2).

10. Benchmark Monitoring. For the 2015 MSGP, the EPA has included additional non-hardness dependent metals benchmarks for facilities that discharge into saline waters. The addition of these benchmarks provide an appropriate indicator of the performance of the measures taken to meet the effluent limitations contained in the permit where stormwater is discharged into saline waters. Benchmark values in the 2008 MSGP for these metals were based on acute or chronic aquatic life freshwater criteria. These additional saline benchmark values are based on available acute ambient water quality criteria for arsenic, cadmium, copper, cyanide, lead, mercury, nickel, selenium, silver and zinc.

11. Industry Sector-specific Requirements. The following changes were made to Part 8 of the MSGP, which describes requirements specific to particular industry sectors:

Sector A, Timber Products—Discharges resulting from uncontaminated spray down or intentional wetting of logs at wet dock storage areas is an allowed non-stormwater discharge provided the effluent limitation in Part 8.A.7 is met. To accommodate situations where

facilities use water from a waterbody that they intend to return to the waterbody following spraying/wetting, the permit contains an allowance or credit for pollutants originally in the waterbody prior to use and discharge.

Sector G, Metal Mining—As with the 2008 MSGP, this permit provides coverage to operators for earth-disturbing activities conducted prior to active mining activities. Before 2008 these activities were required to be covered separately under the Construction General Permit (CGP) or an individual construction stormwater permit. To facilitate such coverage, additional requirements have been added that are consistent with limits from the Construction & Development (C&D) Effluent Limitation Guideline (ELG) (for earth-disturbing activities associated with the construction of staging roads and the construction of access roads conducted prior to active mining), and for mine site preparation earth disturbances, revised limits based on EPA's best professional judgement (BPFJ).

Sector H, Coal Mining—Additional requirements have been added that are consistent with changes made to Sector G.

Sector J, Mineral Mining and Dressing—Additional requirements have been added that are consistent with changes made to Sector G.

Sector S, Air Transportation—The EPA has added requirements based on the final effluent limitation guidelines for airplane and airport deicing operations. Also, the EPA has included clarifications regarding airport operators' responsibilities and the permit requirements that airport authorities may conduct on behalf of airport tenants.

IV. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

Under Executive Order (EO) 12866 (58 FR 51735 (October 4, 1993)) this action is a "significant regulatory action." Accordingly, the EPA submitted this action to the Office of Management and Budget (OMB) for review under Executive Orders 12866 and 13563 and any changes made in response to OMB recommendations have been documented in the docket for this action.

V. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

In compliance with Executive Order 13175, the EPA has consulted with tribal officials to gain an understanding

of and, where necessary, to address tribal implications of the MSGP. In the course of this consultation, the EPA undertook the following activities:

- **December 11, 2012**—EPA presented an overview of the 2008 MSGP and potential changes for the renewal of the MSGP to the National Tribal Caucus.

- **December 12, 2012**—EPA presented an overview of the current MSGP and potential changes for the renewal of the MSGP to the National Tribal Water Council.

- **December 12, 2012**—EPA mailed notification letters to tribal leaders initiating consultation and coordination on the renewal of the MSGP. The initiation letter was posted on the tribal portal Web site at <http://www.epa.gov/tribal/consultation>.

- **January 15, 2013**—EPA held an informational teleconference open to all tribal representatives, and reserved the last part of the teleconference for official consultation comments. EPA also invited tribes to submit written comments on the permit renewal. The presentation was posted on the tribal portal Web site at <http://www.epa.gov/tribal/consultation>.

VI. Analysis of Economic Impacts

The EPA expects the economic impact on entities covered under this permit, including small businesses, to be minimal. A copy of the EPA's economic analysis, titled, "Cost Impact Analysis for the Multi-Sector General Permit (MSGP)" is available in the docket for this permit. The economic impact analysis indicates that while there will be some incremental increase in the costs of complying with the new permit, these costs will not have a significant economic impact on a substantial number of small entities.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: June 4, 2015.

Deborah Szaro,
Acting Regional Administrator, EPA Region 1.

Dated: June 4, 2015.

José C. Feal,
Director, Caribbean Environmental Protection Division, EPA Region 2.

Dated: June 4, 2015.

Jen M. Capacessa,
Director, Water Protection Division, EPA Region 3.

Dated: June 4, 2015.

Tiaka G. Hyde,
Director, Water Division, EPA Region 5.

Dated: June 4, 2015.

William K. Honker,
Director, Water Quality Protection Division, EPA Region 6.

Dated: June 4, 2015.

Karen Floernoy,
Director, Water, Wetlands, and Pesticides Division, EPA Region 7.

Dated: June 4, 2015.

Darcy O'Connor,
Acting Assistant Regional Administrator, EPA Region 8.

Dated: June 4, 2015.

Nancy Woo,
Acting Director, Water Division, EPA Region 9.

Dated: June 4, 2015.

Daniel D. Opalski,
Director, Office of Water and Watersheds, EPA Region 10.

(FR Doc. 2015-14792 Filed 6-15-15; 8:45 am)

BILLING CODE 6550-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8929-20-Region-6]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Valero Refining—Meraux, LLC in Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: Pursuant to Clean Air Act (CAA) Section 505(b)(2) and 40 CFR 70.8(d), the EPA Administrator signed an Order, dated May 29, 2015, denying the petition asking EPA to object to an operating permit issued by the Louisiana Department of Environmental Quality for the Meraux petroleum refinery (Title V operating permit number 2500-00001-V5). The EPA's May 29, 2015 Order responds to the petition submitted by the Concerned Citizens Around Murphy, represented by the Tulane Environmental Law Clinic, on April 3, 2012. Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may ask for judicial review of those portions of the Orders that deny issues raised in the petition by the United States Court of Appeals for the appropriate circuit. Any petition for

review shall be filed within 60 days from the date this notice appears in the Federal Register, pursuant to section 307(b) of the Act.

ADDRESSES: You may review copies of the final Order, the petition, and other supporting information at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733.

EPA requests that if at all possible, you contact the individual listed in the FOR FURTHER INFORMATION CONTACT section to view copies of the final Orders, petitions, and other supporting information. You may view the hard copies Monday through Friday, from 9:00 a.m. to 3:00 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final May 29, 2015 Order is available electronically at: http://www.epa.gov/region07/air/title5/petitiondb/petitions/meraux_response2012.pdf.

FOR FURTHER INFORMATION CONTACT: Kyndall Cox at (214) 865-8567, email address: cox.kyndall@epa.gov or the above EPA, Region 6 address.

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review, and object, as appropriate, to a title V operating permit proposed by a state permitting authority. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator, within 60 days after the expiration of this review period, to object to a title V operating permit if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issue arose after this period.

EPA received the petition from the Concerned Citizens Around Murphy (CCAM) on April 3, 2012 (2012 Petition), which is the second petition that EPA received from CCAM concerning this facility's title V permit. EPA previously received a petition from CCAM regarding the 2009 Meraux Title V Modification Permit (2009 Permit) on December 10, 2009 (2009 Petition), and responded to that petition in a prior order (2011 Order) that granted in part and denied in part the request for an objection. Within 90 days after that

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

**CONSERVATION LAW FOUNDATION,
INC.**

Petitioner,

v.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**

Respondent.

Certificate of Service

Docket No. _____

**[Agency Docket No.
EPA-HQ-OW-2012-0803; FRL-
9920-21-OW]**

Certificate of Service

Pursuant Rule 15 of the Federal Rules of Appellate Procedure, Conservation Law Foundation, Inc. ("CLF") hereby certifies that, upon obtaining from the Office of the Clerk of Court a date-stamped copy of the accompanying petition for review of a final agency action, CLF will cause that date-stamped, as-filed copy to be served in-hand upon respondent United States Environmental Protection Agency at its headquarters in Washington, D.C.

Respectfully submitted this 2nd day of July 2015.

CONSERVATION LAW FOUNDATION, INC.

By its attorney,



Christopher M. Kilian, Esq.
First Circuit Bar # 1143253
15 East State St., Suite 4
Montpelier, VT 05602
(802) 223-5992

EXHIBIT 3

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

WATERKEEPER ALLIANCE, INC.

Petitioner,

v.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**

Respondent.

PETITION FOR REVIEW

Docket No. _____

[Agency Docket No.
EPA-HQ-OW-2012-0803; FRL-
9920-21-OW]

PETITION FOR REVIEW

Pursuant to Section 509(b)(1) of the federal Clean Water Act, 33 U.S.C. § 1369(b)(1), and Rule 15 of the Federal Rules of Appellate Procedure, Waterkeeper Alliance, Inc. hereby petitions this Court for review of a final action of respondent United States Environmental Protection Agency, entitled *National Pollutant Discharge Elimination System Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity* ("MSGP"), the notification of the issuance of which was published at 80 Fed. Reg. 34,403 (June 16, 2015). For purposes of judicial review, the MSGP was issued on June 22, 2015. A copy of the

MSGP and the notification of its issuance in the Federal Register are attached to this petition.

Respectfully submitted this 30th day of June 2015

SUPER LAW GROUP, LLC.

/s/ Reed W. Super

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Clerk of Court
United States Court of Appeals for the First Circuit
John Joseph Moakley United States Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: ENVIRONMENTAL PROTECTION AGENCY,
FINAL NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) GENERAL
PERMIT FOR STORMWATER DISCHARGES
FROM INDUSTRIAL ACTIVITIES, 80 FED. REG. 34,403,
PUBLISHED ON JUNE 16, 2015**

MCP No. 132

(SEE ATTACHED SCHEDULE)


CONSOLIDATION ORDER

The U.S. Environmental Protection Agency issued a Notice dated June 16, 2015. On July 10, 2015, the Panel received, pursuant to 28 U.S.C. § 2112(a)(3), a notice of multicircuit petitions for review of that order. The notice included petitions for review pending in three circuit courts of appeal as follows: First Circuit Court, Second Circuit Court, and Ninth Circuit Court.

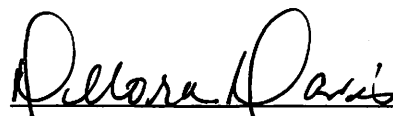
The Panel has randomly selected the United States Court of Appeals for the Second Circuit in which to consolidate these petitions for review.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 2112(a)(3), the petitions on the attached schedule are consolidated in the Second Circuit and that this circuit is designated as the circuit in which the record is to be filed pursuant to Rules 16 and 17 of the Federal Rules of Appellate Procedure

FOR THE PANEL:



Darion Payne, Case Administrator
Random Selector



Delora Davis, Operations Supervisor
Witness

**IN RE: ENVIRONMENTAL PROTECTION AGENCY,
FINAL NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) GENERAL
PERMIT FOR STORMWATER DISCHARGES
FROM INDUSTRIAL ACTIVITIES, 80 FED. REG. 34,403,
PUBLISHED ON JUNE 16, 2015**

MCP No. 132

SCHEDULE OF PETITIONS

<u>CIRCUIT NO.</u>	<u>CASE CAPTION</u>
First Circuit, No. 15-1781	Conservation Law Foundation v. United States Environmental Protection Agency
Second Circuit, No. 15-2091	Waterkeeper Alliance, Inc. v. United States Environmental Protection Agency
Ninth Circuit, No. 15-72002	Ecological Rights Foundation, et al. v. United States Environmental Protection Agency

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

ROBERT A. KATZMANN
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

Date: July 17, 2015
Docket #: 15-2259ag
Short Title: Conservation Law Foundation v. United
States Environmental Pr

Agency #: EPA- HQ- OW-2012- 0803
Agency: Environmental Protection
Agency Agency #: FRL- 9920-2 1- OW
Agency: Environmental Protection
Agency

DOCKETING NOTICE

A petition for review filed by Conservation Law Foundation in the above referenced case was docketed today as 15-2259. This number must appear on all documents related to this case that are filed in this Court. For pro se parties the docket sheet with the caption page, and an Acknowledgment and Notice of Appearance Form are enclosed. In counseled cases the docket sheet is available on PACER. Counsel must access the Acknowledgment and Notice of Appearance Form from this Court's website <http://www.ca2.uscourts.gov>.

The form must be completed and returned within 14 days of the date of this notice. The form requires the following information:

YOUR CORRECT CONTACT INFORMATION: Review the party information on the docket sheet and note any incorrect information in writing on the Acknowledgment and Notice of Appearance Form.

The Court will contact one counsel per party or group of collectively represented parties when serving notice or issuing our order. Counsel must designate on the Acknowledgment and Notice of Appearance a lead attorney to accept all notices from this Court who, in turn will, be responsible for notifying any associated counsel.

CHANGE IN CONTACT INFORMATION: An attorney or pro se party who does not immediately notify the Court when contact information changes will not receive notices, documents and orders filed in the case.

An attorney and any pro se party who is permitted to file documents electronically in CM/ECF must notify the Court of a change to the user's mailing address, business address, telephone number, or e-mail. To update contact information, a Filing User must access PACER's Manage My Appellate Filer Account, <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-login.pl>. The Court's records will be updated within 1 business day of a user entering the change in PACER.

A pro se party who is not permitted to file documents electronically must notify the Court of a change in mailing address or telephone number by filing a letter with the Clerk of Court.

CAPTION: In an appeal, the Court uses the district court caption pursuant to FRAP 12(a), 32(a). For a petition for review or original proceeding the Court uses a caption pursuant to FRAP 15(a) or 21(a), respectively. Please review the caption carefully and promptly advise this Court of any improper or inaccurate designations in writing on the Acknowledgment and Notice of Appearance form. If a party has been terminated from the case the caption may reflect that change only if the district court judge ordered that the caption be amended.

APPELLATE DESIGNATIONS: Please review whether petitioner is listed correctly on the party listing page of the docket sheet and in the caption. If there is an error, please note on the Acknowledgment and Notice of Appearance Form. Timely submission of the Acknowledgment and Notice of Appearance Form will constitute compliance with the requirement to file a Representation Statement required by FRAP 12(b).

For additional information consult the Court's instructions posted on the website.

Inquiries regarding this case may be directed to 212-857-8503.