In summary, EPA believes that credit has been provided to the group application members through the group application process. This included a reduced burden in submitting a permit application over the individual application option and reduced storm water sampling requirements for the application. With industry-specific information upon which to base the proposed multi-sector storm water permit, group applicants will be issued a more applicable and tailored storm water discharge permit which better takes into account the characteristics of each industry sector.

Storm Water Runon

The owner or operator of a regulated industrial facility with point source discharges of storm water is responsible for the storm water discharges that leave its property and enter waters of the U.S. or a municipal separate storm sewer system. There are instances, however, whereby the storm water that is discharged at least partially consists of storm water flowing onto the facility from a nearby facility or property (referred to here as "runon").

Commenters have requested clarification of the permit language on the issue of runon. One commenter asked for a provision to be added to the permit that would relieve facilities from any responsibility for pollutants present in storm water runon which is eventually discharged from their property. The commenter also indicated that runon from adjacent sites cannot always be separated from onsite discharges.

Today's general permit does not change the provisions related to runon. Facilities that discharge point sources of storm water associated with industrial activity, even if it includes offsite runon, remain responsible for the permitting of those discharges. Such facilities which seek coverage under today's permit must address storm water runon in their storm water pollution prevention plan (storm water pollution prevention plan). If a facility cannot effectively address the runon problem in their storm water pollution prevention plan, then the facility should contact their NPDES permitting authority for assistance on how to deal with the runon problem. In addition, the facility may chose to monitor the runon to document that the source of pollutants is offsite. By doing so, a facility with a runon problem may be better able to show that the pollutant source is offsite and that their pollution prevention plan is adequately addressing all onsite sources. Offsite facilities which are the source of the contaminated runon could

be designated by the permitting authority as a co-permittee with the adjacent facility and jointly develop a storm water pollution prevention plan, and perform any monitoring which may be required to address the situation. They may also be designated as a separate permittee by the permitting authority.

Acceptance of Group Application in Lieu of an NOI

A number of commenters suggest EPA exempt members of approved group applications from the Notice of Intent (NOI) submittal requirements. The commenters indicate these facilities should automatically be covered under today's permit because they have already satisfied the NPDES storm water application requirements.

ÈPA cannot exempt members of the approved group application from the NOI submittal requirements. Federal regulations under 40 CFR 122.28(b)(2) require an NOI for all NPDES general permits for the discharge of storm water associated with industrial activity. EPA cannot assume that all members of the approved group applications wish to be covered by today's permit, or that they satisfy the eligibility provisions of the permit.

Encourage NPDES States To Accept Group Applications

Several commenters requested that EPA require or encourage NPDES-authorized States to accept the group applications and/or issue permits based on the multi-sector model.

EPA has, and continues, to encourage States to make use of the multi-sector general permit for permitting industrial activities. EPA has encouraged States by sending them the original permit and fact sheet and by supporting them with additional information necessary to issue the permit within their States. EPA has also given NPDES States databases of the group application members which allows each State to identify group applicants within their States. EPA will make available to all NPDES authorized States a copy of the final multi-sector general permit. In addition, EPA will make available group application information to any NPDES States that request it. However, EPA cannot require NPDES-authorized States to accept group applications and to utilize the multi-sector permit as a model for developing a State permit. This would be inconsistent with previously stated EPA position. The response to comments for the final storm water regulations (55 CFR 48028) specifically noted that NPDESauthorized States were free to adopt the

group application process, "* * * but is not required to." EPA also recommended that "(b)efore submitting a group application, facilities should ascertain from the State permitting authority whether that State intends to issue permits based on a group application * * *." The Agency believes general permits offer an efficient means of providing discharge permit coverage to a large number of facilities and that the multi-sector general permit represents an appropriate permit for the industries that were members of group applications. However, once the NPDES program is approved for a State, basic permitting decisions lie with the State.

Co-Located Industrial Activities

A number of commenters expressed concern over the conditions in the permit which require facilities with multiple "co-located" industrial activities to comply with all industry sector requirements that are applicable to one or more of the industrial activities on their site. Commenters argue that given the large number of industry sectors and the complexity of the eligibility requirements, it will be difficult for facilities to determine which industry sector requirements apply. Commenters expressed concern that a permittee could unknowingly violate the permit conditions by failing to recognize that a portion of his/her facility is subject to another industry sector requirements. Commenters also stated that the cumulative burden of the monitoring and pollution prevention plan requirements for facilities with a number of industrial activities would be excessive.

In response to these concerns, EPA has modified those sections of today's permit addressing co-located activities to reduce confusion that could arise from the co-located conditions as proposed. However, under today's permit facilities with multiple industrial activities are still required to prepare and implement a pollution prevention plan which addresses the requirements of all the applicable industry sector requirements. These facilities are also required to comply with the industry sector monitoring requirements on an outfall by outfall basis. The intent of today's permit remains the same, which was to require pollution prevention plan measures and storm water monitoring which specifically addresses the pollutant sources at the permitted industry facility. Operators of facilities with multiple industrial activities will need to carefully and completely review the permit and fact sheet to determine all necessary applicable terms and