



# GEORGIA

DEPARTMENT OF NATURAL RESOURCES

## ENVIRONMENTAL PROTECTION DIVISION

**STATE OF GEORGIA  
DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION DIVISION**

### FACT SHEET

**APPLICATION FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS TO DISCHARGE STORM WATER FROM PHASE I MEDIUM MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) INTO THE WATERS OF THE STATE OF GEORGIA.**

December 19, 2016

### Regulatory Background

#### Clean Water Act

Section 301(a) of the Clean Water Act (CWA) provides that “the discharge of any pollutant by any person shall be unlawful” unless the discharge is in compliance with certain other sections of the CWA [33 U.S.C. 131(a)]. The CWA defines “discharge of a pollutant” as (A) any addition of a pollutant to navigable waters from any point source, (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from a point source other than a vessel or floating craft [33 U.S.C. 1362 (14)]. The term “pollutant” includes, among other things, “garbage, chemical wastes, biological materials, and industrial, municipal and agricultural waste discharged into water” [33 U.S.C. 1362(6)].

A person may discharge a pollutant without violating Section 301 of the CWA by obtaining authorization to discharge under Section 402 of the CWA – National Pollutant Discharge Elimination System (NPDES). Under Section 402, except as provided in Section 1328 and 1344 under Title 402(a), the Environmental Protection Division (EPD) may “after opportunity for public hearing issue a permit for the discharge of any pollutants, or combination of pollutants, notwithstanding Section 1311(a) of this title,” upon meeting certain conditions of the CWA.

These CWA provisions are reflected in the Georgia Rules and Regulations for Water Quality Control (Rules) Chapter 391-3-6-.16 and also O.C.G.A. §12-5-29 and O.C.G.A. §12-5-30.

The requirements of Phase I Medium MS4 permits are addressed in 40 CFR 122, which specifies the NPDES permit program. A list of permit requirements correlated to code citations is included as Attachment A.

## **NPDES Permits**

### **General**

The NPDES permits will authorize stormwater discharges to the waters of the State of Georgia from the 12 Phase I Medium MS4s owned or operated by local governments in Georgia. (See Attachment B).

The Phase I Medium MS4 permits were first issued in 1995. In previous iterations, the permits incorporated by reference a Storm Water Management Program (SWMP) to be implemented by the permittee over the term of the permit. The SWMP describes the permittee's program to eliminate or minimize, to the maximum extent practicable (MEP), the discharge of pollutants to the waters of the State from stormwater discharges. Permittees are required to submit Annual Reports to EPD providing their status in implementing the SWMP and permit requirements.

Numeric effluent limitations have not been included in the proposed permits. EPD has determined that it is infeasible to derive numeric effluent limitations for intermittent stormwater discharges from MS4s because of a lack of information available concerning rate, volume, variability, and duration of stormwater discharges and receiving water flow, the quantity and types of pollutants, and the effectiveness of many conventional control measures. EPD has determined, based upon best professional judgment and guidance from EPA, that compliance with permit conditions can be well-evaluated through the Annual Report.

The proposed permits will be valid for a term of five (5) years in accordance with Federal regulations which limit NPDES permits to a maximum term of five (5) years.

The proposed permits comply with the anti-degradation requirements in the EPD Rules and Regulations for Water Quality Control, subparagraph 391-3-6-.03. Existing water quality will not be degraded by the issuance of these permits. The stormwater discharges authorized by these permits have been on-going since the Federal regulations requiring an NPDES permit were adopted. The permits will reduce the current level of pollution discharged from the MS4. EPD expects the pollution reduction measures implemented by the permittees to offset any expansion of stormwater conveyance systems and outfalls because of the permit requirement to implement a broad range of pollution reduction measures, including measures to address impacts for new development and redevelopment. The permits require the permittee to implement controls to reduce pollutants to the MEP. The focus of the permit is a net reduction in pollutant loadings over the five-year permit term, during which a range of programs will be implemented and enhanced to minimize stormwater pollution discharges. Therefore, the issuance of this permit will protect and improve existing water quality and is consistent with EPD's anti-degradation policy.

If a Total Maximum Daily Load (TMDL) containing a wasteload allocation specific to one or more of the permittee's outfalls is approved, then the wasteload allocation must be incorporated into the SWMP. The permittee will implement best management practices (BMPs) to address the pollutant(s) of concern. BMPs must be consistent with any approved TMDL, and implementation of these BMPs must be sufficient to address any stormwater point source wasteload allocation portion of a TMDL, reducing the pollutants of concern in the impaired waterbody. Monitoring

for the pollutant of concern will be performed in order to evaluate BMP effectiveness and TMDL attainment. Outfall or instream monitoring, BMP implementation, and BMP evaluation is also required for discharges to streams listed as impaired on Georgia's current 305(b)/303(d) list. The iterative process will require new, expanded, or better-tailored BMPs to be implemented if the evaluation determines the BMPs are not effective in TMDL attainment and/or returning the listed waterbody to its use criteria.

### Specific Permit Changes

The permit was revised from the previous iteration. These revisions include:

- Additional requirements for the IDDE Plan, which:
  - Allow for alternatives to dry weather screening;
  - Clarify stream walk requirements;
  - And outline investigative efforts for documented illicit discharges.
- Inclusion of the standards for new development and redevelopment from the Georgia Stormwater Management Manual (GSMM), 2016 Edition of Volume 2, and the Coastal Stormwater Supplement to the GSMM in the permit, instead of incorporation by reference.
  - The draft permit allows for permittees to use either the Runoff Reduction or Water Quality Treatment standards, as outlined in the GSMM, to achieve compliance with water quality control standards during the first three years of the permit.
  - The draft permit requires full implementation of the Runoff Reduction standard in year four, and recommends the use of training, stakeholder meetings, and pilot projects to facilitate successful implementation of the Runoff Reduction standard. During the first three years, the draft permit requests status updates with each annual report.
- A Trout Stream Protection requirement, which requires permittees to address the protection of trout waters.
- A Linear Transportation Projects section, which allows permittees to develop a feasibility program.
- An eReporting requirement. EPD is preparing an electronic method of reporting (eReporting). EPD will notify the permittee when the system is available for use. Upon notification, the permittee will be required submit the annual report electronically.

### **Procedures for the Formulation of Final Determinations**

#### Comment Period

The draft permits and other information are available for review on the EPD website under [epd.georgia.gov/storm-water](http://epd.georgia.gov/storm-water) or by writing EPD. The draft permit and other information also are available for review at:

**Georgia Environmental Protection Division  
Watershed Protection Branch  
NonPoint Source Program  
2 Martin Luther King Jr. Drive, Suite 1152 East**

## **Atlanta, Georgia 30334**

The materials are available between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday (except official State holidays).

Persons wishing to comment upon or object to the determinations are invited to submit their comments in writing to the EPD address above by close of business on January 27, 2017. All comments received before or on that date will be considered in the formulation of final determinations regarding these permits. The words "Draft NPDES Permit GAS000XXX" and the name of the City or County permittee should be placed on the top of the first page of comments.

Comments may also be e-mailed to EPDComments@dnr.ga.gov. If you choose to email your comments, please be sure to include the words "Draft NPDES Permit GAS000XXX" and the name of the City or County permittee in the subject line to ensure that your comments will be forwarded to the correct staff. For additional information contact Glen Behrend at (404)651-8511 or Anna Truszczynski of the Stormwater Unit at (404)651-8548.

### Public Hearing

A public meeting has been scheduled for 9:00 a.m. on Friday, January 27, 2017, at EPD's Training Room at 4244 International Parkway, Suite 114, Atlanta, Georgia 30354. A public hearing will be held at 10:00 a.m. at the same location, following the public meeting. The purpose of the public hearing will be to present and receive formal comments on the proposed permits for the official record. Additional information regarding public hearing procedures is available by writing EPD.

Both oral and written comments will be accepted at the public hearing; however, for the accuracy of the record, written comments are encouraged. The Director or a designee reserves the right to fix reasonable limits on the time allowed for oral statements and such other procedural requirements as that person deems appropriate.

Following the public hearing, the Director, unless it should be decided to deny the permit, may make such modifications in the terms and conditions of the proposed permit as may be appropriate and shall issue the permit. Notice of issuance or denial shall be circulated to those persons or groups who participated in the hearing and to those persons or groups who submitted written comments to the Director on the proposed permit within thirty (30) days from the date of the public notice.

### Contested Hearings

Any person who is aggrieved or adversely affected by the issuance or denial of a permit by the Director of EPD may petition the Director for a hearing if such petition is filed in the office of the Director within thirty (30) days from the date of notice of such permit issuance. Such hearing shall be held in accordance with EPD Rules, Water Quality Control, subparagraph 391-3-6-.01.

Petitions for a contested hearing must include the following:

1. The name and address of the petitioner;

2. The grounds under which the petitioner alleges to be aggrieved or adversely affected by the issuance of a permit;
3. The reason or reasons why petitioner takes issue with the action of the Director; and
4. All other matters asserted by petitioner which are relevant to the action in question.

**Attachment A**  
**Phase I Medium Municipal Separate Storm Sewer Systems (MS4s)**  
**NPDES Permit No. GAS000XXX**

<b>Permit Part</b>	<b>Permit Section</b>	<b>Regulatory Citing</b>
<b>Part I</b>	Permit Coverage	40 CFR Part 122.32
	Definitions	40 CFR Part 122.26(b) and Chapter 391-3-6-.16 of the Georgia Rules
<b>Part II</b>	Criteria for Receiving Waters	Chapter 391-3-6-.03(5) of the Georgia Rules
<b>Part III</b> (Storm Water Management Program-SWMP)	Requirements	40 CFR Part 122.26(d)(2)(iv)
	Annual Report	40 CFR Part 122.42(c)
	Public Education	Permit requirement
	TMDLs	Permit Requirement
	LID/Green Infrastructure	Permit Requirement
<b>Part IV</b> (Monitoring, Recordkeeping and Reporting)	Stormwater Design Manual	Permit Requirement
	Monitoring Requirements	40 CFR Part 122.41(j)
	Monitoring Requirements	40 CFR Part 122.41(j)
	Retention of Records	40 CFR Part 122.41(j)
<b>Part V</b> (Standard Permit Conditions)	Duty to Comply	40 CFR Part 122.41(a)
	Duty to Reapply	40 CFR Part 122.41(b)
	Need to Halt or Reduce Activity Not a Defense	40 CFR Part 122.41(c)
	Duty to Mitigate	40 CFR Part 122.41(d)
	Proper Operation and Maintenance	40 CFR Part 122.41(e)
	Permit Actions	40 CFR Part 122.41(f)
	Property Rights	40 CFR Part 122.41(g)
	Duty to Provide Information	40 CFR Part 122.41(h)
	Other Information	40 CFR Part 122.41(l)(8)
	Inspection and Entry	40 CFR Part 122.41(i)
	Availability of Reports	Permit requirement
	Signatory Requirements	40 CFR Part 122.41(k) and 391-3-6-.16(5)(a)(7) of the Georgia Rules
	Severability	Permit requirement
Civil and Criminal Liability	Permit requirement	
Contested Hearings	Permit requirement	
Transfer of Ownership	40 CFR Part 122.41(l)(3)	

<b>Permit Part</b>	<b>Permit Section</b>	<b>Regulatory Citing</b>
<b>Appendix A (SWMP)</b>		
	Structural and Source Control Measures	40 CFR Part 122.26(d)(2)(iv)(A)
	Illicit Discharge Detection Elimination	40 CFR Part 122.26(d)(2)(iv)(B)
	Industrial Facilities/HVPS	40 CFR Part 122.26(d)(2)(iv)(C)
	Construction Site Management	40 CFR Part 122.26(d)(2)(iv)(D)
	Assessment of Controls	40 CFR Part 122.26(d)(2)(v)
	Fiscal Analysis	40 CFR Part 122.26(d)(2)(vi)

**Attachment B**

**List of Phase I NPDES Permittees**

<b><u>Permittee</u></b>	<b><u>Permit Number</u></b>
Augusta-Richmond County	GAS000200
Bloomington	GAS000207
Chatham County	GAS000206
Columbus	GAS000202
Forsyth County	GAS000300
Garden City	GAS000208
Macon-Bibb County	GAS000301
Pooler	GAS000209
Port Wentworth	GAS000210
Savannah	GAS000205
Thunderbolt	GAS000211
Tybee Island	GAS000212