

Response to Comments on the 2024 Draft Permit Template  
Phase I Large NPDES MS4 Permits GAS0001xx  
May 1, 2024

<b>Permit Part</b>	<b>Comment/Requested Change</b>	<b>EPD Response</b>
Part 3, Table 3.3.1, #1.b.	The commenter suggested the number of structures “deleted” be added to match the current 2022 Phase I Medium permits.	EPD agrees that the addition of the term “deleted” is valuable and has made the requested change.
Part 3, Table 3.3.1, #2.b.	The commenter suggested that a requirement to report the percentage of structures maintained be added to match the current 2022 Phase I Medium permits.	Table 3.3.1 SWMP Component #1 already requests the total number of structures in the inventory to be reported. SWMP Component #2 already requests the number of structures maintained to be reported. There is no minimum percentage of structures required to be maintained. No change was made.
Part 3, Table 3.3.2, #2.a.	Two commenters asked if EPD wants the map to be submitted in the annual reports to match the Phase I Medium and Phase II Small permits.	At this time EPD determined that only an inventory of outfalls is sufficient for determining permit compliance in the annual report. No change was made.
Part 3, Table 3.3.2, #3.a.	The commenter suggested the paragraph specifying numeric goals for the approved alternative method from the current 2022 Phase I Medium MS4 permits be copied.	Currently, the second sentence of paragraph 3.a. specifies a frequency for approved alternative method inspections. No change was made.
Part 3, Table 3.3.2, #6.a. and #7.a.	The text requires the permittee to provide the dates of the activities but does not require documentation to be submitted. The commenter was concerned that permittees will still not have to provide documentation that an event occurred and suggested that “documentation” be provided in addition to “details” as in the Phase I Medium permits.	One of the purposes of documentation is to demonstrate that an activity was completed during the reporting period. EPD believes that permittees providing the dates of the activities meets this purpose. No change was made.
Part 3, Table 3.3.4, #2.c.	The commenter suggested, “ <i>If the permittee is not an LIA</i> ” be added in front of, “explain that the activity is implemented by EPD.”	EPD agrees that the clarification is valuable and made the requested change.
Part 3, Table 3.3.4, #4.a.	The commenter suggested, “ <i>and the amount of any assessed penalties</i> ” be added to mirror the other permits.	EPD reports this information to USEPA. By making this change, EPD is not increasing the number of activities permittees are performing, only asking for a reporting of

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		additional information on what they are already doing. Change made.
Part 3, Table 3.3.4, #5	The commenter requested, that “Georgia Soil and Water Conservation Commission” be spelled out in #5.a. and its acronym “GSWCC” be added to #5.b. .	EPD made the requested changes.
Part 3.3.7	The commenter requested clarification on the use of TSS for PCBs, metals for metals, etc.	When applicable, monitoring components of impaired waters plans should specifically target the pollutant of concern. However, in cases where a valid scientific connection can be made with an alternative sampling parameter (TSS as surrogate for Mercury), EPD will consider the alternative when proposed in the Impaired Waters Plan submitted by the permittee. No change was made to the permit.
Part 3.3.7	A commenter noted that references to fecal coliform bacteria were revised to only state “bacteria” and two commenters suggested that the text be revised to clarify that <i>E. coli</i> and/or enterococci are the bacteria for which permittees should sample.	All Phase I Large MS4 permittees required to monitor for bacteria under Permit Part 3.3.7, if applicable, will monitor for <i>E. coli</i> . However, due to the recent change in bacterial indicator organism and possible future changes, EPD prefers the more inclusive term “bacteria” for this permit. No change was made.
Part 3.3.7	The commenter requested clarification on the responsibilities of permittees with a population of fewer than 10,000 people.	Permittees with a population of less than 10,000 that discharge within one linear mile downstream of and within the same watershed as an impaired water must develop an Impaired Waters Plan (IWP) for <u>each</u> pollutant of concern. This includes waterbodies impaired for bacteria. The IWP must include information regarding sampling locations, type, frequency, schedule, and a description and implementation schedule for proposed BMPs for the control and reduction of the pollutants. No change was made.
Part 3.3.7	The commenter is concerned that because the text exempts permittees with a population fewer than 10,000 people from collecting four geometric means,	The permit allows permittees with a population less than 10,000 flexibility in the number of samples they must collect for <u>all</u> pollutants of concern. No change was made.

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	they would be allowed to collect as few as one bacteria sample and meet the permit requirement. The commenter suggested the text be revised to set a minimum number of samples, such as one or two geometric means per reporting period.	
Part 3.3.7	<p>A commenter noted that the last paragraph in Sections (a) and (b) indicates that if the monitoring shows bacteria levels below numeric standards, then the permittee must prepare a SQAP. In order to determine if a water is consistently meeting water quality criteria, then a minimum of 4 geometric means are needed. It is also a requirement in implementing a SQAP that 4 geometric means must be collected. The commenter suggested the following sentence be added to the end of the SQAP paragraph in Section (a) and (b): <i>“If a permittee with a population less than 10,000 obtains monitoring results indicating the bacteria level is below numeric criteria, and the monitoring results were not derived from a minimum of four geometric means, then the permittee is exempt from preparing a SQAP”</i>.</p> <p>Additionally, I think that the new wording <i>“...exempt from Options (a) and (b) below, but must otherwise meet all sampling requirements above for bacteria...”</i> is better.</p>	<p>The text currently reads, <i>“Permittees with a population less than 10,000 at the time of permit issuance are exempt from options (a) and (b) below”</i> and the SQAP is only required under options (a) and (b) but is encouraged for all permittees, regardless of population. Therefore, permittees with a population less than 10,000 are exempt from collecting four geometric means unless they do so voluntarily. No change was made.</p> <p>EPD appreciates the feedback.</p>
Part 3.3.7	The commenter requested typographical errors, such as the lowercase “options,” duplicate “(a),” etc. be corrected.	EPD made the requested typographical changes.
Part 3.3.11 and Part	The commenter requested the text be edited to clarify that, for all projects which must follow the post-	The permit requires the permittee to adopt the Georgia Stormwater Management Manual (GSMM) (Part

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3.3.11, Table 3.3.11(b)(2)	construction ordinance, the GI/LID Program requires GI/LID to be used unless it is demonstrated that GI/LID cannot be used. The GI/LID Program would describe under what circumstances GI/LID cannot be used. The commenter also requested the annual report to include a reporting element to ensure the requirement to use GI/LID is being met, such as a letter from an engineer explaining why GI/LID was not used in a project.	3.3.11(a)(1)), adhere to certain performance standards (Part 3.3.11(a)(2)), and ensure that codes/ordinances/other regulations do not prohibit or impede the use of GI/LID (Table 3.3.11(b)(2) #1.a.). No change was made.
Part 3.3.11, Table 3.3.11(b)(2), #1	Two commenters suggested the waivers from the Phase II permit be copied, thereby allowing a permittee to reference the first year's evaluation in years two through five.	EPD believes that including the suggested language provides additional guidance to permittees on what to provide to EPD each reporting year for compliance with the permit requirement related to Legal Authority for the GI/LID Program and has added the following language, <i>"1.b If revisions to the ordinances and codes are necessary, the permittee should include a report on any proposed revisions, including a schedule for completion of the revisions. In subsequent reporting years, the permittee should provide a status report on the ordinance revisions and/or any adopted ordinances. In addition, in subsequent annual reports following the first year of the permit, the permittee should either complete a comprehensive evaluation or reference the first year evaluation and certify that additional revisions to the codes and ordinances are not necessary."</i>
Part 4.1	The commenter requested EPD's website to be underlined.	EPD made the requested change.
General	The commenter requested a definition of "privately-owned," "permittee-owned, publicly-owned/not municipal," and "stormwater management facility."	Table 3.3.11(b)(2) #3.a. and #4.c. are the only locations where the term, "privately-owned" is used. The table gives an example of privately-owned being any mixed-use development, commercial, etc. structures that the

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		<p>permittee has legal authority to inspect. No change was made.</p> <p>The term, “permittee-owned” is used in Table 3.3.1 #5.b. and Table 3.3.11(b)(2) #3.a. While the permit does not give an example of permittee-owned, common language suggests this would be any item, applicable to the conditions in those tables, that the one to whom the MS4 permit is issued (e.g. City or County) owns. No change was made.</p> <p>The terms, “publicly-owned/not municipal” and “stormwater management facility” are not found in the permit. No change was made.</p>
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