

Response to Comments on the 2024 Stakeholder Draft  
Phase I Large NPDES MS4 Permits GAS0001xx  
March 1, 2024

Permit Part	Comment/Requested Change	EPD Response
Part 3, Table 3.3.1, #1.a.	The commenter requested “water quality vaults” be changed to “underground detention” to better match the wording of the 2022 Phase II MS4 permit and of Volume 2 of the Georgia Stormwater Management Manual (GSMMv2). The commenter explained that doing so would reduce the perception that underground detention structures may be used to meet the water quality standards in GSMMv2, Table 4.1.3-1: BMP Selection Guide.	The 2022 Phase II permit uses the term “underground detention” in the Pollution Prevention/Good Housekeeping for Municipal Operations minimum control measure, Table 4.2.6(a) and (b). EPD concurs with the commenter’s reasoning. The text has been revised to clarify this.
Part 3, Table 3.3.1, #2.a.	<p>Given that inventories change over time and that the permit already allows inspections to be divided into five geographical areas, the commenter suggested clarification of which inventory of the five reporting periods within a permit term on which the minimum 5% and 100% calculations are based.</p> <p>The commenter also requested the permit to alternatively allow for 100% of each of five zones to be inspected per reporting period, so that at the end of the permit term 100% of all zones have been inspected.</p>	<p>Table 3.3.1 SWMP component #1 requires an updated inventory and map to be submitted with each annual report. After that requirement is met, SWMP component #2 in the table applies. Therefore, the minimum 5% per reporting period and 100% within the 5-year permit term apply to the MS4 structures within each updated inventory rather than to the number reported in the first of five reporting periods. One-hundred percent of the inventory that is reported in the final reporting period of the permit term must be inspected within the 5-year permit term. No change made.</p> <p>The permit already allows permittees to inspect by zone. If a permittee chooses to inspect by zone instead of by percentage, the permit requires an entire area or sector to be inspected per reporting period. The permit requires one-hundred percent of the structures to be inspected within the 5-year permit term. No change made.</p>

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Part 3, Table 3.3.1, #2.b.	The commenter suggested a requirement to report the percentage of structures maintained be added, stating that the requirement is already in the annual report form.	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. No change made.
Part 3, Table 3.3.1, #5.b.	<p>One commenter requested a definition of “existing permittee-owned flood management projects,” suggesting that the text be modified to “...of existing (i.e., those designed prior to the April 15, 2016 GSMM publication date) permittee-owned flood management projects...”.</p> <p>Another commenter suggested the proposed text be changed to reference the 2016 GSMM “or latest edition”.</p>	<p>The text has been revised to clarify the definition of “existing permittee-owned flood management projects”.</p> <p>Text has been added to reflect the ability to use the 2016 GSMM or latest edition.</p>
Part 3, Table 3.3.1, #6.b.	The commenter suggested text be added to match the current 2022 Phase I Medium MS4 permit, which states, “All permittees must conduct at least one inspection per reporting period” for those with fewer than five municipal facilities.	Text has been added to specify that all permittees are to perform at least one inspection per reporting period to provide annual compliance checkpoints for each permittee.
Part 3, Table 3.3.2, #2.a.	The commenter suggested the text “The map and inventory must be submitted with each annual report” be added.	The permit previously did not require the inventory and map to be submitted with each annual report; only the number of outfalls added and the total number of outfalls were required to be reported. Text has been added to require the inventory to be reported in each annual report.
Part 3, Table 3.3.2, #3.a.	The commenter stated although the text references an alternate method approved by EPD, it does not specify a frequency. The commenter suggested the paragraph specifying numeric goals for the approved alternative method from the current 2022 Phase I Medium MS4 permit be copied.	Currently, the second sentence of paragraph 3.a. specifies a frequency for approved alternative method inspections. No change made.
Part 3,	The text requires the permittee to provide details but does not require documentation to be submitted. The commenter	One of the purposes of documentation is to demonstrate that an activity was completed during the

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Table 3.3.2, #6.a. and #7.a.	suggested “documentation” be provided in addition to “details.”	reporting period. Text has been added to both SWMP components to specify that the permittee must submit “details, including the date(s).”
Part 3, Table 3.3.3., #2.a.	The commenter suggested text be added to match the current 2022 Phase I Medium MS4 permit: “The permittee must conduct at least one facility inspection per reporting period” for those with fewer than five industrial facilities.	Text has been added to specify that all permittees are to perform at least one inspection per reporting period to provide annual compliance checkpoints for each permittee.
Part 3, Table 3.3.4, #3.c.	Two commenters suggested a table or list of active construction sites and the number and dates of inspections be added to match the other MS4 permits.	Text has been added to require a list or table of active construction sites and the dates of inspections conducted be provided in each annual report to assist with an evaluation of permit compliance and to match the other MS4 permits.
Part 3, Table 3.3.4, #5	The commenter requested the page break be removed so that the table is not split onto separate pages.	Formatting change made.
Part 3, Table 3.3.4, #5.b.	The commenter suggested documentation of current certification be required to match the other MS4 permits.	Text has been added to clarify the information to be provided in each annual report pertaining to certifications of MS4 staff to better evaluate permit compliance and to match the other MS4 permits.
Part 3, Table 3.3.5, #2.a.	The commenter suggested text be added to match the current 2022 Phase I Medium permit, stating, “The permittee must conduct at least one facility inspection per reporting period”.	Text has been added to specify that permittees are to conduct at least one inspection per reporting period to provide annual compliance checkpoints for all permittees.
Part 3.3.7	The commenter quoted from the current permit, “Newly listed waters must be addressed in the IWP and the SWMP must be revised accordingly” and suggested that a requirement to submit the modified IWP be added to match the other MS4 permits: “The modified IWP must be submitted in the subsequent annual report.”	EPD concurs with the commenter’s reasoning and believes that this addition will assist with evaluating permit compliance. Text has been added.
Part 3.3.7	Two commenters requested the references to fecal coliform bacteria be removed since US EPA approved <i>E. coli</i> and enterococci bacteria standards in August 2022.	The text has been changed to be consistent with the EPA-approved water quality criteria change from fecal coliform bacteria to <i>E. coli</i> and enterococci.

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Part 3.3.7	<p>The text has been revised to clarify that permittees with a population of less than 10,000 people are exempt from collecting <u>four</u> geometric means. However, a point under that paragraph indicates that if the geometric means show compliance with water quality standards, then the permittee must submit a SQAP, which requires 4 geometric means. The commenter is concerned that this is potentially requiring permittees with a population less than 10,000 people to collect enough samples for four geometric means. The commenter suggested that wording from the 2019 permit be retained or that a new paragraph addressing permittees with populations fewer than 10,000 people be added.</p>	<p>The current and proposed text currently read, “For those permittees with a population equal to or exceeding 10,000 at the time of this permit issuance (see Appendix B), the permittee must comply with the following:... In the event that two years of data demonstrate that the level of bacteria is consistently below numeric criteria, then the permittee must prepare a Sampling Quality and Assurance Plan (SQAP).” The text is not structured in a manner to require permittees with a population less than 10,000 people to prepare a SQAP, although EPD does not discourage those permittees from doing so if they choose.</p> <p>In addition, the proposed text was added to clarify that permittees with a population less than 10,00 people are exempt from collecting as many as <u>four</u> geometric means, not to exempt them from <u>all</u> bacteria sampling.</p> <p>No change made.</p>
Part 3.3.7	<p>The commenter requested the second point underneath “Each Annual Report shall include;” “...the permittee must notify the adjacent MS4” be changed to “...the permittee must notify the immediately upstream MS4.”</p>	<p>An immediately upstream MS4 could also be considered an adjacent MS4. No change made.</p>
Part 3.3.8	<p>The commenter suggested that “obtain” in the first sentence be revised to “provide” in order to clarify that the permittees are allowed to conduct the training themselves.</p>	<p>EPD concurs with the commenter’s reasoning. The text has been changed.</p>
Part 3.3.8	<p>The commenter suggested that the text, “The SWMP should include a description of the training program to be implemented, including the employee categories to be trained, the methods for providing the training, the topics to be addressed, and the documentation to be provided</p>	<p>Text has been added to clarify what should be included in the SWMP.</p>

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	(e.g., sign-in sheets, photographs, etc.)” be added to match the other MS4 permits.	
Part 3.3.11(a)(3)	The commenter suggested that a requirement for EPD to approve the linear transportation feasibility program be added.	EPD will continue to review linear transportation feasibility programs and does not intend to approve or deny the engineering aspects of the programs. No change made.
Part 3.3.11(b), Table 3.3.11(b)(2) #3.a.	<p>The commenter requested “publicly-owned by other entities” be defined as, “(e.g., Board of Education and other entities not covered by an MS4 permit and that the permittee has the authority to inspect)” or similar.</p> <p>The commenter requested “privately-owned non-residential” be defined as (e.g., mixed use development, commercial)” or similar.</p> <p>The commenter suggested that a requirement to obtain maintenance agreements be added to match the other MS4 permits.</p>	<p>The text has been revised to clarify the definition of “publicly-owned by other entities”.</p> <p>The text has been revised to clarify the definition of “privately-owned non-residential”.</p> <p>EPD believes that routine maintenance can improve long-term BMP performance. This addition is also consistent with Part 5.2.5.2 of the Georgia Stormwater Management Manual. The text has been added.</p>
Part 3.3.11(b), Table 3.3.11(b)(2) #3.b.	The commenter suggested that the words, “the ownership” be added.	The text has been added to include reporting of GI/LID structure ownership.
Part 3.3.11(b), Table 3.3.11(b)(2) #4.a.	The commenter suggested text be added to match the current 2022 Phase I Medium MS4 permit, which states, “If there are less than five GI/LID structures on the inventory, then the permittee must conduct at least one inspection during the reporting period” for those with fewer than five GI/LID structures.	Text has been added to specify the frequency that permittees with fewer than five structures are to perform inspections provide annual compliance checkpoints for all permittees.
Part 3.3.11,	The commenter suggested text to obtain maintenance agreements be added to match the other MS4 permits.	EPD believes that routine maintenance can improve long-term BMP performance. This addition is also

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Table 3.3.11(b)(2) #4.c.		consistent with Part 5.2.5.2 of the Georgia Stormwater Management Manual. The text has been added.
Part 3.3.11, Table 3.3.11(b)(2), #4.c.	MS4 permittees do not have authority over several public agencies, such as GDOT, Department of Defense, and FAA. The commenter requested that text be added to clarify that the permit requirements are only applicable to those entities over which the MS4 permittee has authority.	EPD concurs with the commenter's reasoning. Text has been added which clarifies that the permit applies only to those privately-owned and other public entity-owned structures over which the permittee has legal authority.
Part 3.3.11	The website address is missing from the parentheses after "U.S. EPA."	The website address has been added.
Part 4.1.7	The commenter requested the spacing of the last line of the paragraph to be fixed.	Formatting correction has been made.
Appendix A	The commenter requested a definition of GI/LID be added to match the current 2022 Phase I Medium MS4 permit.	A definition has been added to match the current 2022 Phase I Medium MS4 permit.