

Response to Comments on the 2024 Draft Permit Modification Package  
Phase I Medium NPDES MS4 Permit GAS000200  
May 20, 2024

Part	Comment/Requested Change	EPD Response
Fact Sheet Part 3.3	<p>The commenter suggested the addition of “...<i>in accordance with permit modification and revision requirements</i>” to the end of the first sentence. The commenter added that TMDL modifications to the SWPPP would take place in accordance with NPDES procedures, as they must to meet NPDES, public rights and commentary, Constitutional and Federal and State due process. The language suggestion ensures no third party mis-reads or mistakes that these procedures are necessary and apply.</p>	<p>EPD did not accept the additional language as it will be inconsistent with the standard MS4 permit fact sheet template and prior permit fact sheets. The current language doesn’t nullify other provisions of the modified permit. No change made.</p>
Fact Sheet Part 3.5	<p>The commenter noted that the fact sheet was contradictory and needed to be clear to explain that Augusta-Richmond County has submitted Impaired Waters Plans which EPD approved. The permit language reads as if this has not been done, so the fact sheet must clarify as the interpretive document.</p> <p>The commenter recommended adding the following italicized language:</p> <ul style="list-style-type: none"> <li>• Removed language referencing the bacterial indicator change from fecal coliform to <i>E. coli</i> or enterococci <i>and sampling methodology</i>.</li> </ul> <p>The commenter recommended deleting the final bullet and replacing it with the footnote as follows:</p> <ul style="list-style-type: none"> <li>• <i>Augusta has submitted Impaired Waters Plans for 3 streams impaired for bacteria, and EPD has reviewed and approved these Plans to meet the alternative protocol</i></li> </ul>	<p>EPD kept the suggested addition of “...and sampling methodology” but provided additional language for specificity. EPD also retained the final bullet as it accurately reflects the language that was changed with the permit modification. EPD removed the footnote and added that language directly into the bullet describing the alternative protocol to draw more attention to the fact that this has already occurred.</p> <p>The revised Fact Sheet text is as follows:</p> <ul style="list-style-type: none"> <li>o Removed language referencing the bacterial indicator change from fecal coliform to <i>E. coli</i> or enterococci and explicit sampling methodology for bacteriological monitoring.</li> <li>o Added language stating permittee will develop and submit for review and approval an alternative protocol for evaluating the impact of the MS4 on bacteria loads in impaired waters. In compliance with the modified permit language, Augusta has submitted Impaired Waters Plans for 3 streams</li> </ul>

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	<p><i>requirement. The Plans are available for inspection as part of the public notice of the proposed permit modification. Augusta has included instream bacteriological sampling in their Plans</i></p> <ul style="list-style-type: none"> <li>• <del>Added language stating permittee will develop and submit for review and approval an alternative protocol for evaluating the impact of the MS4 on bacteria loads in impaired waters.</del></li> </ul>	<p>impaired for bacteria, and EPD has reviewed and approved these Plans to meet the alternative protocol requirement. The Plans are available for inspection as part of the public notice of the proposed permit modification. Augusta has included instream bacteriological sampling in their Plans.</p>
<p>Fact Sheet Part 3.6</p>	<p>The commenter noted that the anti-backsliding provision in 40 C.F.R. 122.44 was misstated and missing its exception as well as overbroad. It is important to have correct and would mislead the public otherwise. The commenter recommended the addition of the following italicized language, “The requirements of the permits are in compliance with 40 CFR 122.44(1), which requires reissued permits to be as stringent as the <i>final effluent limitations, standards, or conditions in the previous permits (unless the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued and would constitute cause for permit modification or revocation and reissuance under § 122.62.)</i>.”</p>	<p>EPD did not accept the additional language as it is inconsistent with the standard NPDES permit fact sheet template and prior permit fact sheets. EPD also believes that this is an unnecessary clarification as the text already references subpart (1) of 40 CFR 122.44, which the proposed language addition simply restates. No change made.</p>