



**GEORGIA**  
DEPARTMENT OF NATURAL RESOURCES

**ENVIRONMENTAL PROTECTION DIVISION**

**Richard E. Dunn, Director**

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**MAY 13 2019**

Honorable Lois D. Salter, Mayor  
City of Berkeley Lake  
4040 South Berkeley Lake Road  
Berkeley Lake, Georgia 30096

RE: Municipal Separate Storm Sewer System  
Phase I Large MS4 Permit  
NPDES Permit No. GAS000138

Dear Mayor Salter:

Pursuant to the Georgia Water Quality Control Act, as amended, the Federal Clean Water Act, as amended, and the Rules and Regulations promulgated thereunder, we have issued the attached National Pollutant Discharge Elimination System Permit (Permit) for your Municipal Separate Storm Sewer System.

On February 20, 2019, the Georgia Environmental Protection Division (EPD) transmitted a proposed draft Permit to you. The public comment period ended on April 3, 2019. We received some comments from three stakeholders. We have addressed the comments received and made minor Permit revisions. Attached please find EPD's response to comments.

Please be advised that on or after the effective date indicated in the attached NPDES Permit, the permittee must comply with all terms and conditions of this Permit.

Sincerely,

Richard E. Dunn  
Director

RED/mag

Attachments

Phase I Large MS4 NPDES Permit  
Public Comments and Response

Phase I Large MS4  
NPDES Permit No. GAS000138



**ENVIRONMENTAL PROTECTION DIVISION**

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**Discharges From The**

**City of Berkeley Lake**

**Municipal Separate Storm Sewer System**

**In compliance with the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p. 416, as amended), hereinafter called the "State Act", the Federal Clean Water Act, as amended (33 U.S.C. 1251 et seq.), hereinafter called the "Clean Water Act", and the Rules and Regulations promulgated pursuant to each of these Acts, all new and existing stormwater point sources covered under this permit are authorized to discharge stormwater from this municipal separate storm sewer system to the waters of the State of Georgia in accordance with the limitations, monitoring requirements and other conditions set forth in Parts I through 5 and Appendix B hereof.**

**This permit shall become effective on June 11, 2019.**

**This permit and the authorization to discharge shall expire at midnight, June 10, 2024.**

Signed this 13<sup>th</sup> day of May 2019.

  
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**Director,  
Environmental Protection Division**



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**PART 1. COVERAGE UNDER THIS PERMIT**

1.1 Coverage

- 1.1.1 This permit covers all new and existing point source discharges of stormwater from the authorized municipal separate storm sewer system (MS4) to waters of the State of Georgia.
- 1.1.2 The permittee is liable for permit compliance and the implementation of the Storm Water Management Program (SWMP) for all point source discharges from the MS4 for which it is owner or operator.
- 1.1.3 Stormwater discharges regulated by other National Pollutant Discharge Elimination System (NPDES) permits that do not discharge to the MS4 are not covered by this permit (e.g., Publicly Owned Treatment Works and Combined Sewer Overflows).
- 1.1.4 Discharges which are subject to regulation by other NPDES permits that discharge to waters of the State through the MS4 are still subject to those other NPDES permit requirements.
- 1.1.5 In order to continue coverage, the permittee must submit a permit application at least 180 days prior to the expiration date of the existing permit on a form provided by the Georgia Environmental Protection Division (EPD).

1.2 Definitions – See Appendix A

All terms used in this permit shall be interpreted in accordance with the definitions as set forth in the Georgia Water Quality Control Act, as amended, and the Federal Clean Water Act (CWA), as amended, unless otherwise defined in Appendix A.

**PART 2. CRITERIA FOR RECEIVING WATERS**

2.1 Receiving Water Standards

The permittee shall implement controls to reduce pollutants to the maximum extent practicable (MEP) in discharges from the MS4 to the waters of the State so as to not cause the general criteria to be exceeded in the receiving waters per Rules 391-3-6-.03(5).

### **PART 3. STORM WATER MANAGEMENT PROGRAM**

The permittee shall update, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the MS4 to the MEP, in order to protect water quality and to satisfy the appropriate water quality requirements of the State Act and Rules (391-3-6-.16). The SWMP must include management practices, control techniques and system design and engineering methods, and other provisions appropriate for the control of such pollutants. Regardless if the permittee's SWMP has been approved by EPD, the permittee must comply with the requirements of this Permit. The SWMP shall be considered as a supplement to the Permit containing the standard operating procedures, schedules, inspection forms, and other documents needed to support the implementation of Permit requirements. EPD will review and approve the SWMP. The permittee must utilize the procedures and other supplemental documents contained in the SWMP during the activities performed to attain Permit compliance. The SWMP shall be submitted for approval to EPD within 180 days of the effective date of this permit. The SWMP and its amendments, upon approval by EPD, shall become a part of this permit.

#### **3.1 Legal Authority**

The permittee must have adequate legal authority to control pollutant discharges into and from its MS4, and to meet the legal requirements of this permit.

#### **3.2 Sharing Responsibility**

The permittee may share implementation of one or more of the SWMP components with another entity, or the entity may assume full responsibility for that component. However, the permittee may rely on another entity only if:

- 3.2.1 The other entity is either implementing or will be implementing the SWMP component;
- 3.2.2 The particular component is at least as stringent as the corresponding permit requirement; and
- 3.2.3 The other entity agrees to implement the component on the permittee's behalf through a written agreement, memorandum of understanding, memorandum of agreement, contract, or other signed document that establishes the obligations of each party.

Written acceptance of this obligation is mandatory and must be maintained as a part of the SWMP. Conducting maintenance on a structure does not imply that the entity conducting the maintenance is the owner or operator of that structure. Even though the permittee may contract with another entity for component implementation, it is the permittee's responsibility to submit all Permit Applications, Annual Reports, Certification Statements, or any other information requested by EPD.

If the other entity fails to implement the component on the permittee's behalf, the permittee remains liable for any enforcement actions due to the failure to implement and/or report.

### 3.3 SWMP Components

The following information is to be used in developing and implementing the permittee's SWMP. The specific requirements can be found in Title 40 of the Code of Federal Regulations (CFR), Part 122.26. Each SWMP component must include a description of the activity, a measurable goal and how it will be measured and tracked, and a description of the documentation to be submitted in each annual report. A detailed description of the activities related to each requirement must be reported on the Annual Report form provided by EPD.

#### 3.3.1 Structural and Source Control Measures

The permittee must implement a program which incorporates structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the MS4 and includes a schedule for implementing the controls. At a minimum, the program must include the elements listed in Table 3.3.1 below and descriptions of how they are implemented:

**Table 3.3.1**

<b>SWMP Component</b>	<b>Measurable Goals</b>
1. MS4 Control Structure Inventory and Map	<p>1.a. Each reporting period, update the inventory and map of MS4 control structures. At a minimum, the inventory and map must include catch basins, ditches (miles or linear feet), detention/retention ponds, and storm drain lines (miles or linear feet).</p> <p>1.b. Provide the updated inventory and map, the number of MS4 structures added during the reporting period, and the total number of structures in the inventory, in each annual report.</p>
2. MS4 Inspection and Maintenance Program	2.a. Conduct inspections of the MS4 structures so that 100% of the structures are inspected within the 5-year permit term. At a minimum, the permittee must conduct inspections on 5% of the total structures so that some inspections are performed during each reporting period, or if inspections are done by geographical area, then one entire area or sector must be inspected each reporting period. If a low percentage of inspections is conducted during one reporting period, then the permittee must increase the inspection frequency in subsequent reporting periods to ensure that 100% of the structures are inspected within a 5-year permit term. The

	<p>MS4 inspections shall be executed in accordance with the schedule contained in the SWMP. Provide the number and percentage of the total structures inspected during the reporting period and documentation in each annual report.</p> <p>2.b. Conduct maintenance on the MS4 structures as needed. Provide the number of the total structures maintained during the reporting period and documentation of the maintenance performed in each annual report.</p>
<p>3. Planning Procedures</p>	<p>3.a. Develop or update, as needed, a comprehensive planning document which addresses, in part, areas of new development and redevelopment to reduce pollutants in discharges from the MS4. Describe any changes made to the stormwater portion of the document during the reporting period in each annual report.</p>
<p>4. Street Maintenance</p>	<p>4. Conduct street cleaning using either of the following methods:</p> <p>4.a. Conduct street maintenance and cleaning at a frequency of at least one mile per reporting period. Develop procedures and include the procedures in the SWMP. Provide documentation of any street sweeping activities conducted during the reporting period in each annual report.</p> <p>4.b. If the permittee does not engage in street sweeping, then implement an alternate method of street cleaning, such as trash/litter removal. This activity must be conducted at least once each reporting period. Describe the procedures in the SWMP. Provide documentation of the litter removal activities conducted during the reporting period in each annual report.</p>
<p>5. Flood Management Projects</p>	<p>5.a. Ensure proposed flood management projects (e.g., detention and retention ponds) are assessed for water quality impacts during the design phase. Describe the assessment procedures in the SWMP. Provide the number of plans reviewed where flood management projects are assessed for water quality impacts during the reporting period in each annual report.</p> <p>5.b. Conduct an assessment, using the procedures described in the SWMP, of existing permittee-owned flood management projects (e.g., detention and retention ponds) for potential retrofitting to address water quality impacts and conduct any feasible retrofitting activities. If the permittee has more than five structures, then assess 100%</p>



	<p>within a 5-year permit term, with at least one structure assessed annually. If the permittee has fewer than five structures, then assess 100% within a 5-year permit term. Provide information on any assessment and/or retrofitting activities conducted during the reporting period in each annual report.</p>
<p>6. Municipal Facilities  Excluding Any Facilities  Addressed in Section 3.3.3</p>	<p>6.a. Each reporting period, update the inventory of municipal facilities with the potential to cause pollution (e.g. drinking water treatment plants, wastewater plants &lt;1.0 MGD, recycling facilities, waste transfer facilities, materials recovery facilities (MRFs)) and provide in each annual report.</p> <p>6.b. Implement the program to control runoff from municipal facilities with the potential to cause pollution. The program shall include the facility inspection prioritization, inspection frequency, and inspection documentation protocol as described in the SWMP. Conduct an inspection on 100% of the inventoried facilities within the 5-year permit term. For permittees with five or more municipal facilities included on the inventory, at a minimum, the permittee must conduct inspections on 5% of the municipal facilities each reporting period, or if inspections are done by geographical area, then one entire area or sector must be inspected in each reporting period, so that inspections are conducted each reporting period. If a low percentage of inspections is conducted during one reporting period, then the permittee must increase the inspection frequency in subsequent reporting periods to ensure that 100% of the municipal facilities are inspected within the 5-year permit term. Provide documentation of inspections and documentation of follow-up actions taken to address noncompliance issues in each annual report.</p>
<p>7. Pesticide, Fertilizer, and  Herbicide Application</p>	<p>7.a. Utilize a program to reduce pollution by the application of pesticides, fertilizer, and herbicides by commercial applicators and distributors in accordance with the Georgia Department of Agriculture requirements.</p> <p>7.b. Implement the program to reduce pollution caused by the municipal use of pesticides, fertilizers, and herbicides, as described in the SWMP. If municipal staff performs the application of pesticides, fertilizers, and herbicides, ensure that they are certified by the Georgia Department of Agriculture. Provide documentation of program activities in each annual report.</p>

**3.3.2 Illicit Discharge Detection and Elimination Program (IDDE)**

The permittee must implement and enforce a program to detect and eliminate illicit discharges and improper disposal of pollutants into the MS4. At a minimum, the program, described in the SWMP, must include the elements listed in Table 3.3.2 below and descriptions of how they are implemented:

**Table 3.3.2**

<b>SWMP Component</b>	<b>Measurable Goals</b>
1. Legal Authority	1.a. Re-evaluate and modify the existing IDDE ordinance when necessary for compliance with this permit. The permittee must ensure that the ordinance provides the authority to conduct inspections and monitoring, control illicit discharges and connections, and control illegal dumping and spills into the MS4. The ordinance must include the permittee’s authority to take legal action to eliminate illicit discharges or connections. If the ordinance is revised during the reporting period, submit a copy of the adopted ordinance with the annual report.
2. Outfall Inventory and Map	2.a. Each reporting period, update the inventory and map showing the location of all outfalls from the MS4 and the names and location of all waters of the State that receive discharges from those outfalls with each annual report.  2.b. Provide the number of outfalls added during the reporting period, and the total number of outfalls in the inventory in each annual report.
3. IDDE Plan	3. Implement the IDDE Plan below, following procedures described in the SWMP, to detect and address non-stormwater discharges to the MS4. The components of the IDDE Plan are as follows:  3.a. Conduct dry weather screening (DWS) inspections on 100% of total outfalls within the 5-year permit term, or use an alternate method approved by EPD. At a minimum, the permittee must conduct DWS or approved alternate method inspections on 5% of the outfalls in each reporting period, or if inspections are done by a geographical area, then one area or sector must be inspected each reporting period so that some inspections are performed each reporting period. If a low percentage of inspections is conducted during one reporting period, then the permittee must increase the inspection frequency in subsequent reporting periods to ensure that 100% of the outfalls are inspected within a 5-

	<p>year permit term.</p> <p>If the permittee conducts stream walks of intermittent and perennial streams in conjunction with the DWS inspection, then 100% of the stream miles containing or downstream of an MS4 outfall must be inspected within the 5-year permit term. At a minimum, the permittee must conduct stream walks on 5% of the stream miles in each reporting period, or if walks are done by a geographical area, then streams within one area or sector must be walked each reporting period so that some stream miles are walked during each reporting period. If the permittee conducts stream walks for a reason other than DWS, then the permittee does not need to walk a specific number of miles. The permittee must document and report the number of stream miles walked, as well as the number of outfalls screened using each method (i.e., DWS, stream walks, approved alternate method).</p> <p>In addition, the permittee may conduct both standard DWS of its outfalls and perform DWS of outfalls during stream walks. Provide the number and percentage of outfall inspections conducted during the reporting period and documentation of the inspections in each annual report.</p> <p>3.b. Implement investigative and follow-up procedures when the results of the screening indicate a potential illicit discharge, including the sampling and/or inspection procedures described in the SWMP. If the source of the illicit discharge is identified as deriving from an adjacent MS4, the permittee must notify that MS4. Provide information on illicit discharge detection activities performed to identify any illicit discharges identified during the reporting period in each annual report.</p> <p>3.c. Ensure any identified illicit discharges are eliminated. If necessary, implement the enforcement procedures described in the SWMP and in accordance with the Enforcement Response Plan (ERP) in Part 3.3.6 of this Permit. Provide information, using a spreadsheet or table, on any eliminated discharges or on any enforcement actions taken for illicit discharges during the reporting period in each annual report.</p>
<p>4. Spill Response Procedures</p>	<p>4.a. Implement the procedures described in the SWMP to prevent, contain, and respond to spills that may discharge to the MS4. Provide documentation on spill occurrences during the reporting period in each annual report.</p>

<p>5. Public Reporting Procedures</p>	<p>5.a. Implement the procedures described in the SWMP to promote, publicize, and facilitate public reporting of illicit discharges. The permittee must perform at least one formal notification to the public of methods available to report an observed illicit discharge (e.g. website posting, newsletter, bill insert) at least once each reporting period. Provide documentation on any activities conducted during the reporting period in each annual report.</p> <p>5.b. Implement the procedures for receiving and responding to complaints related to illicit discharges described in the SWMP. Provide information on each complaint related to IDDE that was received and investigated during the reporting period in each annual report, including its status.</p>
<p>6. Proper Management and Disposal of Used Oil and Toxic Materials</p>	<p>6.a. Implement the activities to facilitate the proper management and disposal of used oil and toxic materials, including educational activities, household waste collection programs, etc., described in the SWMP. The permittee must perform at least one activity to facilitate the proper management and disposal of used oil and toxic materials at least once each reporting period. Provide details on any activities performed during the reporting period in each annual report.</p>
<p>7. Sanitary Sewer Infiltration Controls</p>	<p>7.a. If the permittee owns or operates the sanitary sewer system within its jurisdiction, implement the activities to detect and eliminate seepage and spillage from municipal sanitary sewers to the MS4 described in the SWMP. The permittee must perform at least one activity to detect and eliminate seepage and spillage from municipal sanitary sewers to the MS4 at least once each reporting period. Provide details on any activities performed during the reporting period in each annual report.</p>

The following categories of non-stormwater discharges or flows must be addressed only if they are identified as significant contributors of pollutants to the MS4:

- water line flushing;
- landscape irrigation;
- diverted stream flows;
- rising ground waters;
- uncontaminated ground water infiltration (as defined in 40 CFR Part 35.2005(20));
- uncontaminated pumped ground water;
- discharges from potable water sources;
- foundation drains;

- air conditioning condensation;
- irrigation water;
- springs;
- water from crawl space pumps;
- footing drains;
- lawn watering;
- individual residential car washing;
- flows from riparian habitats and wetlands;
- swimming pool discharges;
- street wash water; and
- flows from fire fighting activities.

**3.3.3 Industrial Facility Stormwater Discharge Control**

The permittee must implement and enforce a program to monitor and control pollutants in stormwater discharges from industrial facilities into the MS4. At a minimum, the program must contain the elements listed in Table 3.3.3 below and descriptions of how they are implemented:

**Table 3.3.3**

<b>SWMP Component</b>	<b>Measurable Goals</b>
1. Industrial Facility Inventory	1.a. Each reporting period, update the inventory of facilities with industrial activities that potentially discharge to the MS4. At a minimum, this shall include facilities listed on EPD’s Industrial Stormwater General Permit (IGP) Notice of Intent (NOI) and No Exposure Exclusion (NEE) online listings. Provide an updated inventory in each annual report.
2. Inspection Program	2.a. Implement the industrial facility inspection program which includes the facility inspection prioritization, inspection frequency, and inspection documentation protocol described in the SWMP. Conduct inspections on 100% of the inventoried facilities that discharge to the MS4 within the 5-year permit term. For permittees with five or more industrial facilities included on the inventory, at a minimum, the permittee must conduct inspections on 5% of the industrial facilities on the inventory each reporting period, or if inspections are done by geographical area, then one area or sector must be inspected each reporting period so that some inspections are performed during each reporting period. If a low percentage of inspections is conducted during one reporting period, then the permittee must increase the inspection frequency in subsequent reporting periods to ensure that 100% of the facilities are inspected within the 5-year permit term. Provide the total number of facilities, the number and percentage of

	<p>inspections conducted during the reporting period, and documentation of the inspections in each annual report.</p> <p>2.b. Implement a monitoring program for stormwater runoff from industrial facilities, waste facilities and hazardous waste treatment, storage and disposal facilities, as defined in the SWMP. Provide the results of any monitoring conducted during the reporting period in each annual report. The permittee may use monitoring results provided by the industrial facility. This shall include all facilities that the permittee determines are contributing a substantial pollutant loading to the MS4.</p>
3. Enforcement Procedures	3.a. Implement enforcement procedures described in the SWMP and in accordance with the ERP in Part 3.3.6 of this permit if a stormwater violation is noted at an industrial facility that discharges to the MS4. Provide documentation on any enforcement actions taken during the reporting period in each annual report.
4. Educational Activities	4.a. Implement educational activities for industrial facilities (e.g., brochure distribution, website posting) during the reporting period. Conduct an educational activity related to industrial facilities at least once each reporting period. Provide documentation of any educational activities performed during the reporting period in each annual report.

### 3.3.4 Construction Site Management

The permittee must implement and enforce a program to maintain structural and/or non-structural BMPs to reduce pollutants in stormwater runoff from construction sites to the MS4 as defined in the SWMP. At a minimum, the program must contain the elements listed in Table 3.3.4 below and descriptions of how they are implemented:

**Table 3.3.4**

SWMP Component	Measurable Goals
1. Legal Authority	1.a. Re-evaluate and modify the existing Erosion and Sedimentation (E&S) ordinance when necessary for compliance with this permit. The permittee must ensure that the E&S ordinance provides the authority to issue land disturbing activity permits; require BMPs to prevent and minimize E&S; require erosion, sedimentation and pollution control plan submission and review prior to commencing construction, conduct inspections and enforcement, including stop work orders, bond forfeiture, and monetary penalties; and require education and certification for persons

	<p>involved in land development, design, review permitting, construction, monitoring, inspection and other land disturbing activities. If the E&amp;S ordinance is revised during the reporting period, submit a copy of the adopted ordinance in the annual report.</p>
<p>2. Site Plan Review Procedures</p>	<p>2.a. Ensure that 100% of the site plans are reviewed in accordance with the site plan review procedures described in the SWMP.</p> <p>2.b. Provide a list of the site plans received and the number of plans reviewed, approved, or denied during the reporting period in each annual report.</p> <p>2.c. Provide the number of Land Disturbance Activity (LDA) permits issued during the reporting period in each annual report.</p>
<p>3. Inspection Program</p>	<p>3.a. Implement the construction site inspection program. The purpose of the inspections is to ensure that structural and non-structural BMPs at construction sites are properly designed and maintained as specified in the Construction General Permits (CGPs).</p> <p>3.b. The construction site inspection program shall include the facility inspection prioritization, inspection frequency, and inspection documentation protocol described in the SWMP or in accordance with the Manual for Erosion and Sediment Control in Georgia. At a minimum, the permittee must conduct at least one inspection at each active construction site during the reporting period.</p> <p>3.c. Provide the number of active sites and the number of inspections conducted by the permittee during the previous reporting period in each annual report.</p>
<p>4. Enforcement Procedures</p>	<p>4.a. Implement enforcement procedures for 100% of the E&amp;S violations documented at construction sites as described in the SWMP and in accordance with the ERP in Part 3.3.6 of this permit. Provide documentation on any enforcement actions taken by the permittee during the reporting period in each annual report, including the number and type (Notice of Violation, Stop Work Order, etc.).</p>
<p>5. Certification</p>	<p>5.a. All builders, developers, contractors, and other entities involved in construction activities subject to the CGPs shall comply with the certification requirements of the Georgia Erosion and Sedimentation Act and the rules adopted by the GSWCC.</p>

	5.b. Ensure that MS4 staff involved in construction activities subject to the CGPs are trained and certified in accordance with the rules adopted by the Georgia Soil and Water Conservation Commission. Provide the number and type of current certifications in each annual report.
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**3.3.5 Highly Visible Pollutant Sources (HVPS)**

The permittee must implement and enforce a program to control pollutants in stormwater runoff from HVPS facilities into the MS4. At a minimum, the program must contain the elements listed in Table 3.3.5 below and descriptions of how they are implemented:

**Table 3.3.5**

<b>SWMP Component</b>	<b>Measurable Goals</b>
1. HVPS Facility Inventory	1.a. Each reporting period, update the inventory of HVPS facilities that discharge to the MS4. Provide an updated inventory in each annual report.
2. Inspection Program	2.a. Implement the HVPS facility inspection program which includes the facility inspection prioritization, inspection frequency, and inspection documentation protocol described in the SWMP. Conduct inspections on 100% of inventoried facilities that discharge to the MS4 during the 5-year permit term. For permittees with five or more HVPS facilities included on the inventory, at a minimum, the permittee must conduct inspections on 5% of the structures each reporting period, or if inspections are done by a geographical area, then one area or sector must be inspected each reporting period so that some HVPS facilities are inspected each reporting period. If a low percentage of inspections is conducted during one reporting period, then the permittee must increase the inspection frequency in subsequent reporting periods to ensure that 100% of the HVPS facilities are inspected within the 5-year permit term. Provide the total number of facilities, the number and percentage of inspections conducted, during the reporting period, and documentation in each annual report.
3. Enforcement Procedures	3.a. Implement enforcement procedures to be utilized if a stormwater violation is noted at an HVPS facility that discharges to the MS4 as described in the SWMP and in accordance with the ERP in Part 3.3.6 of this permit. Provide documentation on any enforcement actions taken at HVPS facilities during the reporting period in each annual report.



4. Educational Activities	4.a. Implement educational activities for HVPS facilities (e.g., brochure distribution, website posting) during the reporting period. Conduct an educational activity related to HVPS facilities at least once each reporting period. Provide documentation of any educational activities performed during the reporting period in each annual report.
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### 3.3.6 Enforcement Response Plan (ERP)

The permittee must develop and implement an ERP that describes the action to be taken for violations associated with the IDDE, construction, industrial, HVPS, and other SWMP programs. The ERP will detail the permittee's responses to any noted stormwater violations, including escalating enforcement responses to address repeat and continuing violations. The ERP must detail:

- Names of ordinances providing the legal authority to undertake enforcement, including citation of specific ordinance sections;
- Types of enforcement mechanisms available, for each area (IDDE, construction, industrial, HVPS, etc.). The ERP must list the enforcement actions that the permittee has the authority to use, including such actions as:
  - verbal warnings;
  - written notice of violations;
  - citations (with fines);
  - stop work orders;
  - withholding plan approval or other authorizations;
  - order of cessation or elimination of discharge;
  - referral for judicial action/enforcement; and
  - any other available enforcement mechanisms.
- Description of when each enforcement mechanism will be employed, including the path of escalation;
- Time frames for each step, including investigation of noncompliance, sequence and use of enforcement mechanisms, corrective action by responsible party, re-inspection of site, etc.
- Description of the methods to be used to track, either manually or electronically, instances of noncompliance, including such items as:
  - name of owner/operator of facility and/or the location or address;
  - type of site (IDDE, construction, industrial, HVPS, etc.);
  - description of noncompliance;
  - description of enforcement action(s) used;
  - time frames for each step (e.g. investigation, corrective action, re-inspection);
  - documentation of inspection and enforcement actions taken;
  - documentation of referral to other departments or agencies; and
  - date of violation resolution.

The ERP must be reviewed each reporting period and revised as necessary. If revised during the reporting period, submit the ERP to EPD for review. The ERP must be implemented within six (6) months of EPD approval. Once approved, the ERP will become an addendum to the permittee's SWMP.

### 3.3.7 Impaired Waters

The permittee must identify any impaired waters located within its jurisdictional area, using the latest approved Georgia 305(b)/303(d) List of Waters (<http://www.epd.georgia.gov/georgia-305b303d-list-documents>), which contain MS4 outfalls or are within one linear mile downstream of MS4 outfalls and within the same watershed. Also, the pollutant of concern must be identified. For those impaired waters, the permittee shall propose an Impaired Waters Plan (IWP) addressing each pollutant of concern. The permittee must check annually whether an impaired water, within its jurisdiction, has been added to the latest 305(b)/303(d) list. Newly listed waters must be addressed in the IWP and the SWMP must be revised accordingly. The permittee must report on all monitoring activities in subsequent annual reports. 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. All previous and newly approved TMDLs within the jurisdictional areas must be included in either the proposed IWP or a revision to the existing IWP. For those waters currently non-supporting for fecal coliform bacteria, in the event that EPA approves the *E. coli* standard, then the permittee will be required to revise the IWP and begin sampling for *E. coli* in place of fecal coliform bacteria.

The IWP shall include:

- Sample location, whether samples are collected instream (i.e., upstream and downstream), from outfalls during wet weather events, or a combination of both locations. Bacteriological samples must be collected instream. If the permittee chooses to conduct outfall sampling and there are multiple outfalls located on an impaired waterbody, then the permittee may choose representative outfalls for sampling in place of sampling all outfalls;
- Sample type, frequency, and any seasonal considerations;
- Implementation schedule to start monitoring for each pollutant of concern;
- Map showing the location of the impaired waters, the monitoring location, and all identified MS4 outfalls located on the impaired waters or occurring within one linear mile upstream of the waters, or a schedule for confirming the location of these outfalls; and
- Description of proposed BMPs to be used to control and reduce the pollutants of concern and a schedule for implementation of these BMPs.

Waters requiring bacteriological monitoring:

Permittees with a population less than 10,000 at the time of permit issuance are exempt from this requirement. 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:

- For those waters impaired for fecal coliform bacteria, the permittee must collect four geometric means during the reporting period (16 samples total). Each geometric mean

must consist of four grab samples collected during a 30-day period, without regards to weather. Two of the geometric means must be collected during May-October and two must be collected during November-April.

- The samples must be collected and the four geometric means calculated each year for the permit term. In the event that two years of data demonstrate that the level of fecal coliform bacteria is consistently below numeric criteria, then the permittee must prepare a Sampling Quality and Assurance Plan (SQAP). The SQAP must be submitted to EPD for approval.
- In the event the monitoring is performed in accordance with an EPD-approved SQAP, then the results must be submitted in the annual report, but also submitted separately to EPD's Watershed Monitoring Program. EPD will use the permittee's data, along with data obtained from other sources to evaluate the possible removal of the waterbody from the 303(d) list.

A permittee can voluntarily prepare a SQAP at any time, regardless of population. Sampling conducted in accordance with a SQAP may result in a water being removed from the 303(d) list of impaired waters. If the water is delisted, then monitoring conducted under the IWP may cease.

Following review and comment on the IWP by EPD, the permittee will incorporate necessary changes into the IWP. For those waters where the permittee is conducting monitoring, the data must be made available to other MS4 permittees upon request.

Each Annual Report shall include:

- All monitoring data collected during the reporting period;
- An assessment of the data trends over time for each pollutant of concern. The assessment shall initially include a characterization of baseline conditions. The data assessment shall include a written evaluation of whether water quality is improving, declining, fluctuating, or remaining constant. This assessment can be provided in the method chosen by the permittee (e.g., line graph, narrative). If monitoring identifies that an upstream MS4 is the source of the pollutant of concern, then the permittee must notify the adjacent MS4.
- An assessment to determine the effectiveness of the BMPs employed and what, if any, additional adaptive BMP measures may be necessary to return the water to compliance with State water quality standards. If BMP revisions and/or additional BMPs are necessary, then the revised IWP must be submitted to EPD for review.

### 3.3.8 Municipal Employee Training

The permittee must obtain stormwater-related training for its employees at least once each reporting period. The training must address such stormwater topics as are necessary for the employee to do his/her job and may include topics such as the inspection and maintenance of the MS4, good housekeeping practices at municipal facilities, illicit discharge detection and elimination, industrial facility inspections, construction site inspections, highly visible pollutant source inspections, green infrastructure and low impact development (GI/LID) training, and

runoff reduction/quality training. Documentation of the training activity, including the topic(s), date(s), and attendees must be provided in each annual report.

3.3.9 Public Education

Conduct a public education program that addresses water quality issues and the protection of water resources and encourages the use of GI/LID. The program shall consider such things as litter control, illicit discharges, household hazardous waste disposal, and residential pesticide, fertilizer and herbicide application, pet waste, fats, oils, and grease, and GI/LID techniques. If the permittee participates in an existing regional program in addition to its own program, then the annual report must summarize the specific activities performed during the reporting period.

For those permittees with a population less than 10,000 at the time of the permit issuance, the public education program must contain a minimum of **two** activities. For those permittees with a population greater than 10,000 at the time of this permit issuance, the public education program must contain a minimum of **four** activities.

SWMP Component	Measurable Goal
1. Public Education Program	<p>1.a. Evaluate your existing program to ensure that it meets the needs of your community. Implement, and revise, if necessary, the stormwater education program described in the SWMP. The Public Education Program must include activities chosen from the following list, or other activities proposed for EPD approval:</p> <ul style="list-style-type: none"> <li>• School presentations;</li> <li>• Brochures placed in public places;</li> <li>• Municipal website;</li> <li>• Presentations to government officials;</li> <li>• Newsletter;</li> <li>• Utility bill insert;</li> <li>• Ongoing social media program;</li> <li>• Promotional items/giveaways;</li> <li>• Booth at community event;</li> <li>• Local access channel educational postings.</li> </ul> <p>1.b. The measurable goal must be specified for each type of activity. Each type of activity must be executed at least once during the reporting period.</p> <p>1.c. Details and documentation of each type of</p>

	activity implementation must be provided in each annual report.
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Public education materials are available on numerous websites, including these suggested sites: U.S. EPA ([www.epa.gov](http://www.epa.gov)), Clean Water Campaign ([www.cleanwatercampaign.org](http://www.cleanwatercampaign.org)) and Center for Watershed Protection ([www.cwp.org](http://www.cwp.org)).

**3.3.10 Public Involvement**

Conduct a public involvement program that creates opportunities for citizens to participate in the SWMP. This can include involving the public in planning and implementation of activities.

For those permittees with a population less than 10,000 at the time of the permit issuance, the public involvement program must contain a minimum of **two** activities. For those permittees with a population greater than 10,000 at the time of this permit issuance, the public involvement program must contain a minimum of **four** activities.

SWMP Component	Measurable Goals
1. Public Involvement Program	<p>1.a Evaluate your existing program to ensure that it meets the needs of your community. Implement, and revise, if necessary, the public involvement program described in the SWMP. The Public Involvement Program must include activities chosen from the following list, or other activities proposed for EPD approval:</p> <ul style="list-style-type: none"> <li>• Stream cleanup (e.g. Rivers Alive);</li> <li>• Great American Cleanup;</li> <li>• Citizen hotline;</li> <li>• Citizen science/volunteer monitoring (e.g. Adopt-A-Stream);</li> <li>• Adopt-A-Road;</li> <li>• Storm drain marking;</li> <li>• Household hazardous waste disposal event;</li> <li>• Recycling event;</li> <li>• Local stormwater management panel;</li> <li>• Comprehensive planning committees;</li> <li>• Stakeholder Advisory committees;</li> <li>• Pet waste stations.</li> </ul> <p>1.b. The measurable goal must be specified for each type of activity. Each type of activity must be executed at least once during the reporting period.</p>

	1.c. Details and documentation of each type of activity implementation must be provided in each annual report.
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If the permittee has a website, the SWMP, as well as any updates, must be posted on the website.

### 3.3.11 Post-Construction

#### 3.3.11(a) Post-Construction Stormwater Controls

##### 3.3.11(a)(1) Ordinance Review

The permittee must adopt ordinances, or update existing ordinances, when necessary for compliance with this permit, to address development and redevelopment, and enforcement of post-construction controls. The ordinance must provide the authority to conduct plan reviews, conduct inspections, enter into inspection and maintenance agreements, and pursue enforcement. If the ordinance is revised during the reporting period, submit a copy of the adopted ordinance with the annual report.

The ordinance revisions must include the adoption and implementation of the appropriate parts of either the latest edition of the Georgia Stormwater Management Manual (GSMM) or an equivalent or more stringent local design manual, which must meet or exceed the performance standards listed in the GSMM. All permittees must implement the GSMM to the MEP.

##### 3.3.11(a)(2) Performance Standards

At a minimum, the permittee shall apply the standards for new development and redevelopment to any site that meets one or more of the following criteria:

- New development that creates or adds 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one acre of land or greater.
- Redevelopment that creates or adds or replaces 5,000 square feet or greater of impervious surface area, or that involves land disturbing activity of one acre or more, including projects less than one acre if they are part of a larger common plan of development or sale.

For sites meeting the above criteria, the permittee shall ensure that the following minimum performance standards are considered during the site plan preparation and/or review process. The performance standards must be implemented to the MEP.

The performance standards to be implemented are as follows:

Stormwater Runoff Quality/Reduction

Stormwater runoff shall be retained onsite or adequately treated prior to discharge. From the effective date of the Permit until December 10, 2020, the permittee must address stormwater runoff using either Option (a) or Option (b) below:

- a) The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site, to the maximum extent practicable. The determination by the MS4 that it is infeasible to apply the stormwater runoff quality/reduction standard, on part or all of a project, must be documented with the site plan review documents. If the first 1.0 inch of rainfall can be retained onsite using runoff reduction methods, then additional water quality treatment is not required. If the 1.0 inch cannot be retained onsite, the remaining runoff from a 1.2 inch rainfall event must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM or in the equivalent manual.
- b) The stormwater management system shall be designed to remove 80% of the average annual post-development TSS load or equivalent as defined in the GSMM or in the equivalent manual. Compliance with this performance standard is presumed to be met if the stormwater management system is sized to capture and treat the water quality treatment volume, which is defined as the runoff volume resulting from the first 1.2 inches of rainfall from a site.

No later than December 10, 2020, all permittees must be using Option (a) to achieve compliance with this performance standard. This timeframe is to allow sufficient study, training, and planning on the part of the municipality. All site plan reviewers, construction site inspectors, and other personnel whose duties involve post-construction stormwater runoff are encouraged to receive training in the new GSMM and the runoff quality/reduction standard during the implementation phase. Pilot projects, advisory committees, and other programs intended to study and implement the runoff quality/reduction requirement are recommended.

Stream Channel/Aquatic Resource Protection

Stream channel and/or aquatic resource protection shall be provided by using the following approaches: 1) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event; 2) erosion prevention measures such as energy dissipation and velocity control; and 3) preservation of the applicable stream buffer.

Overbank Flood Protection

Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the predevelopment rate for the 25-year, 24-hour storm event.

Extreme Flood Protection

Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

Trout Stream Protection

For receiving waters with trout stream designation, which contain outfalls from the permittee’s MS4, the permittee’s SWMP must address the protection of the trout waters from impacts from the MS4 outfalls due to elevated temperature.

3.3.11(a)(3) Linear Transportation Projects

The permittee must apply the performance standards listed in Part 3.3.11(a)(2) during the design of all construction projects. However, the performance standards may be infeasible to apply, all or in part, for linear transportation projects being constructed by the permittee, local governments, or authorities. The permittee may develop a feasibility program which sets reasonable criteria for determining when implementing the performance standards in linear projects is infeasible. The permittee may develop this feasibility program and submit it to EPD for review. Upon submittal to EPD, the permittee, local governments, and authorities may begin implementation of this feasibility program for linear transportation projects only.

3.3.11 (b) Green Infrastructure/Low Impact Development (GI/LID)

The permittee must implement a program to address post-construction runoff. At a minimum, the program must contain the elements listed in Table 3.3.11(b)(2) below and descriptions of how they are implemented:

**Table 3.3.11(b)(2)**

<b>GI/LID Program Elements</b>	<b>Measurable Goals</b>
1. Legal Authority	1.a. The permittee shall continue to review and revise, where necessary, building codes, ordinances, and other regulations to ensure they do not prohibit or impede the use of GI/LID practices, including infiltration, reuse, and evapotranspiration. At a minimum, the permittee shall assess those regulations governing residential and commercial development, road design, land use, and parking requirements. During the regulatory review, the permittee should consider the inclusion of incentives for use of GI/LID practices into the ordinance. If the ordinance(s) are revised during the reporting period, submit a copy of the adopted ordinance(s) with the annual report.
2. GI/LID Program	2.a. Implement the GI/LID program approved by EPD. The GI/LID program shall include procedures for evaluating the feasibility and site applicability of different GI/LID



	<p>techniques and practices, and various structures and practices to be considered. If the GI/LID Program is revised during the reporting period, submit the revised program to EPD for review with the annual report.</p>
<p>3. GI/LID Structure Inventory</p>	<p>3.a. Each reporting period, update the inventory of water quality-related GI/LID structures located within the permittee's jurisdiction and at a minimum, constructed after June 11, 2014, (e.g., bioswales, pervious pavement, rain gardens, cisterns, and green roofs). The inventory must, at a minimum, include permittee-owned GI/LID structures, those publicly-owned GI/LID structures owned by other entities, and privately-owned non-residential GI/LID structures. Track the addition of new water quality-related GI/LID structures through the plan review process and ensure that the structures are added to the inventory.</p> <p>3.b. Provide an updated inventory, including the type and total number of structures, in each annual report.</p>
<p>4. Inspection and Maintenance Program</p>	<p>4.a. Conduct inspections on 100% of the total privately owned non-residential (e.g., mixed use development, commercial, etc.) and permittee-owned GI/LID structures, included in the inventory created in 3 above, within the 5-year permit term. For permittees with five or more GI/LID structures included on the inventory, at a minimum, the permittee must conduct inspections on 5% of the structures each reporting period, or if inspections are done by geographical area, then one entire area or sector must be inspected each reporting period. If a low percentage of inspections is conducted during one reporting period, then the permittee must increase the inspection frequency in subsequent reporting periods to ensure that 100% of the GI/LID structures are inspected within the 5-year permit term. Provide the number and/or percentage of the total structures inspected and documentation of the inspections conducted during the reporting period in each annual report.</p> <p>4.b. Conduct maintenance on the permittee owned GI/LID structures, as needed. Provide the number of the total structures maintained and documentation of the maintenance performed during the reporting period in each annual report.</p> <p>4.c. Implement procedures for ensuring privately-owned non-residential GI/LID structures are maintained as needed. Provide documentation of these activities in each annual report.</p>

Design information on GI/LID practices can be found on the Atlanta Regional Commission's website (<http://www.atlantaregional.com>) for the GSMM and the CSS to the GSMM. Additional information on green infrastructure and better site design can be found on numerous websites, including these suggested sites: U.S. EPA ([www.epa.gov](http://www.epa.gov)), Center for Watershed Protection ([www.cwp.org](http://www.cwp.org)), Georgia Coastal Resource Division's "Georgia's Green Growth Guidelines" (<http://coastalgadnr.org/cm/green.guide>), and Green Infrastructure Center ([www.gicinc.org](http://www.gicinc.org)). In addition, you may want to consult the following webpage on EPA's website: [www.epa.gov/nps/lid](http://www.epa.gov/nps/lid).

### 3.4 Program Amendments

EPD may require a revision of the SWMP at any time it is deemed necessary by the Director to comply with the goals and requirements of the State Act, but specifically for any of the following reasons:

- 3.4.1 A change has occurred which will significantly impact the potential for the discharge of pollutants to the waters of the State of Georgia;
- 3.4.2 The permittee's program proves ineffective in controlling pollutants from the MS4 to the MEP;
- 3.4.3 An adverse impact to water quality has been documented as a result of discharges from the MS4; or
- 3.4.4 To include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements.

The Director shall notify the permittee of the required modifications in writing and set forth a schedule for the permittee to develop and implement the modified SWMP. The permittee may propose alternative SWMP modifications to EPD.

### 3.5 Program Approval

The SWMP may be modified by the permittee at any time. Written notification of proposed SWMP modifications must be submitted to EPD at least 30 days prior to implementation of the modification. EPD reserves the right to disapprove the SWMP modification.

## **PART 4. MONITORING AND REPORTING REQUIREMENTS**

### 4.1 Annual Report

The permittee shall prepare an annual system-wide report covering the reporting period May 1 through April 30. The report shall be submitted by June 15th following the reporting period. EPD is preparing an electronic method of reporting (eReporting), and EPD will notify the permittee when the system is available for use. Upon notification, the

permittee will be required to submit the annual report electronically. The report shall be submitted using the form provided by EPD. The Phase I Large Annual Report form is available on EPD's website at [epd.georgia.gov](http://epd.georgia.gov). All applicable information required to complete the annual report shall be filled out and the certification statement shall be signed prior to submittal. A summary of the annual report requirements is as follows:

- 4.1.1 The status of implementing the components of the SWMP that are established as permit conditions;
- 4.1.2 Proposed changes to the SWMP;
- 4.1.3 Revisions, if necessary, to the assessments of controls;
- 4.1.4 A summary of data, including monitoring data that was accumulated throughout the reporting period;
- 4.1.5 Annual expenditures for the reporting period and the annual fiscal analysis for the upcoming reporting period. The permittee must submit its budget, including the necessary capital and operation and maintenance expenditures associated with MS4 permit compliance, including the funding source as supporting documentation with its annual report;
- 4.1.6 A summary describing the number and nature of enforcement actions, inspections, and public education programs; and
- 4.1.7 Identification of water quality improvements or degradation.

The permittee must conduct inspections on 100% of all MS4 structures and inventoried facilities within the 5-year permit term. In the final annual report prepared under this permit iteration, the permittee must demonstrate that they have complied with this measurable goal. The permittee shall be responsible for the content of the report or the failure to provide information for the report relating to the MS4 for which it is the owner or operator. The permittee shall sign and certify the annual report as required under Part 5.10 of this permit.

#### 4.2 Monitoring Procedures

- 4.2.1 The permittee must perform all monitoring described in the SWMP per Table 3.3.2, Table 3.3.3, and Table 3.3.7. The purpose of the monitoring is to identify potential sources of pollution, determine the best method to address water quality issues, and allow evaluation of the effectiveness of the SWMP. Implement additional monitoring if needed to identify pollution sources. If monitoring is being conducted for another reason (e.g., watershed assessment, watershed protection plan), then the data may be used to conduct the evaluation described above.

- 4.2.2 Monitoring must be conducted according to approved test procedures set forth in 40 CFR Part 136, unless other approved test procedures have been specified, excluding IDDE field screening procedures.
- 4.2.3 Parameters shall be analyzed to the detection limits specified by EPD. If a parameter is not detected at or above the detection limit, a value of "NOT DETECTED" will be reported for that sample and the detection limit will also be reported.
- 4.2.4 If the permittee monitors any parameter at the designated location(s) more frequently than required by this permit, the permittee shall analyze all samples using approved analytical methods specified in Part 4.2.2 of this permit. EPD may require more frequent monitoring or the monitoring of other parameters not specified in this permit or the SWMP by written notification to the permittee.
- 4.2.5 Laboratory and Analyst Accreditation. All monitoring data not prepared in situ shall be prepared by a laboratory accredited by the State of Georgia in accordance with EPD Rules for Commercial Environmental Laboratories 391-3-26, or, where the permittee does their own analysis with their own personnel, by a Laboratory Analyst certified in compliance with the Georgia State Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts Act. In situ means that the sample is analyzed at the point of collection and has not been transported any distance.
- 4.3 Retention of Records
- 4.3.1 The permittee shall retain copies of all reports required by this permit, all monitoring information and records of all other data required by or used to demonstrate compliance with this permit, including any additional monitoring performed which is not required by this permit, for a period of at least three years. After EPD's approval, the permittee will implement the latest revision of the SWMP, while retaining on file the previous version of the program for a period of at least three years. These periods may be modified by the Director by written notification at any time.
- 4.3.2 Records of monitoring information shall include:
- The date, exact place, time of sampling, or measurements;
  - The individual(s) who performed the sampling or measurements;
  - The date(s) analyses were performed;
  - The individual(s) who performed the analyses;
  - The analytical techniques or methods used; and
  - The results of the analyses.

- 4.3.3 The permittee must submit its records to EPD upon written request. The permittee must make its records, including the SWMP, available to the public as required by open records requirements.

## **PART 5. STANDARD PERMIT CONDITIONS**

### **5.1 Duty to Comply**

- 5.1.1 The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and/or the State Act and is grounds for:

- Enforcement action;
- Permit termination, revocation and reissuance, or modification; or
- Denial of a permit renewal application.

- 5.1.2 The Clean Water Act and the State Act both provide that any person who falsifies or tampers with, or knowingly renders inaccurate any monitoring device or method required under this permit, or who makes any false statement, representation, or certification in any record submitted or required by this permit, including monitoring reports or reports of compliance or noncompliance, shall, if convicted, be punished by a fine or by imprisonment, or by both. Both Acts include procedures for imposing civil penalties for violations or for negligent or intentional failure or refusal to comply with any final or emergency order of the Director.

- 5.1.3 If, for any reason, the permittee does not comply with, or will be unable to comply with any condition specified in this permit, the permittee shall provide EPD with an oral report within 24 hours from the time the permittee becomes aware of the circumstances, followed by a written report within five days. The written submission shall contain:

- Description of the noncompliance and its cause;
- Exact dates and times of noncompliance or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- Steps being taken to reduce, eliminate and prevent recurrence of the noncompliance.

- 5.1.4 The permittee shall give written notice to EPD at least ten days before any planned changes in the permitted activity, which may result in noncompliance with permit requirements.

**5.2 Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for the permittee, in an enforcement action, that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**5.3 Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.

**5.4 Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**5.5 Proper Operation and Maintenance**

The permittee shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), owned or operated by the permittee to achieve compliance with the terms and conditions of this permit and with the requirements of the SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of adequate backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

**5.6 Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for permit modification, revocation, reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**5.7 Property Rights**

The issuance of this permit does not convey any property rights of either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property, any invasion of personal rights, or any infringement of Federal, State, or local laws and regulations.

**5.8 Duty to Provide Information**

The permittee shall provide to EPD, within a reasonable time frame, any information which the Director may request to determine compliance with this permit. The permittee shall also provide EPD with any requested copies of records required by this permit.

**5.9 Inspection and Entry**

The permittee shall allow the Director, the Regional Administrator of USEPA, and their authorized representatives, agents, or employees, after presentation of credentials to:

- 5.9.1 Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the terms and conditions of this permit;
- 5.9.2 Have access to and copy at reasonable times, any records required under the terms and conditions of this permit;
- 5.9.3 Inspect at reasonable times any facilities, equipment, (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
- 5.9.4 Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

**5.10 Signatory Requirements**

- 5.10.1 All information submitted to EPD or that this permit requires the permittee to maintain shall be signed by either a principal executive officer or ranking elected official, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 5.10.1(a) The authorization is made in writing by the official person described above and submitted to EPD.
  - 5.10.1(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the municipality's SWMP such as the position of manager, operator, superintendent, or position of equivalent responsibility.
  - 5.10.1(c) If an authorization is no longer accurate because of a different individual or position having been authorized, then a new authorization must be submitted to EPD prior to or together with

any report, information, or application signed by the authorized representative.

5.10.2 Any person signing documents under this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

5.11 Other Information

If the permittee becomes aware of a failure to submit any relevant facts or of submission of incorrect information in the SWMP, Annual Report, or any report to EPD, the permittee shall promptly submit the relevant facts or information.

5.12 Availability of Reports

Except for data determined by EPD to be confidential under Section 16 of the State Act or by the Regional Administrator of the USEPA under 40 CFR Part 2, all reports prepared according to the terms of this permit shall be available for public inspection at an office of EPD under the Georgia Open Records Act. All monitoring data, permit applications, permittees' names and addresses, and permits shall not be considered confidential.

5.13 Severability

The provisions of this permit are severable. If any permit provision or the application of any permit provision to any circumstance is held invalid, the provision does not affect other circumstances or the remainder of this permit.

5.14 Contested Hearings

Any person who is aggrieved or adversely affected by any action of the Director shall petition the Director for a hearing within 30 days of notice of this action.



**5.15 Civil and Criminal Liability**

The permittee is liable for civil and criminal penalties for noncompliance with this permit and must comply with applicable State and Federal laws. The permit cannot be interpreted to relieve the permittee of this liability even if it has not been modified to incorporate new requirements.

**5.16 Transfer of Ownership**

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

**5.17 Previous Permits**

All previous State water quality permits issued to this permittee are hereby revoked by the issuance of this permit. The permit governs discharges from this MS4 under the NPDES.

**Appendix A**  
**Definitions**

**Annual Report** – the document submitted by the permittee on an annual basis summarizing the SWMP activities conducted during the previous reporting period, in accordance with Part 4.1 of this permit.

**Best Management Practice (BMP)** – both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

**Construction Activity** – the disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion.

**Construction General Permits (CGPs)** – the Georgia NPDES Permit for Stormwater Discharges Associated with Construction Activity Nos. GAR100001, GAR100002 and GAR100003, which identify the Manual for Erosion and Sediment Control in Georgia (Green Book) and stream buffer requirements.

**Clean Water Act (CWA)** – the Federal Clean Water Act (formerly known as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972), as amended.

**Director** – the Director of the Environmental Protection Division of the Department of Natural Resources, State of Georgia.

**EPA or USEPA** – the United States Environmental Protection Agency.

**EPD** – the Environmental Protection Division of the Department of Natural Resources, State of Georgia.

**Highly Visible Pollutant Source (HVPS)** – a land use or activity that produces higher than normally found levels of pollutants in stormwater runoff. These facilities may include, but are not limited to, gasoline stations, auto repair shops, commercial car washes, home improvement stores, nurseries, kennels, veterinarian offices, etc. These facilities may also include industries that are not required to be covered under the IGP.

**Illicit Connection** – any man-made conveyance connecting a non-stormwater discharge directly to an MS4.

**Illicit Discharge** – any direct or indirect non-stormwater discharge to the separate storm sewer system, including but not limited to, sewage, process wastewater, and washwater. The discharge may be continuous or intermittent in occurrence.

**Industrial Activity** – the activities related to manufacturing, processing, or raw materials storage areas of an industrial plant.

**Industrial Facility** – a facility that is eligible to be permitted under the IGP because it has an industrial activity listed.

**Industrial Storm Water General Permit (IGP)** – the Georgia NPDES Permit(s) for Storm Water Discharges Associated with Industrial Activity.

**Linear Transportation Projects** – construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

**Maximum Extent Practicable (MEP)** – the controls necessary for the reduction of pollutants discharged from an MS4. These controls may consist of a combination of BMPs, control techniques, system design and engineering methods, and such other provisions for the reduction of pollutants discharged from a MS4 as described in the SWMP.

**Municipal Separate Storm Sewer System (MS4)** – a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains, owned or operated by a municipality or other public body, designed or used for collecting or conveying stormwater runoff and is not a combined sewer or part of a Publicly Owned Treatment Works.

**National Pollutant Discharge Elimination System (NPDES)** – the program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits under the CWA.

**New Development** – land disturbing activities, structural development (construction, installation, or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

**Operator** – the entity that has the primary day-to-day operational control of the activities necessary to ensure compliance with the SWMP requirements and the MS4 permit conditions.

**Outfall** – the most downstream point (i.e., final discharge point) on an MS4 where it discharges to the receiving waters of the State.

**Owner** – the legal title holder to the real property on which is located the facility or site where an SWMP activity takes place.

**Point Source** – any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged into the waters of the State of

Georgia. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

**Pollutant** – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

**POTW** – Publicly Owned Treatment Works

**Redevelopment** – the structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surface not part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

**State Act** – the Georgia Water Quality Control Act, as amended.

**State Rules or Rules** – the Georgia Rules and Regulations for Water Quality Control.

**Stormwater** – stormwater runoff, snowmelt runoff, and surface runoff and drainage.

**SWMP or Program** – the Stormwater Management Program required to be developed and implemented under the terms and conditions of this permit and refers to a comprehensive program to manage the quality of stormwater discharged from a MS4.

**Waters of the State** – any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

**Appendix B**  
**Phase I Large MS4s by Population**

**Population less than 10,000:**

Austell	Doraville	Lithonia	Pine Lake
Avondale Estates	Grayson	Lovejoy	Stone Mountain
Berkeley Lake	Hapeville	Morrow	
Clarkston	Jonesboro	Norcross	
Dacula	Lake City	Palmetto	

**Population greater than 10,000:**

Acworth	College Park	Fulton County	Riverdale
Alpharetta	Decatur	Gwinnett County	Roswell
Atlanta	DeKalb County	Kennesaw	Smyrna
Buford	Duluth	Lawrenceville	Snellville
Chamblee	East Point	Lilburn	Sugar Hill
Clayton County	Fairburn	Marietta	Suwanee
Cobb County	Forest Park	Powder Springs	Union City

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<b>Permit Section</b>	<b>Comment Received</b>	<b>EPD Response</b>
Table 3.3.3 (4)(a)	Commenter supports the addition of specific educational activities for industrial facilities that permittees can implement and the addition of frequency (i.e., once each reporting period).	Comment noted.
Part 3.3.7	Commenter requests clarification on what is needed for the Impaired Waters Plan (IWP) (i.e., Is one plan sufficient if it includes all pollutants and all streams or does it have to be a separate plan for each pollutant and each stream ?).	Per the Permit, the permittee must develop an IWP addressing each pollutant of concern (POC). If the permittee has several impaired waterbodies with the same POC (i.e., fecal coliform bacteria), the permittee may submit one IWP and list all of the impaired waterbodies. The permit may also choose to develop an IWP for each impaired stream segment.
Part 3.3.8	The consolidation of the annual municipal employee training requirements and the addition of training requirements specific to the runoff reduction methodology and GI/LID practices is welcomed and will assist in the implementation of the permit.	Comment noted.
Part 3.3.9 (1)(b)	Recommend changing “activity” to “type of activity” as measuring each individual activity may prove to be difficult.	The requested modification has been made in the measurable goals for 1.b and 1.c.
Part 3.3.11 (a)(2)	Commenter recommends the State provide the criteria/process for evaluating the feasibility or infeasibility of the onsite retention requirements in the permit so that it is uniformly applied across Georgia.	Feasibility must be evaluated on a project by project basis based on the project specifications, unique site conditions, and local zoning and development requirements. By providing MS4s with the flexibility to develop their own feasibility criteria, the permit allows the development of a program that is responsive to local development code and unique local conditions. Per Table 3.3.11(b)(2)2.a., EPD will review the permittee’s feasibility analysis and site applicability of different GI/LID techniques and practices. EPD has developed a rubric as guidance to assist permittees with this process. No change made.
Part 3.3.11(b)(2)	Commenter states that the minimum inspection requirement included within	The permit includes an annual minimum inspection frequency. Permittees may benefit

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	<p>the Permit for permittees' green infrastructure/low impact development (GI/LID) structures could lead to the improper functioning of the structures.</p>	<p>from adhering to the recommended inspection and maintenance schedule for each specific GI/LID structure type as recommended in the GSMM or equivalent manual. Permittees may conduct inspections more frequently if preferred or as detailed for a specific GI/LID structure. Additional maintenance information for individual BMPs, including a schedule for specific maintenance activities, can be found in the GSMM, Appendix E, Operations &amp; Maintenance Guidance Document. No change made.</p>
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