



Fact Sheet

The Georgia Environmental Protection Division (Division) proposes to reissue the General Phase II NPDES Stormwater Permit GAG480000, which authorizes the discharges from all new and existing small municipal separate storm sewer systems (MS4s) at military facilities. The draft permit places conditions on the discharge of pollutants from the municipal stormwater systems to waters of the State.

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Draft permit:

- First issuance
- Reissuance with no or minor modifications from previous permit
- Reissuance with substantial modifications from previous permit
- Modification of existing permit
- Requires EPA review

1.0 FACILITY INFORMATION

1.1 NPDES Permit No.: GAG480000

1.2 Eligibility for Coverage

The NPDES permit authorizes all new and existing point source discharges of stormwater from a small municipal separate storm sewer system (MS4) at designated military facilities as defined in Title 40 of the Code of Federal Regulations (CFR) Part 122.26 (b)(16) to the waters of the State of Georgia.

1.3 Type of Stormwater Discharge

- Municipal
- Industrial

2.0 REGULATORY BACKGROUND

2.1 State Regulations

Chapter 391-3-6, Georgia Rules for Water Quality Control

2.2 Federal Regulations

Source	Activity	Applicable Regulation
Municipal Separate Storm Sewer System	Stormwater Discharges	40 CFR 122 40 CFR 125

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

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

2.3 NPDES Permits

An NPDES permit authorizes the discharge of a pollutant or pollutants into a receiving water under certain circumstances. The NPDES program relies on two types of permits: individual permits and general permits. An individual permit is a permit specifically tailored for an individual discharger for a specific time period, not to exceed five years. A general permit covers multiple facilities, sites, and activities within a specific category for a specific time period, not to exceed five years. Both types of permits are subject to public comment prior to permit issuance. EPD regulates stormwater discharges from Phase II small MS4s by a general permit.

The Federal Regulations, 40 CFR Part 122, specify who must apply for NPDES permit coverage and the requirements that must be included in an NPDES permit. On December 8, 1999, EPA published the Phase II stormwater regulations, which outlined criteria for designating which small MS4s would be covered, including municipalities and facilities with operations similar to a municipality. 40 CFR Part 122.34 specifies that a permittee subject to the Phase II regulations must develop and implement a stormwater management program (SWMP) that includes six minimum control measures:

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- Public Education and Outreach
 - Public Involvement/Participation
 - Illicit Discharge Detection and Elimination
 - Construction Site Stormwater Runoff Control
 - Post-Construction Stormwater Management in New Development and Redevelopment
 - Pollution Prevention/Good Housekeeping for Municipal Operations

On December 9, 2016, EPA published the MS4 Permit Remand Rule, which addresses how small MS4s obtain permit coverage, including public notice and permit requirements. The Remand Rule provided States with a choice of two options for issuance of general permits: a Comprehensive General Permit or a Two-Step General Permit. Georgia has chosen to issue the Phase II MS4 Permit as a Comprehensive General Permit. In accordance with 40 CFR Part 122.34(a), the permit will contain specific requirements with which the Phase II MS4 must comply. However, as in past, the permittee will be required to submit a SWMP. The SWMP will contain procedural documents and other specific information describing details on how the permittee will implement the permit requirements (see 40 CFR Part 122.34(b)).

2.4 General NPDES Permit No. GAG48000

Georgia is a fully authorized State and administers its own NPDES program. NPDES Permit No. GAG480000 authorizes stormwater discharges to the waters of the State from Phase II small MS4s at military facilities. NPDES Permit No. GAG480000 was first issued as a general permit in 2009 and reissued in 2014 and 2019. The reissuance of the Permit will continue as a general permit.

Each of the six minimum control measures contain two tables, one for existing Phase II small MS4s and one for new Phase II small MS4s, which may be designated after the issuance date of the Permit. Each table specifies the best management practices (BMPs) to be employed by the permittee and the measurable goal for each of the BMPs. Each permittee will develop a SWMP containing, at a minimum, these BMPs and measurable goals. The BMPs to be employed by the permittee will eliminate or minimize, to the maximum extent practicable, the discharge of pollutants to the waters of the State from stormwater discharges in order to protect water quality. Permittees are required to submit Annual Reports to EPD demonstrating their status in implementing the Permit requirements.

2.5 Municipal Separate Storm Sewer System Effluent Limit Guideline(s)

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

described in the SWMP.

3.0 Permit Considerations

3.1 Antidegradation

The proposed permit complies with the anti-degradation requirements in the EPD Rules and Regulations for Water Quality Control, subparagraph 391-3-6-.03. Existing water quality will not be degraded by the issuance of this permit. This permit will reduce the level of pollution discharged from the MS4. EPD expects the pollution reduction measures implemented by the permittees to offset any expansion of stormwater conveyance systems and outfalls because of the permit requirement to implement a broad range of pollution reduction measures, including measures to address impacts for new development and redevelopment. The permit requires the permittee to regularly review and refine their BMPs to reduce pollutants to the maximum extent practicable. The focus of the permit is a net reduction in pollutant loadings over the five-year permit term. Over the five-year permit term, a range of programs will be implemented and enhanced to minimize stormwater pollution discharges. Therefore, the issuance of this permit will protect and improve existing water quality and is consistent with EPD's antidegradation policy.

3.2 Total Maximum Daily Load (TMDL)

The permittee must identify any impaired waters to which the MS4 discharges and implement BMPs to reduce the pollutant of concern. 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. As expressed above, effluent limits will be included in the permit in the form of BMPs. BMPs must be consistent with any approved TMDL and implementation of these BMPs must be sufficient to address any stormwater point source wasteload allocation portion of a TMDL, reducing the pollutants of concern in the impaired waterbody. Monitoring for the pollutant of concern will be performed in order to evaluate BMP effectiveness. The iterative process will require new, expanded or better-tailored BMPs to be implemented if the evaluation determines the BMPs are not effective in water quality improvement.

3.3 Permit Changes

The revisions to the permit template from the previous iteration consisted of wording changes in order to clarify requirements. Additional permit revisions include:

- Permit Part 4 – text requiring the SWMP be reviewed and approved by EPD was revised to remove the phrase “and approve” so that regardless of approval status, the permittee is still responsible for implementing the activities described for each BMP in the SWMP.
- Table 4.2.1 (a) and Table 4.2.2 (a) - The text was revised to add more options to the list of BMPs.
- Table 4.2.3 (a) - In BMP #1a, additions were made to text that specify a frequency for evaluation. BMP #3a added language to provide minimum reporting requirements if inspections or stream walks are done by geographical area. The text in BMP #3b was revised to provide clarification on the type of information to

be provided to EPD. BMP #5 was revised to require the date of investigation for each illicit discharge related complaint be provided to EPD.

- Table 4.2.3 (b) – In BMP #3a, an addition to the text was made that will include “enforcement letters” as a part of the example forms. BMP #3c provides guidance if inspections or stream walks are done by geographical area. The text in BMP #3d was revised to provide clarification on the type of information to be provided to EPD. BMP #5b was revised to require the date of investigation be provided to EPD.
- Table 4.2.4 (a) – Additions were made to the text that will specify a frequency for evaluation.
- Table 4.2.4 (b) – Additions were made to the text that will clarify when the procedures should be submitted to EPD.
- Table 4.2.5 (a) - In BMP #1a, additions were made to text that will specify a frequency for evaluation. In BMP #3, the term “5-year period” was revised to “5-year permit term” and the text was updated to provide guidance if inspections are done by geographical area. In BMP #6, text was added to provide minimum reporting requirements if inspections are done by geographical area.
- Table 4.2.5 (b) - In BMP #3, additions were made to the text to provide guidance if inspections are done by geographical area. In BMP #6, text was added to provide minimum reporting requirements if inspections are done by geographical area.
- Tables 4.2.6 (a) and (b) - The word “control” was removed from the term “MS4 control structure” for clarification through these tables. In BMP #1.a., “water quality vaults” was added as a structure to be included in the inventory. In BMPs #2 and #9, text was added to provide minimum reporting requirements if inspections are done by geographical area. BMP #7 was split into parts 7(a) and 7(b), and the language in 7(b) was updated to require the list include a note of which reviewed plans resulted in improved pollutant reduction. In Table 4.2.6(b), BMP #1.b., the word “annually” replaced “as necessary” to specify the expected frequency of inventory and map updates.
- Part 4.3.1 - Updated the abbreviation of the Monitoring and Implementation Plan from “Plan” to “MIP”, to avoid confusion with other terminology in the permit.

3.4 Compliance Schedules

The permittees shall attain compliance with all permit requirements on the effective date of the permit.

3.5 Anti-Backsliding

The requirements of the permit are in compliance with 40 CFR 122.44(1), which requires reissued permits to be as stringent as the previous permits.

4.0 REPORTING

4.1 Compliance Office

The permittees have been assigned to the following EPD office for reporting, compliance and enforcement:

Georgia Environmental Protection Division
Nonpoint Source Program, Municipal Stormwater Team
2 Martin Luther King Jr. Drive
Suite 1462 East
Atlanta, Georgia 30334

4.2 E-Reporting

An electronic method of reporting is being developed. Once the system is available, the permittee will be required to electronically submit documents in accordance with 40 CFR Part 127.

5.0 REQUESTED VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS

Not applicable

6.0 PERMIT EXPIRATION

The permit will expire five years from the effective date.

7.0 PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS

7.1 Comment Period

The Division proposes to issue this general permit, with coverage applied to specific municipalities, subject to the special conditions outlined above. These determinations are tentative.

Georgia Environmental Protection Division
Municipal Stormwater Team
Martin Luther King Jr. Drive
Suite 1462 East
Atlanta, Georgia 30334

The draft permit and other information are available electronically upon request or on the Division's website at <https://epd.georgia.gov/>. In addition, the documents are available for review on Tuesdays between 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Water Protection Branch file room, at 2 Martin Luther King Jr. Drive SW, West Tower, Balcony, Suite 418, Atlanta, Georgia 30334. To set an appointment, email gorarequest.water@dnr.ga.gov with your name, email, and phone number and an associate will reach out to you. Copies may also be requested by contacting the Watershed Protection Branch at (404) 463-1511.

7.2 Public Comments

Persons wishing to comment upon or object to the proposed determination are invited to submit same in writing to the Division address above, or via e-mail at EPDcomments@dnr.ga.gov by Friday, October 27, 2023. All comments received prior to

close of business that date will be considered in the formulation of the final permit. The permit number should be placed on the top of the first page of comments and in the email subject line (if sent via email) to ensure that your comments will be forwarded to the appropriate staff.

7.3 Public Hearing

Any applicant, affected state or interstate agency, the Regional Administrator of the U.S. Environmental Protection Agency (EPA) or any other interested agency, person or group of persons may request a public hearing with respect to an NPDES permit if such request is filed within thirty (30) days following the date of the public notice for such permit. Such request must indicate the interest of the party filing the request, the reasons why a hearing is requested, and those specific portions of the permit or other NPDES form or information to be considered at the public hearing.

The Director shall hold a hearing if he determines that there is sufficient public interest in holding such a hearing. If a public hearing is held, notice of same shall be provided at least thirty (30) days in advance of the hearing date.

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

Following a public hearing, the Director, unless it is decided to deny the permit, may make such modifications in the terms and conditions of the proposed permit as may be appropriate and shall issue the permit.

If no public hearing is held, and, after review of the written comments received, the Director determines that a permit should be issued and that the determinations as set forth in the proposed permit are substantially unchanged, the permit will be issued and will become final in the absence of a request for a contested hearing. Notice of issuance or denial will be made available to all interested persons and those persons that submitted written comments to the Director on the proposed permit.

If no public hearing is held, but the Director determines, after a review of the written comments received, that a permit should be issued but that substantial changes in the proposed permit are warranted, public notice of the revised determinations will be given and written comments accepted in the same manner as the initial notice was given and written comments accepted pursuant to EPD Rules, Water Quality Control, subparagraph 391-3-6-.06(7)(b). The Director shall provide an opportunity for public hearing on the revised determinations. Such opportunity for public hearing and the issuance or denial of a permit thereafter shall be in accordance with the procedures as are set forth above.

7.4 Final Determination

At the time that any final permit decision is made, the Director shall issue a response to comments. The issued permit and responses to comments can be found at the following address:

7.5 Contested Hearings

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

Petitions for a contested hearing must include the following:

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