

Response to Stakeholder Version Comments
September 1, 2023

Permit Part	Comment/Requested Change	EPD Response
Part 4.2.5(a), BMP 2	Table 4.2.5(a) defines post-construction stormwater management structures as “e.g., detention/retention ponds, water quality vaults”. The commenter requested contextual clarity regarding if additional features installed during construction to manage stormwater, including grass channels, concrete lined channels, inlets, and drainage piping, would be inspected under the “MS4 Structures” BMP only.	Additional features installed during construction to manage stormwater including grass channels, concrete lined channels, inlets, and drainage piping need only to be documented under the Pollution Prevention/Good Housekeeping minimum control measure rather than both the Pollution Prevention/Good Housekeeping minimum control measure and Post-construction minimum control measure. No change made.
Part 4.2.6(a), BMP 7	The commenter requested contextual clarity to specify when a “new” flood management project becomes an “existing” flood management project to determine if new flood projects required additional review as an existing flood management project.	A new flood management project becomes existing upon the reissuance of the permit. New flood projects that have been reviewed once are not required to have an additional review performed as an existing flood management project within the same permit term. No change made.
Part 4.2.6(a), Part 4.2.6(b), BMP 7b	The commenter found the addition of the text, “and note the plans that resulted in improved pollutant reduction” to be redundant as they understood all proposed flood management projects to be assessed for water quality impacts during the design phase as indicated in part 7a. Part 7b. requires the permittee to provide the list of projects reviewed. The commenter is concerned the additional text could be misconstrued as a requirement for additional plan review or monitoring post-construction. The commenter requested removing the language in order to provide clarification for permittees to provide the list of projects reviewed.	The purpose of this wording is not to be redundant, but rather to match the intention of 40CFR122.34(b)(6)(ii) of the Federal Regulations. The addition of “improved pollutant reduction” is to ensure consistency. No change made.

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<p>Part 4.2.6(a), BMP 8</p>	<p>A review of at least one Existing Flood Management Projects is required annually per Table 4.2.6(a). The commenter requested contextual clarity be provided to explicitly state the evaluation requirement has been met if the existing retention/detention ponds have been reviewed, and no change has been made to the GSMM.</p>	<p>If an existing flood management project, such as a detention or retention pond, has been reviewed during the 5-year permit cycle (or during a previous permit cycle), a permittee is not required to perform a full assessment of the structure in the following years of that permit term. However, the permittee should be documenting that both the flood management project and the standard by which the assessment was conducted (e.g., the 2016 GSMM) have not changed. The documentation of assessment circumstance is sufficient.</p> <p>No change made.</p>
<p>Part 4.2.3(a), BMP 3 Part 4.2.3(b), BMP 3 Part 4.2.5(a), BMP 3 Part 4.2.5(b), BMP 3 Part 4.2.6(a), BMP 2, 9 Part 4.2.6(b), BMP 2, 9</p>	<p>The commenter requested the text, “or if inspections are done by geographical area, then one entire area or sector must be inspected each year,” be clarified to indicate that each geographic inspection area should be inspected at least once during the permit term so that some of the structures are inspected each reporting period.</p>	<p>This wording is meant to provide permittees with flexibility regarding their inspections process. Geographical areas are permittee-defined; as long as 100% of the inventory has been inspected by the end of the 5-year permit term, the permittee may adjust the size and reach of their geographic areas.</p> <p>No change made.</p>