

Phase II MS4 NPDES Stakeholder Draft Permit (2022)  
Major Changes from the 2017 Permit  
March 25, 2022

Page	Permit Section	Original Requirement from 2017	2022 Revision
5	Part 2	The permit reiterated the narrative water quality standards from the State Rules.	The text was revised to include the Rules by reference, rather than reiterate the water quality standards text. In the event the water quality standards change in the State Rules during the 5-year permit term, citing the standards will ensure the permittee must comply with the most updated standards.
28	Part 4.2.5.3	The permit required that a permittee continually evaluate its codes and ordinances to ensure they do not impede or prohibit the use of green infrastructure/low impact development.	The text was revised to specifically require the permittee to conduct a comprehensive evaluation during the first year of the permit and submit the results with the first annual report. For subsequent years of the permit term, the permittee must either reference the first year comprehensive evaluation and certify that no additional ordinance revisions are necessary or complete a comprehensive evaluation.
29	Table 4.2.5(a), BMP #2.a	The permit required the post-construction inventory to only include publicly-owned structures and those privately-owned structures designed after December 9, 2008. BMP 4.a, Maintenance Program, clearly lists 3 categories: publicly-owned, privately-owned after December 9, 2008, and publicly-owned by other entities (e.g. BOE).	The text of BMP 2.a has been revised to correct this oversight and require the inventory to include the third category of structures, “publicly-owned by other entities”. Also, the text was expanded to clarify that the “publicly-owned by other entities” category only includes those facilities that do not have their own NPDES Permit and that the permittee has the legal authority to regulate. This wording will clarify that facilities that have their own permit (GDOT) or State facilities that cannot be regulated by a local government (e.g. universities, port authority) are not required to be on the inventory.

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32	Table 4.2.5(a), BMP #6	The permit required permittees with a population >10,000 to develop and implement a GI/LID program that includes feasibility criteria for when green infrastructure is infeasible. For those permittees with a population <10,000, the GI/LID Program did not include the requirement to address feasibility criteria.	Because the permit did not require the GI/LID Program for permittees with a population <10,000 to include the feasibility criteria, it could be interpreted that the smaller communities must install green infrastructure on all projects. Text has been added to clarify that the permittees with a population <10,000 may include this waiver criteria in the GI/LID program.
34	Table 4.2.5(a), BMPs #7 and #8	The permit wording had the GI/LID Inspection and Maintenance Program combined.	The GI/LID inspection and maintenance program was separated into 2 BMPs, BMP #7 covers the inspection program and BMP #8 covers the maintenance program. BMP #8 has been greatly expanded to clarify what must be addressed in the maintenance program.
38	Table 4.2.5(b), BMP #5	The permit did not require newly designated permittees to submit a GI/LID program.	The permit has been revised to require newly designated permittees to develop and submit a GI/LID program within 3 years of designation.
41	Table 4.2.5(b), BMPs #7 and #8	The permit did not require newly designated permittees to develop or implement GI/LID inspection and maintenance programs.	The permit has been revised to require newly designated permittees to begin inspecting and maintaining GI/LID structures listed on the inventory, after submittal of the GI/LID Program, due within 3 years of designation.

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44	Tables 4.2.6 (a) and (b), BMP #7	The permit wording stated that proposed flood management projects must be assessed for water quality impacts.	The text has been revised to clarify the intent is for the permittee not to evaluate detention/retention ponds, but rather evaluate all construction projects for water quality impacts to determine if green infrastructure or detention/retention ponds are needed.
52	Part 4.4.2	The permit requires permittees with a population >10,000 to monitor impaired waters for fecal coliform bacteria.	The water quality standard is being revised to replace fecal coliform bacteria with <i>E. Coli</i> and enterococci. The standard will be implemented Statewide upon EPA approval. The permit has been revised to require the monitoring of <i>E. Coli</i> and enterococci, in place of fecal coliform bacteria, once EPA approval of the standard is received and EPD notifies the permittees of the revised standard.