

Phase II MS4 NPDES Public Notice Draft Permit (2022)
Significant Changes from the 2017 Permit
August 25, 2022

Page	Permit Section	Original Requirement from 2017	2022 Revision
4	Part 1	The permit stated that the permittee is liable for permit compliance.	The text was revised to say that the permittee is liable for permit compliance and the implementation of the Stormwater Management Program (SWMP).
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.
7	Part 4.1	The permit contained five requirements in section 4.1.	Requirement 4.1.2 was added and subsequent requirements were renumbered for a total of six requirements.
8, 9	Tables 4.2.1(a) and (b), BMP #1	The permit required details of the public education activities.	The text was revised to also require documentation.
10, 11	Tables 4.2.2(a) and (b), BMP #1	The permit required details of the public involvement activities.	The text was revised to also require documentation.
12, 15	Tables 4.2.3(a) and (b), BMP #1	The permit did not describe what the Illicit Discharge Detection and Elimination (IDDE) ordinance should include.	Specific requirements were added for the IDDE ordinance. Text was added in Table 4.2.3(a) and 4.2.3(b) to state the specific ordinance provisions that must be included for the permittee's authority to take legal action and to describe the frequency of evaluation and modification of the ordinance.

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13-14, 16-17	Tables 4.2.3(a) and (b), BMP #3	The permit did not contain as many specifications for the IDDE Plan.	Specific requirements were explicitly stated for the IDDE Plan. The permit now describes how permittees should meet the requirement to inspect 100% of outfalls if they fall behind during one reporting period and includes a minimum number of activities per reporting period for permittees using an alternate method to conduct IDDE inspections.
19	Table 4.2.4(a), BMP #1	The permit specified that the E&S ordinance should be evaluated.	The permit specifies that the E&S ordinance must be evaluated annually. The word annual has been added for clarification.
20, 22	Tables 4.2.4(a) and (b), BMP #2	The permit did not mention Land Disturbance Activity (LDA) permits.	The text was revised to require reporting of the number of LDA permits issued by a Local Issuing Authority.
20, 22-23	Tables 4.2.4(a) and (b), BMP #3	The permit required implementation of construction site inspection procedures.	The permit specifies that at least one inspection must be conducted at each active construction site during the reporting period. Specific requirements were explicitly stated for the inspection procedures. Additional information (the number and dates of inspections) is required.
21, 23	Tables 4.2.4(a) and (b), BMP #4	The permit required implementation of enforcement procedures for documented E&S violations.	The permit specifies that enforcement procedures must be used for 100% of E&S violations. The permit now requires reporting of the amount of assessed penalties.
25-26	Part 4.2.5.1	The permit gave two options for addressing stormwater runoff.	Permittees were required to begin using option 1(a) no later than December 6, 2020, so option 1(b) was removed.

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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, 35	Table 4.2.5(a) and (b), BMP #1	The permit did not specify how frequently the post-construction ordinance should be evaluated.	The permit specifies that the post-construction ordinance must be evaluated annually for existing permittees. For new permittees the ordinance must be evaluated annually after submitting a copy of the adopted ordinance that is due within one year of designation.
29, 35	Tables 4.2.5(a) and (b), 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. Board of Education).	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 inspect. This wording will clarify that facilities that have their own permit (GDOT) or State facilities that cannot be inspected by a local government (e.g. universities, port authority) are not required to be on the inventory.

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30-31, 36-38	Tables 4.2.5(a) and (b), BMP #4	The permit did not specify that the permittee does not have to conduct maintenance on non-permittee-owned structures that it does not have the legal authority to regulate. Documentation was not required for maintenance conducted by the owner/operator on non-permittee-owned structures.	Text was added to clarify that the permittee is only required to maintain structures that it has the legal authority to inspect. In addition to maintenance agreements, documentation is required for maintenance conducted by the owner/operator on non-permittee-owned structures.
32	Table 4.2.5(a), BMP #5	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. The permit did not require example forms to be used as documentation to be included in the GI/LID Program. The GI/LID Program was not required to be evaluated annually.	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. The permit requires example forms to be used as documentation to be included in the GI/LID Program. The GI/LID Program is required to be evaluated annually.
33-34	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, including documentation requirements.
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.

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40-41	Tables 4.2.5(a) and (b), BMP #6	The permit did not include a minimum list of components for the GI/LID structure inventory and did not require the status of the inventory.	BMP #6 was revised to list the specific types of GI/LID structures that must be included in the inventory, at a minimum. The permit was revised to require the status of inventory development or updates to be reported each annual report and requires that permittees ensure maintenance agreements are executed for all non-permittee-owned GI/LID structures.
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 develop a GI/LID Program within 3 years of designation and begin inspecting and maintaining GI/LID structures listed on the inventory after submittal of the GI/LID Program.
43, 47	Tables 4.2.6(a) and (b), BMPs #2 and #3	The permit required the number of MS4 structures inspected and maintained.	The text was revised to also require documentation of the inspections and maintenance activities.
43-33, 48	Tables 4.2.6(a) and (b), BMP #5	The permit required implementation of an employee training program, as described in the SWMP.	The text was revised to provide specifications of what the employee training program description should include.
44, 48	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.

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52	Part 4.4.2	The permit requires permittees with a population >10,000 to monitor impaired waters for the pollutant(s) of concern.	<p>EPD has revised the state's bacteria water quality standard 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 for bacteria, in place of fecal coliform bacteria, once EPA approval of the standard is received and EPD notifies the permittees of the revised standard.</p> <p>Additional text was included specifying the requirement to collect 4 geometric means during the reporting period and requiring the submittal of a Sampling Quality and Assurance Plan (SQAP) in the event that 2 years of data demonstrate bacteria below numeric criteria, which may enable the delisting of the stream being monitored.</p>
63	Appendix A		A definition of Green Infrastructure/Low Impact Development has been added, and further specification was added to the definition of Stormwater Management Program (SWMP).