

Response to Comments on the 2022 Draft  
Phase I Medium MS4 NPDES Permit  
 Public Notice  
March 15, 2022

| Page | Permit Section                 | Comment  | Response   |
|------|--------------------------------|--|--|
| 5    | 3                              | The commenter requested that the sentence stating that the permittee must comply with the requirements of the Permit, regardless if the Stormwater Management Program is approved, be reworded.  | The commenter's proposed wording does not clarify the intent of the permit requirement. No change made.  |
| 7    | Table 3.3.1, SWMP Component #1 | The commenter stated that the term "control structures" only includes detention structures and does not include catch basins, ditches, and pipes. The commenter also stated that EPD does not have the authority to require 100% of the MS4 structures to be inspected within a 5-year period. | These comments are a reiteration of comments made during the stakeholder process. EPD has deleted the term "control" and listed the main storm sewer system structures (i.e. catch basins, ditches, pipes, permittee-owned detention/retention ponds) to clarify what must be inspected and maintained. EPA mandated that the NPDES permit contain specific measurable goals. EPD has determined that requiring the inspection of 100% of the MS4 structures within a 5-year period is an attainable goal. No change made. |
| 7    | Table 3.3.1, SWMP Component #2 | The text requires the submittal of a schedule for conducting MS4 inspections with the Stormwater Management Program (SWMP). The text does not require the submittal of procedures for conducting the inspections.  | The text has been revised to clarify that the SWMP must include inspection procedures, and a schedule, for conducting the MS4 inspections.   |
| 8    | Table 3.3.1, SWMP Component #5 | The text requires that if a permittee has more than 5 flood management structures, then the permittee must assess 100% of the structures within a 5-year permit term, with at least one structure assessed annually. The use of "annually" is not appropriate.                                 | The text has been revised to replace the word "annually" with "each reporting period".   |
| 8    | Table 3.3.1,                   | The text requires the use of the 2016 Georgia  | In order to determine if an existing detention   |

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|       | SWMP Component #5              | Stormwater Management Manual (GSM) or a local design manual to conduct an evaluation of an existing detention structure. The commenter stated that they did not concur with the use of the GSM since it is a technical manual, not a regulatory document. The commenter also stated that they believe the statement in the permit specifying what must be included in the annual report related to the assessment is redundant with an earlier sentence. | structure is designed to meet runoff reduction and other performance criteria, there must be a technical standard to compare the design against. The GSM is the technical document that is used Statewide to set standards for the design of post-construction structures. Therefore, the GSM or an equivalent design manual is the appropriate document to meet these needs. The statement regarding what must be included in the annual report is for clarification purposes. No change made. |
| 13    | Table 3.3.2, SWMP Component #6 | The text requires the permittee to provide details on activities related to the disposal of used oil and toxic materials in each annual report. The text does not require documentation of these activities to be submitted.   | Text has been added to clarify that the permittee must submit documentation of activities in each annual report.  |
| 13    | Table 3.3.2, SWMP Component #7 | The text requires the permittee to provide details on activities related to the detection and elimination of sanitary sewer spills in each annual report. The text does not require documentation of these activities to be submitted.   | Text has been added to clarify that the permittee must submit documentation of activities in each annual report.  |
| 20-21 | Part 3.3.7                     | The commenter requested the language be revised to allow the permittee to use an alternate plan in place of the Impaired Waters Monitoring and Implementation Plan.  | This comment is reiterated from the stakeholder process. The Impaired Waters Monitoring and Implementation Plan requirements established in the permit ensure that data collection is consistent between all MS4 permittees. The permittee may conduct additional monitoring. No change made.   |
| 20-21 | Part 3.3.7                     | The commenter questioned the use of the population criteria of 10,000 for establishing impaired waters monitoring requirements.  | This comment is reiterated from the stakeholder process. EPD has determined that larger communities with populations >10,000 have the resources and ability to implement additional   |

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|       |                        |  | activities. The requirement to conduct the additional monitoring is consistent with other MS4 permits. No change made.  |
| 21    | Part 3.3.7             | The commenter stated that the bacteria monitoring, especially enterococci, should be deleted from the permit since it is not a good marker of human waste.   | This comment is reiterated from the stakeholder process. The permit has been changed to be consistent with the changes being made in the water quality criteria from fecal coliform bacteria to <i>E. coli</i> and enterococci. No change made.   |
| 21    | Part 3.3.7             | The commenter expressed concern that a stream within their jurisdiction was listed on the 303(d) list for fecal coliform based on one geometric mean, while the permit requires the permittee to conduct 4 geometric means to get streams de-listed. | This comment is reiterated from the stakeholder process. The Rules and Regulations for Water Quality Control, Chapter 391-3-6-.03-(13) set the requirements for the submission and acceptance of water quality data. No change made.  |
| 22    | Part 3.3.7             | The commenter expressed concern regarding the requirement to share data with another MS4 upon request.   | This comment is reiterated from the stakeholder process. The purpose behind the requirement is for adjacent permittees to work cooperatively to address water quality issues. No change made.   |
| 23-24 | Parts 3.3.9 and 3.3.10 | The commenter expressed concern with the use of a population of >10,000 to trigger the requirement of adding one additional public education or public involvement activity.   | This comment is reiterated from the stakeholder process. EPD has determined that larger communities have the resources and ability to implement additional activities. Requiring one additional public education or public involvement activity will result in this permit being consistent with other MS4 permits. No change made. |
| 26    | Part 3.3.11(a)(2)      | The commenter expressed concern with the requirement that redevelopment projects that are less than one acre, but are part of a larger common plan of development or sale, must meet the performance standards, including the runoff                 | The wording is taken verbatim from the GSMM regarding projects that are part of a common development and it is included in the other MS4 permits. The wording has been added to ensure consistency between MS4 permits. No change   |

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|    | reduction requirement, and requested the statement be deleted.   | made.  |
| 29 | <p>Table 3.3.11(b), Program Element #3</p> <p>The commenter requested that the requirement to inspect and/or require the maintenance of publicly-owned structures owned by other entities be modified or deleted from the permit due to concerns that their municipality cannot enforce requirements against State-owned facilities.</p> | <p>The permit language requires the permittee to inspect and either maintain or require maintenance of those structures included on the G/LID inventory. Table 3.3.11(b), BMP #3, G/LID Structure Inventory, states that publicly-owned structures owned by other entities must be included on the inventory only if 1) the facility is not covered by their own NPDES Permit, and 2) the permittee has the legal authority to inspect the structures. Because State-owned facilities are exempt from local post-construction ordinance requirements, the permittee would not have the legal authority to inspect these facilities. This means that the State-owned facilities would be excluded from the G/LID inventory. No change made.</p> |
| 29 | <p>Table 3.3.11(b), Program Element #4</p> <p>The commenter requested the permit be revised to allow the permittee to accept inspections conducted by the owner of the G/LID structure, instead of requiring the permittee to conduct the inspections.</p>   | <p>This comment is reiterated from the stakeholder process. The permittee can require the inspection of privately-owned structures by the owner. However, the MS4 must still conduct an inspection on 100% of the structures on the inventory with a 5-year permit period. No change made.</p>   |

Summary of Revisions to Phase I Medium MS4 NPDES Permits

| Page | Permit Section                 | Revision   |
|------|--------------------------------|--|
| 7    | Table 3.3.1, SSMP Component #2 | The permit text required the submittal of a schedule for conducting MS4 inspections with the Stormwater Management Program (SWMP). The text has been revised to clarify that the SWMP must also include inspection procedures for conducting MS4 structure inspections, along with the schedule.                           |
| 8    | Table 3.3.1, SWMP Component #5 | The permit text required that if a permittee has more than 5 flood management structures, then the permittee must assess 100% of the structures within a 5-year permit term, with at least one structure assessed <u>annually</u> . The text has been revised to replace the word “annually” with “each reporting period”. |
| 13   | Table 3.3.2, SWMP Component #6 | The permit text required the permittee to provide details on activities related to the disposal of used oil and toxic materials in each annual report. Text has been added to clarify that the permittee must also submit documentation of activities.   |
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