

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|------------|--|--|---|
| Throughout | Please clarify the references to “appropriate parts.” | It is possible there could be confusion about what are the “appropriate” parts. | Wherever possible, “appropriate parts” have been clarified. |
| Throughout | Clarify the role of the Storm Water Management Program (SWMP) and Permit. | The language is confusing. The Permit defines minimum program requirements or obligations required to be included in the SWMP. The SWMP implements these program requirements. | Part 3, first paragraph, last sentence clarifies the role of the SWMP. The SWMP and its amendments, upon approval by EPD, shall become a part of this permit. |
| 2.1 | Replace the text here with “The permittee shall implement controls to reduce pollutants to the maximum extent practicable (MEP) in discharges from the MS4 to waters of the State so as not to cause a violation of any state water quality criteria.” | The Permit should not just require compliance with narrative water quality standards, but should reference all state water quality standards. | Referencing the state water quality standards may imply that MS4 discharges are subject to numeric effluent limitations. EPD has determined that at this time, such limitations would be costly and infeasible for MS4s to implement due to the variability and duration of storm water discharges and receiving water flow, the quantity and types of pollutants, and the effectiveness of many conventional control measures. No change made. |
| 2.1.4 | Remove the sentence beginning, “For land disturbing...” | | The sentence is reiterated from the Georgia Water Quality Standards (391-3-6-.03). No change made. |
| 3 | Clarify what MS4s do while waiting for EPD approval of the SWMP. | | EPD added the clarifying sentence, “Regardless if the permittee’s SWMP has been approved by EPD, the permittee is required to comply with the requirements of this Permit.” |
| 3.3 | Replace “should” with “shall.” | | EPD has made the requested change. |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|-------------|--|--|---|
| 3.3.1(2)(a) | Specify a required minimum percentage of inspections per year. | We suggest that at least 15% of structures be inspected per year. This allows freedom to inspect slightly more or less than 20% each year of the Permit, but keeps MS4s on track, and also enables enforcement to occur mid-permit term. | EPD added minimum annual inspection requirements. |
| 3.3.1(2)(b) | Define “as needed.” | Conducting maintenance on control structures “as needed” leaves a lot of room for interpretation. We suggest setting a minimum frequency for cleaning all catch basins. | Setting a minimum frequency would result in the MS4 expending resources to maintain or clean a structure that does not require it. “As needed” is defined by individual MS4s in their SWMPs as part of their stormwater program, which provides MS4s with the flexibility needed to determine their own maintenance programs. No change made. |
| 3.3.1(3) | Remove “as needed” and “in part” to clarify the requirement. | A clearer statement with a date to complete is needed. | This BMP refers to the Department of Community Affairs comprehensive plan, which covers many topics beyond the scope of stormwater. Comprehensive plans are developed or updated on varying schedules. No change made. |
| 3.3.1(4) | Provide minimum frequency for street sweeping and a timeline for removing deicing materials. | | These frequencies and timelines are handled in the SWMP. No change made. |
| 3.3.1(5) | Require the identification of needed retrofits and developing a plan and schedule for their implementation to improve water quality over time. | Evaluating existing structural flood control devices for water quality retrofits without requiring implementation of the retrofit does not improve water quality. | EPD requires the SWMP to define the level and frequency at which evaluations of the existing structural flood control devices for water quality retrofits, as well as retrofit implementation. Due to a lack of resources, many MS4s are unable to implement a retrofit program. Therefore, EPD will continue to allow MS4s to describe their |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|-------------|---|---|---|
| | | | program in the SWMP. No change made. |
| 3.3.1(6) | Provide a definition for “facilities with the potential to cause pollution.” Define a minimum inspection frequency. | | EPD has added examples of these facilities, as well as a minimum inspection requirement. |
| 3.3.1(7) | Provide the names of pesticides, herbicides, and fertilizers used, as well as an estimate of the quantities used in each major MS4 watershed. | | EPD requires that MS4s implement a program to reduce pollution caused by pesticides, fertilizers, and herbicides. At this point, tracking the additional information adds to an already significant documentation review load. No changes made. |
| 3.3.2(3)(a) | Clarify the language outlining the dry weather screening (DWS) inspection requirements. | It is difficult to follow what is expected in this section. | EPD has clarified the language outlining the DWS inspections. |
| 3.3.2(3)(b) | Set minimum requirements for IDDE including sampling parameters, benchmark concentration levels, procedures for tracing, etc. | | EPD provides all of this information in the Phase I SWMP Guidance Document and the MS4 addresses the specific requirements in the IDDE Plan that they prepare and submit to EPD for approval. |
| 3.3.2(3)(b) | Change IDDE notification requirement between MS4s to an intergovernmental agreement. | In reference to Table 3.3.2(3)(b), “if the source of the illicit discharge is identified as deriving from an adjacent MS4, the permittee must notify that MS4.” This is an improvement, but it could be strengthened to require an intergovernmental agreement between adjacent MS4s. | Adjacent MS4s are welcome to enter into intergovernmental agreements when responding to illicit discharges or other water quality concerns. However, due to the varied nature of the permitted MS4s, these intergovernmental agreements may not always improve the efficacy with which MS4s can respond to an illicit discharge. Therefore, EPD will not make these intergovernmental agreements a requirement. No change made. |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|-------------|---|--|---|
| 3.3.2(3)(c) | Require information on enforcement activities taken by the MS4, including Date of Illicit Discharge Identification, Source Identification, Actions Taken, Final Resolution, Penalties, and \$ Amount. | | The language in this section has been amended to request a table, with the specific fields outlined in the Phase I SWMP Guidance Document and Annual Report form. |
| 3.3.2(5)(a) | Clarify the language and provide a minimum frequency. | Citizens and MS4 employees may see illegal discharges to the MS4 while in the field that are not detected during the MS4s IDDE efforts such as dumping waste oil, paints, concrete mix, etc. At the same time, these educational activities should improve public compliance by also educating them about proper disposal of used oil and toxic materials. | EPD has added a requirement to conduct a formal outreach activity to the public, with a minimum frequency of at least annually. |
| 3.3.2(5)(b) | Add a section to require data collection and compilation on all stormwater complaints that are received. | Over time this data may help the MS4 see trends, increases or decreases, based on their MS4 activities. The data on all of the variety of stormwater complaints would be useful not only to the municipality, but for the State to better understand where permit improvements are needed. | EPD requires that the complaint response tracking procedure be outlined in the SWMP and reported in each annual report. MS4s are welcome to conduct these analyses, if the MS4 believes them to be useful. At this time, EPD is unable to perform the recommended analyses since, while the MS4s submit the information, it is not in a centralized database. |
| 3.3.2(5)(b) | Change “resolution” to “course of action.” | Resolution implies that there will actually be an illicit discharge, and the permittee will be able to identify and successfully remove it. | The wording has been changed to “status,” to allow for not only situations where the source of an illicit discharge is not discovered, but also a description of the progress of the investigation. |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|-------------|--|--|--|
| 3.3.2 | If residential car washing is allowed to flow to a storm drain, require an educational program about the impact for the public. | | This wording is verbatim from 40 CFR Part 122.26(d)(2)(iv)(B)(1). This category of non-stormwater discharge/flow must only be addressed if it is a significant contributor of pollutants to the MS4. MS4s can include residential car washing as an educational topic, but it is not required. No change made. |
| 3.3.3(1)(a) | In the sentence, “Maintain and update an inventory of facilities with industrial activities that potentially discharge to the MS4,” remove the word “potentially.” | | This BMP targets facilities with the potential to introduce pollutants to the MS4 to ensure a thorough and complete program to monitor and control pollutants in stormwater discharges from municipal facilities. No change made. |
| 3.3.3(1)(a) | Add “that discharge to the MS4” to the sentence “At a minimum, this shall include facilities listed on EPD’s Industrial Stormwater General Permit (IGP) Notice of Intent (NOI) and No Exposure Exclusion (NEE) online listing. | | This point is clarified in the previous statement, which reads, “Maintain and update an inventory of facilities with industrial activities that potentially discharge to the MS4.” No change made. |
| 3.3.3(1)(a) | Require MS4s to create a program to identify unpermitted industrial facilities. | Georgia’s list of industrial facilities is not complete and some industrial facilities are not being listed. As a result, MS4s may not know to inspect and monitor them. | The responsibility for identifying unpermitted industrial facilities and developing the State’s industrial facility inventory lies with EPD. EPD will not require MS4s to develop a program to notify EPD of unpermitted industrial facilities, although MS4s are welcome to do so. No change made. |
| 3.3.3(2)(a) | Require a minimum percentage of inspections per year. | | A minimum inspection frequency has been added (5% or, if the MS4 uses a geographical approach, all of one sector each year). |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|-------------|---|---|--|
| 3.3.3(2)(b) | Clarify “monitoring,” define the decision-making process for how MS4s determine which facilities contribute a significant pollutant loading, and add inspector training requirements. | | Monitoring and the decision-making process will be clarified in the Phase I SWMP Guidance Document. Inspector training is covered in Section 3.3.8. |
| 3.3.3(3)(a) | Clarify that the MS4’s responsibility and authority to take enforcement for violations. | | The scope, procedures, and protocols for this enforcement are outlined in the Enforcement Response Plan (ERP), which is developed by the MS4, and upon approval by EPD, becomes part of the SWMP. No change made. |
| 3.3.3(4)(a) | Revise the table to allow industrial facilities to implement their own training programs and provide documentation upon inspection. | It is an undue burden and redundant to require educational activities to be implemented by the MS4 and by the industrial facilities permitted by the NPDES Industrial Permit. | The Industrial General Permit (IGP) does require employee training; however, this training focuses on the implementation of activities necessary to meet the requirements of the IGP, such as inspections, reporting, and monitoring (IGP Section 5.1.1.2). The MS4 Permit does not require a training program, but rather that the MS4 engage in educational activities targeting industrial users, such as distributing an educational brochure at the time of a facility inspection. Some examples of educational activities have been added to clarify the intent. |
| 3.3.3(4)(a) | Define minimum educational tasks and minimum frequency requirement. | Ideally, during industrial site stormwater inspections, inspectors will meet with the owner/operator/facility manager and discuss the status of stormwater controls at the facility as part of the educational program. | EPD agrees with this suggestion and has provided examples of minimum educational activities. Details will be defined in the SWMP. |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|-------------|--|--|--|
| 3.3.4(2) | Require that MS4s develop and document coordination between the construction and post-construction phases of work. | We suggest some additional program integration. During initial construction site plan review, work decisions are being made that implement the project design. | Many municipalities implement a program of this type, such as pre-construction meetings. These programs are often described in their post-construction ordinances (see the Metropolitan North Georgia Water Planning District Model Ordinance, for example). No change made. |
| 3.3.4(3) | Define the minimum tasks for a construction site inspection and retain the minimum frequency of inspections needed for the Permit to be enforceable. | The Permit does not have any minimum construction inspection frequency requirement. | These minimum construction inspection tasks and frequencies are established in the Manual for Erosion and Sediment Control in Georgia and in the requirements for Local Issuing Authority certification. Because these tasks and frequencies are regulated by another program, they have been removed from the MS4 Permit. No change made. |
| 3.3.4(5)(a) | Move this section to the Public Education and Employee Training portions of the Permit. | It is unclear why this section is in this Permit. | EPD believes that reviewing that an MS4 is in compliance with certification requirements is important and that these certification requirements best fit with the Construction Site Management section. No change made. |
| 3.3.5(1)(a) | Define HVPS in this part of the Permit. Add a frequency for updating the inventory. | This will help avoid misinterpretation. | HVPS is defined in Appendix A. A frequency for updating the inventory is defined in the Permit. No change made. |
| 3.3.5(4)(a) | Instead of implementing educational activities for HVPS facilities, the MS4 should just report on activities led by the HVPS employees. | Are the educational facilities for the industrial facilities themselves? It is more appropriate and practical to put the burden on the facility and check for documentation during the inspection. | HVPS facilities are not required to conduct training on stormwater for their employees. Education is a key part of MS4s required program to control pollutants in stormwater runoff from HVPS facilities. Text has been added to clarify the intent of the requirement. |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|-------------|---|--|---|
| 3.3.5(4)(a) | Specify and define minimum educational tasks and minimum frequency requirements. | | EPD has included examples of minimum educational tasks. Minimum frequency will be task dependent, and thus will be defined in the SWMP. |
| 3.3.7 | Add “where feasible” to the sentence, “Bacterial samples must be collected instream.” | | Bacterial samples must be collected instream. If the selected sampling location does not allow for that, the MS4 must select a new sampling location. No change made. |
| 3.3.7 | Clarify the specific requirements for monitoring and implementation. MS4s should collect all water quality monitoring data in accordance with EPD-approved Sampling Quality and Assurance Plans (SQAP). | If MS4s follow a SQAP, the data can be incorporated into and used by Georgia’s listing and assessment program. | EPD encourages MS4s to conduct monitoring in accordance with a SQAP; however, EPD also acknowledges that such a monitoring plan is more costly in time and resources than the minimum sampling requirements to meet Section 3.3.7 requirements. Therefore, EPD will not require that MS4s conduct monitoring in accordance with a SQAP. No change made. |
| 3.3.7 | Provide public reporting and education on the status of pollutant trends. | | EPD has added providing the Impaired Waters Plan and related updates on the MS4s website to the Public Involvement section. EPD will not require the posting of data or data trends on permittee websites. EPD can assure that data collected in accordance with a Sampling Quality Assurance Plan (SQAP) is properly collected and analyzed; however, not all permittees have prepared a SQAP. |
| 3.3.8 | Establish specific training requirements and deadlines in the Permit. | | Some certifications have their own schedule. Other training will need to be provided at least annually. The implementation specifics are outlined in the SWMP. No change made. |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|---------|--|---|--|
| 3.3.9 | Require MS4s to evaluate the effectiveness of the public education program at least once per permit period. | Municipalities can assist citizens in understanding why stormwater management is needed and what is being done to protect water resources. | EPD agrees that evaluations of effectiveness are important for efficient use of resources. EPD encourages MS4s to engage in this evaluation; however, EPD does not require it. No change made. |
| 3.3.9 | Require that permittees conduct public education program on: name and locations of community waterbodies, status of water quality in community water bodies, impaired streams, impact of impervious surfaces, etc. | | MS4s are knowledgeable regarding the issues and needs in their community. Therefore, the topics to be included in a public education program will be established by each MS4 in their SWMP. To encourage the development of a comprehensive and effective education program. EPD has added a minimum frequency for educational activities. |
| 3.3.10 | Specify that citizen participation be provided by at least three activities, such as Adopt-A-Stream, Adopt-A-Road, Rivers Alive, etc. | | EPD has added the requested minimum frequency. The proposed activities will be included in the Phase I SWMP Guidance Document. |
| 3.3.10 | Remove “where feasible” from the sentence about posting the SWMP online. | | EPD has removed “where feasible.” |
| 3.3.11 | Remove GI/LID and runoff reduction from post-construction stormwater management. | “Congress did not amend the Clean Water Act (CWA) and authorized the inclusion of post-construction SWMP requirements. We believe that EPA/EPD to regulate developed sites and post-construction stormwater discharges exceeds the Agency’s statutory authority. We ask that the Agency provides the sources of EPA/EPD’s authority to promulgate these regulations.” | 40 CFR 122.26 (d)(2)(iv) requires the development of a proposed management plan to “reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate.” 40 CFR 122.26(d)(2)(iv)(A)(2) specifically calls out post-construction stormwater. No change made. |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|----------------|--|--|---|
| 3.3.11(a)(1&2) | Specify the appropriate parts and appropriate design manuals. | Clarify how to incorporate this information in the post-construction ordinance. | EPD will review the ordinances submitted by permittees. Since the permittees have several different design manuals (GSMM, CSS, MS4-specific), the way in which these manuals and their appropriate parts are handled in the ordinances will vary from MS4 to MS4. No change made. |
| 3.3.11(a)(2) | We should stick to the same 5,000 square feet as the impervious surface that was on our current MS4 Permit. | Greater than one acre of land disturbance before water quality performance standards are required is not stringent enough. | EPD did not propose to remove the new development standard of creating or adding 5,000 square feet or more of new impervious surface area. EPD only updated the land disturbance threshold to match the latest edition of the GSMM. No change made. |
| 3.3.11(a)(2) | Redevelopment that replaces 5,000 square feet or less should not have to meet the performance criteria. | It is often impossible to incorporate infiltration to the extent required in highly urbanized situations where redevelopment often occurs. | EPD does not propose that redevelopment that replaces less than 5,000 square feet implement the Performance Standards. The inclusion of replacement of 5,000 square feet or greater as part of redevelopment as a criterion triggering the application of Performance Standards is taken from the Coastal Stormwater Supplement (4.2.1) and definition of “redevelopment” in the GSMM. In addition, for both new development and redevelopment, runoff reduction shall be utilized to the maximum extent practicable and can include non-infiltration structures, such as cisterns. |
| 3.3.11(a)(2) | Why was “including projects less than one acre if they are part of a larger common plan of development or sale” removed from the redevelopment criteria? | Please clarify. | As stated in the stakeholder response, these projects are covered under the Construction General Permit (CGP) and local ordinances. EPD is working to reduce redundancy across permits. No change made. |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|--------------|---|---|--|
| 3.3.11(a)(2) | Allow a full permit cycle for adoption of the runoff reduction performance standard instead of three years. | Additional time is needed for training, coordination, and modification to the program | The current Permit required permittees to develop and implement a green infrastructure/low impact development program. In addition to the expected pollutant reduction from implementation, the intent was also to train and familiarize staff with such practices. In addition to the GAWP training and certification effort mentioned in the letter, note that there are also national initiatives in green infrastructure and low impact development training and certification. For example, another certification option is available for those who desire to use such as system. The National Green Infrastructure Certification Program, http://ngicp.org is expected to launch nationwide in 2018. Note that such a certification program is not a permit requirement. Thus, while we recognize the challenge that communities face in implementing the new standard, we have determined that three years is an adequate amount of time to make the transition. |
| 3.3.11(a)(2) | Allow 18 months for adoption of the runoff reduction performance standard instead of three years. | The revisions to the paragraph called “Stormwater Runoff Quality/Reduction” are especially welcome. While we support the revision which relates to retaining the first 1.0” of rainfall on the site, we believe that April 12, 2020, (36 months) is too long of a time period for municipalities to comply with the runoff reduction requirement. | Given the feedback from municipalities throughout the stakeholder and public notice, EPD has determined that three years is an appropriate time period to ensure compliance. Permittees have the option to adopt the runoff reduction performance standard prior to three years if they choose to do so. |
| 3.3.11(a)(2) | Remove the inclusion of retention (infiltration) of the | Stormwater is not a pollutant. | EPD agrees that stormwater is not a pollutant; however, it can carry pollutants. Retaining |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|--------------|---|--|--|
| | first inch of rainfall on site. | | the first inch of rainfall on site provides an equivalent pollutant removal benefit as treating the runoff from a 1.2 inch rainfall event to remove at least 80% of the calculated average annual post-development total suspended solids. No change made |
| 3.3.11(a)(2) | The six exemptions in the GSMM, Volume 2, should be added to the Permit. | The Performance Standards contain a requirement that the permittee apply the post-construction stormwater standards to projects that meet certain criteria. The GSMM includes six exemptions that the Permit does not. | Projects that create or add 5,000 square feet or greater of impervious surface area should have the performance standards applied due to their substantial impact on water quality and hydrology. The MS4 is allowed to determine if it is feasible to apply the performance standards for a project that does not meet the criteria. No change made. |
| 3.3.11(a)(2) | Allow use of the traditional water quality standard in lieu of the new runoff reduction standard. | Runoff reduction does not make sense everywhere. | For non-Chatham County permittees, the permit allows for the implementation of the runoff reduction standard to “the maximum extent practicable.” Chatham County permittees, per the Coastal Stormwater Supplement, are required to target 1.2” of runoff reduction, but are required to meet the 0.6” standard, recognizing that not all sites can fully comply with the target. EPD received comment letters from coastal communities indicating a successful transition to runoff reduction performance standards. Clearly, all sites are not suitable for infiltration practices. For example, infiltration practices should not be used where infiltration may mobilize severe contaminants, as in a contaminated brownfield site. Also, note that not all retention practices are infiltration practices. |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|--------------|---|--|---|
| | | | Cisterns or rainwater harvesting is an example of a non-infiltration retention practice. Communities may take these limitations into account in designing their program within the constraints of the Permit. No change made. |
| 3.3.11(a)(2) | Remove the statement “All stormwater runoff shall be retained onsite or adequately treated prior to discharge.” | It is infeasible and inconsistent with the performance standard to require all stormwater to be retained or treated. | The word “all” has been deleted. The performance standards described in the Draft remain. |
| 3.3.11(a)(2) | Set specific feasibility requirements to demonstrate that runoff reduction cannot be met. | It is critical that the Permit include a thorough description of the specific feasibility criteria required to demonstrate that the Stormwater Runoff Reduction requirement cannot be met. It is not acceptable that the municipalities would determine their own specific criteria for infeasibility. | The feasibility criteria will be submitted to EPD as part of the GI/LID program. EPD will review the feasibility criteria to ensure thorough and consistent implementation of the runoff reduction requirement. No change made. |
| 3.3.11(a)(2) | Change “should” to “shall.” | Revise the sentence as follows, “Any of the stormwater runoff generated by the 1.2 inch storm event (and the first 1.2 inches of all larger rainfall events) that is not reduced on the development site shall be intercepted...” | The change was made. |
| 3.3.11(a)(2) | Remove “on the development site” from the sentence “At a minimum, appropriate green infrastructure practices must be used to reduce the stormwater runoff volume generated by the 0.6 inch rainfall event (and the first 0.6 inches of all larger | A regional stormwater management facility is a valuable tool that should be available to be utilized for GI/LID by the designer and developer. There are coastal permittees with ordinances that allow developers to contribute to a fund managed by the | “On the development site” has been removed. |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|--------------|--|---|---|
| | rainfall events) on the development site.” | permittee, if the developer is physically unable to meet the 0.6” infiltration criteria due to site constraints. The permittee then uses that fund to implement green infrastructure projects in that same watershed, but not on the development site itself. | |
| 3.3.11(a)(2) | Why Is Chatham County the only community required to reduce nitrogen and bacterial loads? Please remove the language that treats permittees in Chatham County differently. | <p>The reduction of nitrogen and bacterial loads should be required throughout the State.</p> <p>It is our opinion that the implementation of the CSS in areas of Chatham County went well in some areas (mostly depending upon soils and distance to groundwater), and not so well in others. We see many developers, engineers, and owners struggling with how to implement development in many low, clayey areas of our jurisdiction, and where groundwater is close to the surface. Countless projects have chosen to building other jurisdictions, or have scaled their projects back to take advantage of exemptions available. As a result, some blighted properties have not been upgraded via redevelopment.</p> | Chatham County and all permittees subject to the CSS must reduce nitrogen and bacterial loads only to the maximum extent practicable. This requirement is outlined in the Coastal Stormwater Supplement (4.4, SWM Criteria 2) to respond to the unique challenges and needs of managing stormwater for coastal communities. MS4s outside of the area subject to the CSS are welcome, but not required, to institute nitrogen and bacterial load reduction requirements. No change made. |
| 3.3.11 | Provide a link with information about Georgia Trout Stream locations. | | At this time, no such link is available. If one becomes available, EPD will notify permittees of the resource. No change made. |
| 3.3.11(a)(3) | “Linear Transportation Projects” should be changed to “Linear Infrastructure Projects” or “Linear Projects.” | Linear utility projects that consist solely of cutting trenches for utility work and related pavement replacement should be included in the Linear Transportation Project | Linear Transportation Projects are a unique class, and therefore, EPD provided for the development of a feasibility program by the MS4 in relation to these types of projects. |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|--------------|--|--|--|
| | | <p>definition.</p> <p>The limitation is geography rather than project type. Any project that meets a particular geometric standard (sufficiently larger in length than width) should fall within the bounds of the feasibility program.</p> <p>There should not be an exemption to do nothing when costs are prohibitive.</p> <p>The State should develop a standard for when a BMP is considered cost prohibitive (10% of total project cost, for example).</p> <p>Delays in a project should not be an exemption to the water quality standards, except in emergency situations.</p> | <p>Other linear projects, such as cutting trenches, should not result in the project creating a substantial amount of impervious surface, and should not require exemption from the performance standards. Upon development of a feasibility program, it must be submitted to EPD for review. EPD will require the program to adequately document the rationale behind the proposed exemptions.</p> <p>No change made.</p> |
| 3.3.11(a)(3) | Require that EPD approve all infeasibility criteria. | | The feasibility criteria will be submitted to EPD, and EPD will review the feasibility criteria. No change made. |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|--------------|--|---|--|
| 3.3.11(b)(1) | Make the language around EPD's GI/LID requirements consistent. | <p>The Permit does not “require” but “encourage” the use of GI/LID practices and approaches on both new and developed sites. Why is the Agency requiring the development and implementation of a GI/LID program?</p> <p>State “This Permit requires, after a 3-year pilot period, the implementation of GI/LID on both new and redevelopment sites.”</p> <p>Include conservation subdivisions, green space conservation, shared driveways, and other land use approaches.</p> | The text regarding encouraging the use of GI/LID practices has been deleted to clarify that there are specific requirements for the GI/LID program. Also, regulations addressing land use have been added to those that a permittee must assess during an ordinance evaluation. |
| 3.3.11(b)(1) | Require that the permittee review and update ordinances to reflect the experience gained in the pilot GI/LID period. | | The Permit requires the continual evaluation of the ordinances to ensure they do not prohibit or impede the use of GI/LID. No change made. |
| 3.3.11(b)(2) | Require that GI/LID structures be inspected more frequently than once every five years. | While it is understandable that permittees want more flexibility to inspect BMPs as necessary, it should be mentioned that BMPs which incorporate green stormwater infrastructure will benefit from more frequent inspection, and that the minimum inspection requirement as written could lead to the improper functioning of many features which incorporate green infrastructure. | The inspection frequency provided is a minimum. For permittees with five or more GI/LID structures included on the inventory, at a minimum, the permittee must conduct inspections on 5% of the structures annually, or if inspections are done by geographical area, then one entire area or sector must be inspected each year. More frequent inspections could reduce maintenance costs and improve BMP function. Municipalities may choose to inspect GI/LID structures more frequently. |

Public Comments on Draft Phase I Medium MS4 Stormwater Permits (GAS000XXX) and EPD Response

| Section | Requested Change | Comment | EPD Response |
|--------------|---|---|--|
| 3.3.11(b)(2) | Require permittee to conduct inspections of GI/LID structures during construction to ensure correct installation. | | This is handled in the GI/LID program and post-construction. GI/LID structures will be inspected by the permittee during construction and checked for compliance with the as-built after construction. |
| Appendix A | Revise the definition of outfall to mean “the most downstream point (i.e. final discharge point) on an MS4 where it discharges to the receiving waters not owned or operated by the MS4.” | | EPD requires that the MS4 inspect all outfalls that discharge to receiving waters, regardless of the ownership of the receiving waters. No change made. |
| Appendix A | Revise the definition of “Maximum Extent Practicable.” | The current definition does not make sense as the term is being used in the document. | The definition has been revised to better meet the purpose of the document. MEP is now defined as, “the controls necessary for the reduction of pollutants discharged from an MS4. These controls may consist of a combination of BMPs, control techniques, system design and engineering methods, and such other provisions for the reduction of pollutants discharged from an MS4 as described in the SWMP.” |