

Stakeholder Comments on Draft Medium MS4 NPDES Permit (GAS000XXX) and EPD Response

Permit Section	Requested Change	Comment	EPD Response
1.1.3	Refer to Combined Sewer Overflows as Combined Sewer System		Change made to reflect the permitted entity (i.e., Combined Sewer System).
1.1.5	Extend the 180 day permit reapplication time period prior to permit expiration date to 90 days prior to expiration so that the final version of the new permit is issued before the deadline for reapplication.	MS4 Permittees are required to apply for a permit 180 days prior to the permit expiration.	This is required per Part 122 of the Code of Federal Regulations. Permit requirement will remain as stated.
3.3.1	Remove the requirement to inspect 100% of all MS4 pipes within the permit cycle.	The performance measure requiring the inspection of all MS4 pipes within the permit cycle is functionally unachievable, and an alternative should be provided.	No change. Part 5.5 of the Permit requires permittees to properly operate and maintain all facilities and systems of treatment and control. EPD's position is that permittees can meet this requirement by inspecting, at a minimum, 100% of four structures, including pipes, within the permit term.
3.3.1	Remove reference to catch basins, ditches, and pipes as structural controls.	The four structures listed within the permit are not stormwater control structures.	No change. The permittee is responsible for minimizing pollutants entering the MS4. Inspecting and maintaining MS4 structures, including structures such as pipes that control stormwater flow, is a critical part identifying and responding to potential sources of pollution. The permit references four structures the permittee must track.
3.3.2	Define the stream types to be included in stream walks, and add additional clarification as to stream walk requirements.	Stream is not defined in the permit. Provide clarity for this metric.	Clarifying language has been added to the permit, indicating that stream walks can be used in conjunction with dry weather screening, provided all outfalls are screened within the permit cycle.
3.3.2	EPD should allow for alternative methods to dry weather screening for outfall screening.	Coastal communities may not be able to implement dry weather screening due to wet outfalls from the ebb and flow of the tide.	EPD will allow alternative methods to be used for outfall screening. These methods will need to be approved.

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3.3.2	If an IDDE source is identified as deriving from an adjacent MS4, permittees should be required to notify, not coordinate with, the adjacent MS4.	<p>Permittees are not authorized to require an adjacent MS4 to follow up on documented illicit discharges deriving from their jurisdiction. The current language puts the sole burden of coordination on the downstream MS4.</p> <p>Does this requirement include GDOT as an MS4?</p>	<p>“Coordinate with” has been changed to “notify.”</p> <p>GDOT is an MS4 and has been notifying EPD/adjacent MS4 of these incidents.</p>
3.3.3	Recommend that EPD update its online industrial listings annually.	EPD should annually update their online listing to reflect actual “boots on the ground” validation from the MS4s.	EPD will provide updated industrial facility listings.
3.3.3	The sampling requirements associated with industrial monitoring requirements should be met by requiring annual compliance reports from Industrial Dischargers.	EPD has approved Columbus Consolidated Government’s approach to “monitoring” as requiring an annual compliance report (by ordinance) from Industrial Dischargers as a fully-compliant substitute for sampling. EPD should make this alternative available to all MS4s.	Table 3.3.3, 2.b. of the Permit requires permittees to implement a monitoring program for stormwater runoff from industrial facilities, etc. The EPD SWMP guidance document states that the majority of facilities with coverage under the IGP conduct benchmark monitoring and can furnish those results to the MS4 characterizing their stormwater discharges. Those that discharge to an impaired waterbody monitor their stormwater discharge for the pollutant of concern (POC). This information can be used by the MS4 in combination with other data to help meet their monitoring requirements.
3.3.4	EPD should provide a minimum rate of inspection.	EPD should provide a minimum rate of inspection for Construction General Permits (CGPs) covered sites to provide a level of consistency state-wide.	Per the Manual for Erosion and Sediment Control in Georgia, Local Issuing Authorities should inspect each project site at least once every seven days and within 24 hours of each significant rainfall event. Per the Construction General Permit (GAR100001), certified personnel, provided by the primary permittee, should inspect each project site at least once

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			every seven days and within 24 hours of each significant rainfall event.
3.3.4	“Calendar year” should be replaced by “reporting period.”	The list of active sites and number of inspections is required for the calendar year. Should that not be for the reporting period to be consistent with the remainder of the reporting requirements?	“Calendar year” has been replaced by “reporting period.”
3.3.7	With regards to pollutants coming from adjacent MS4s, “coordinate with” should be changed to “notify.”	A requirement for inter-jurisdictional coordination, where the issues originate outside the service area will be difficult.	“Coordinate with” has been changed to “notify.”
3.3.7	Add a standardized protocol for evaluations of impaired water data.	EPD should provide a standardized protocol for the impaired waters data trend evaluations to provide a level of consistency state-wide.	EPD added clarifying language to Part 3.3.7 of the permit, while still providing permittees with flexibility in determining the specific format of their reports.
3.3.8	Courses and trainings developed and led by organizations other than the MS4 should be acceptable for Municipal Employee Training.	For the sake of continuity, concurrence and consistency we would recommend that this training be a collaborative effort between the permittees, ARC and the State and not solely the permittee’s responsibility to conduct. Training could be done using preapproved online courses.	The word “conduct” has been changed to “obtain,” which would allow the permittee to provide training opportunities, not necessarily lead them.
3.3.8	A reference to training on GI/LID should be included.		This reference has been included.

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3.3.11	The Permit states that the permittee must implement the GSMM and CSS to the maximum extent practicable.	When should permittees refer to GSMM and CSS? Why does Chatham County have additional requirements? The language in the latter part of the paragraph is confusing and seems to require non-coastal permittees to use the CSS.	In previous permit iterations, permittees were required to adopt the GSMM. The CSS to the GSMM was published in 2009, therefore, the permittees in the Chatham County area have possibly adopted both the GSMM and the CSS. The text within Part 3.3.11 has been revised include further clarification.
3.3.11	Allow permittees located within Chatham County to adopt a post-construction ordinance in accordance with the Coastal Stormwater Supplement (CSS), or an alternative ordinance that is equivalent or more stringent.	The current language only allows for a more stringent alternative ordinance. Why must the alternative ordinance be more stringent?	The language requiring adoption of the post-construction model ordinance has been removed from the draft. Permittees are now required to adopt ordinances that include the adoption and implementation of the appropriate parts of the CSS. The ordinance must include performance standards that meet or exceed those listed in 3.3.11(a)(2).
3.3.11	Remove or modify the requirement for permittees to apply performance standards for new development to any commercial or industrial new or redevelopment, regardless of size.	Requiring permittees to apply standards for new development to any commercial or industrial new development or redevelopment, regardless of size is not practical.	This requirement has been removed from the draft permit.
3.3.11	The text “including projects less than one acre if they are part of a larger common plan of development or sale” should not be removed.		The text will be removed. These projects are covered under local ordinances and the CGPs. This removal reduces redundancy.
3.3.11	GSMM, Volume 2 Section 2.2.3 provides several options for water quality control, including Runoff Reduction (Standard #3) and Water Quality Treatment (Standard #4). Permittees would like both standards to be acceptable for meeting this requirement.	The draft permit eliminates the Permittee’s selection options by excluding the Water Quality Treatment (Standard #4) and requiring only Runoff Reduction (Standard #3) in the permit template.	The draft permit has been revised and allows permittees to use either Runoff Reduction or Water Quality Treatment for the first three years of the permit, with full implementation of Runoff Reduction in year four. This provides permittees with sufficient time to implement training programs, pilot projects, and advisory committees and develop all related protocols. This strategy matches the GSMM, which encourages Runoff Reduction to be utilized

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			first, with Water Quality Treatment being implemented “when runoff reduction practices are insufficient” (Volume 1, Section 4.1).
3.3.11	Clarify the definition of Maximum Extent Practicable as pertains to Runoff Reduction.	<p>This definition relates to qualitative pollution reduction and may not be applicable when discussing quantitative volumetric discharge reduction.</p> <p>EPD should provide specific criteria to demonstrate that the 1.0” volume cannot be retained on site.</p>	EPD is providing permittees with the flexibility to develop a protocol that meets the specific and unique challenges posed by the terrain, geology, and climate faced by each MS4. However, permittees should develop specific criteria and receive documentation for each project that cannot meet the Runoff Reduction requirement.
3.3.11	Revise the Stormwater Runoff Quality/Reduction standard to read, “If the 1.0 inch cannot be retained onsite, the remaining runoff shall be increased by a multiplier of 1.2 and shall be intercepted and treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM or in the equivalent manual.”	The draft permit language is over-requiring for those who cannot meet the Runoff Reduction Volume, which disincentivizes the use of runoff reduction practices when they cannot be designed to manage the entire 1.0 inch.	No change. The draft permit language matches the standard as outlined in the GSMM and encourages runoff reduction to the maximum extent practicable.
3.3.11	Remove the stormwater runoff quality/reduction, stream channel/aquatic resource protection, overbank protection, and extreme flood protection standards.	These requirements limit the flexibility to adopt an equivalent manual and make site-specific adjustments.	These requirements ensure consistent performance standards across the state. Coastal communities have different performance standards for stormwater runoff quality/reduction than communities outside of Chatham County.

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3.3.11	Recommend that a training program be developed prior to adoption and implementing runoff reduction requirements.	It is recommended that a training program be developed prior to the implementation of stormwater retention practices in the GSMM. The training would increase the likelihood of proper installation, maintenance, and long term sustainability.	<p>EPD has included language in the permit encouraging the MS4s to develop training programs, pilot projects, and stakeholder involvement committees. In addition, in the previous permit cycle, permittees were required to develop a GI/LID program. This program could be used as an effective start point.</p> <p>In addition, Section 319(h) grant funding administered through EPD in cooperation with the United States Environmental Protection Agency was used to develop a series of training events for municipal and county officials, consultants, and University of Georgia Extension Agents on the revised GSMM. Materials used in these trainings are available on request.</p>
3.3.11	Clarify what is meant by “elevated temperature” with respect to the new “Trout Stream Protection” provision.	<p>How will “elevated temperature” be assessed, and how will it be determined whether the goal of protecting against “elevated temperatures” has been achieved?</p> <p>The use of complying with the stormwater runoff water quality component should be removed from the Trout Stream Protection Section.</p>	Permittees with receiving waters with trout stream designation need to be aware of the causes and impacts of heat pollution. The language about the use of complying with stormwater runoff water quality component was removed from the Trout Stream Protection section.
3.3.11	The feasibility program description should be changed to reflect that it applies to all linear projects and not just transportation projects.	The feasibility of applying the performance standards to linear projects is a function of the project shape and not the type of project. Should apply to all linear projects and not just transportation projects.	The draft permit still highlights transportation projects, but no longer specifies that these projects come from the MS4’s Department of Transportation.

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3.3.11(b)(2)	Clarify what is meant by privately-owned non-residential structures.	Clarify as to what privately owned non-residential structures are; it is not possible to ensure that permittees require property owners to maintain their own private infrastructure.	The draft permit includes language clarifying what is meant by privately-owned non-residential structures.
3.3.11	Increase the frequency with which GI/LID features must be inspected.	The minimum inspection requirement as written (once every five years) will lead to the improper functioning of many GI/LID features.	This is a minimum requirement. The owner of the GI/LID feature may conduct more frequent inspections on these structures to ensure proper function.
Appendix A-Definitions	Clarify whether the MS4 includes the portion of the drainage system which is waters of the state.	Given the definitions of waters of the State, the MS4 would not include those portions of the drainage system which are waters of the state. Clarify if that is the intent. If it is not, then the definition of outfall must be revised.	The definition of outfall is not changed.