

**Response to Stakeholder Comments on the 2018 Draft
General NPDES Stormwater Permit No. GAG480000
Phase II MS4s at Military Facilities**

Permit Section	Comment/Requested Change	EPD Response
General	Commenter stated that the permit does not define specific measurable goals in several places.	The permit does define specific, measurable goals for each BMP. In 2012, EPD revised the format of the MS4 permits to comply with EPA’s Permit Improvement Guide. Since the issuance of the Phase I Medium permit in 2012, which incorporated this format to include specific, measurable goals, EPD has issued or reissued 7 NPDES MS4 permits. EPA has determined that each of these permits was acceptable. The 2014 reissuance of the DOD permit followed this approved format and EPA stated that the permit was acceptable. There have not been any major revisions from the 2014 DOD permit to the current reissuance of NPDES Permit GAG480000. Only minor language revisions have been made for clarification purposes. Also, the 2016 Phase II Remand Rule was considered during the reissuance of the Phase II MS4 Permit GAG610000 in 2017. EPA determined that the Phase II Permit met the Remand Rule requirements. These same requirements have been included in the DOD permit. No revisions were made.
General	Commenter requested that the tables listing the requirements for new permittees be streamlined.	The permit contains the requirements for new permittees in the event that conditions change and new permittees are designated. Recently, EPD designated a new DOD facility, Gillem Enclave. Therefore, the requirements for new permittees need to be retained. No changes made.
General	Commenter requested the text describe how the evaluation of the regulatory mechanism should	DOD facilities do not have the legal authority to issue ordinances. Therefore, they have various types

	occur and state the regulatory mechanism to be used.	of regulatory mechanisms, such as policy statements, contracts, etc. Flexibility is needed to allow the various types of regulatory mechanisms to be used. No revision made.
1.1.2	Commenter recommended that the criteria resulting in permit coverage be revised from “and” to “or” in order to clarify that DOD facilities that operate an MS4, are designated for coverage, <u>or</u> are located within an urbanized area must seek permit coverage.	The facility must meet all of the criteria in order to be required to apply for permit coverage, not only one criterion. No wording change was made.
4.1.1	Commenters stated that the reference to two BMPs in this section was not relevant since many of the minimum control measures require more than two BMPs.	The reference to two BMPs in this section was deleted. The requirement for a minimum of two BMPs does apply to the Public Education (4.2.1) and Public Involvement (4.2.2) minimum control measures. These two sections have been revised to clarify that at least two BMPs must be implemented. Revision made.
4.2.1	Commenter stated that the permit should list the topics to be addressed in the public education program and clarify when the public education will be evaluated.	The permit does list topics to be considered. Permittees need flexibility to tailor the public education to their audience and to address the issues that are relevant to their MS4. The evaluation occurs continually. No revision made.
4.2.1 and 4.2.2	Commenters indicated that a minimum number of BMPs should be set for the Public Education and the Public Involvement minimum control measures.	EPD has included wording to state that a minimum of two BMPs must be established for the Public Education and Public Involvement programs. Revision made.
4.2.3.1 – 4.2.3.5	Commenter requested the language in this section be updated.	The text in these sections of the permit is a reiteration of 40 CFR Part 122.34 (b)(3) to inform the permittee of the regulatory requirements. No revision made.
4.2.3(a)(3)	Commenters requested that the language regarding the percentage of required outfall inspections and stream walks be revised to clarify requirements.	The language was revised to clarify that if only 5% of the outfalls or stream miles were inspected in one year, then additional inspections must be performed in subsequent years in order to comply with the

		measurable goal of inspecting 100% in 5 years.
4.2.3(a)(4)	Commenter requested a wording change to clarify that a currently implemented public education BMP can be used to fulfill the illicit discharge education requirement.	The current wording allows the MS4 to propose a new illicit discharge education BMP or to use an existing public education activity to meet the education requirement. No change made.
4.2.4.4	Commenter stated that the wording should be revised to address the use of green infrastructure during the plan review stage.	The text in 4.2.4.4 is a reiteration of 40 CFR Part 122.34(b)(4) to inform the permittee of the regulatory requirements. No revision made.
4.2.4(a)(2)	Commenter stated that the section should provide specific details on how the construction program is handled, since the DOD facilities are not Local Issuing Authorities (LIA).	The Georgia Erosion and Sedimentation Act and the Construction Activity permits clearly state how construction programs for non-LIAs are to be handled. Therefore, it is not necessary to include this specificity in the MS4 permit. No revisions made.
4.2.5	Commenter requested the language in this section be revised to define “long-term operation and maintenance.”	The text in this section of the permit is a reiteration of 40 CFR Part 122.34 (b)(4) to inform the permittee of the regulatory requirements. If the Federal regulations are ever revised to define “long-term operation and maintenance”, then a revision to the permit may be warranted. No revision made.
4.2.5.1	Commenter requested that the term “maximum extent practicable” be defined in relation to the design of the stormwater management system used to address stormwater runoff.	The permit language requiring “maximum extent practicable” is consistent with 40 CFR 122.34(a), and with other MS4 permits in Georgia. If the Federal regulations are ever revised to define “maximum extent practicable”, then a revision to the permit may be warranted. No change made.
4.2.5.1	Commenter requested the text include exceptions for meeting the stormwater runoff reduction for linear utility projects and projects going from impervious to pervious surface area.	This wording revision is not needed because projects meeting these two scenarios would not meet the criteria regarding creating, adding, or replacing 5,000 square feet or greater of new impervious surface area. No change made.
4.2.5.1	Commenter requested that the definition for “stream buffer” be included in the performance standard wording for Stream Channel/Aquatic Resource Protection.	Stream buffers are defined in the Georgia Erosion and Sedimentation Act. It is not necessary to define stream buffers in the MS4 permit. No revision made.
4.2.5(a)(2)	Commenter indicated that the requirement to	The text is not contradictory, but rather provides the

	annually update the inventory, “as needed”, contradicts the statement, “must be updated as new structures are completed or existing structures are identified.”	minimum criteria for when the inventory must be updated. No revision made.
4.2.5(a)(3)	Commenter requested that the percentage of inspections required be revised.	The language was revised to clarify that if only 5% of the inventory is inspected in one year, then additional inspections must be performed in subsequent years in order to comply with the measurable goal of inspecting 100% in 5 years.
4.2.5(a)(4)	Commenter requested that the term “maximum extent practicable” be defined.	The permit language requiring “maximum extent practicable” is consistent with 40 CFR Part 122 and with other MS4 permits in Georgia. If the Federal regulations are ever revised to define “maximum extent practicable”, then a revision to the permit may be warranted. No change made.
4.2.5(a)(5)(a)	Commenter indicated that the language regarding tracking the addition of new water quality-related GI/LID structures is not clear.	The text requires the MS4 to identify any new GI/LID structures during the plan review stage and ensure that these structures are added to the inventory. No revision is needed.
4.2.5 (a)(6)(a)	Commenter requested that the text define how often inspections are completed and what the steps following the inspection are.	The text states that 100% of the structures must be inspected within a 5-year period. The next steps would be to conduct any necessary maintenance, which is covered by 4.2.5(a)(7). No change made.
4.2.5(a)(7)(a)	Commenter requested that the text describe specifics related to maintenance requirements.	The maintenance needs will be determined during the inspection of the structure. Maintenance will be performed by the DOD facility or their contractor, since they are the owner and operator of the structures. Therefore, specifics are not needed. No revision made.
4.2.6	Commenter requested that “municipal-type operations” be defined.	The Federal regulations, 40 CFR Part 122, require that MS4s address municipal operations. Because DOD facilities are not municipalities, the term “municipal-type” is used. However, it means the same types of facilities as required to be regulated by a municipal MS4. No revision is needed.
4.2.6(a)(2)	Commenter indicated that the text should be	The text states that the inspections must be

	revised to include more specificity on when and how often the structures should be inspected.	conducted at a frequency of 100% within a 5-year period. In addition, the permit includes a minimum annual frequency. No revisions made.
4.2.6 (a)(3)	Commenter stated that maintenance “as needed” should be defined.	The permit cannot require a set maintenance schedule, since maintenance needs will vary based on many factors, including such things as the structure type, location, time of year, etc. Therefore, the term “as needed” allows the MS4 to tailor the maintenance program to their system. No change made.
4.2.6(a)(4)	Commenter requested the section be revised to require more frequent street sweeping and/or litter removal.	Street and parking lot cleaning is not a regulatory requirement, but was included in EPA guidance. EPD determined the activities were important enough to include in the permit. However, many DOD facilities have limited resources, including not having street sweepers or personnel. The permit specifies a minimum frequency of at least 1 mile per year, while providing the permittee with the flexibility to perform street sweeping at a greater frequency. Therefore, the frequency of street and parking lot cleaning will be established by the facility. No revision made.
4.2.6(a)(5)	Commenter stated that the topics covered in the employee training should be specified.	Section 4.2.1 of the permit states that the target audience for the public education program includes the facility employees. The section also lists the topics that should be considered in the public education program. Therefore, the topics are already specified in an earlier section of the permit. No change made.
4.2.6(a)(6)	Commenter stated that “proper disposal” of waste removed from the MS4 should be defined.	Disposal of waste removed from the MS4 is not a regulatory requirement, but was included in EPA guidance. EPD determined it was important enough to include the requirement in the permit. It is clearly understood that proper disposal of waste means disposal in a landfill. No revision is needed.
4.2.6(a)(7) and	Commenter indicated that the assessment process	The requirement to assess new and existing flood

(8)	for new and existing flood management structures should be defined.	management structures is not a regulatory requirement, but was included in EPA guidance. EPD determined that it was an important aspect of the pollution prevention program, so included it in the permit. However, we allow each DOD facility to establish their own program. The assessment of structures is conducted by ensuring that project designs conform to Section 438 of the Federal Energy Independence and Security Act or the Georgia Stormwater Management Manual, whichever is most stringent. While the assessment process is defined by the permittee, the permit does require specific implementation and reporting requirements. No revision made.
4.3	Commenter notified EPD that the link to EPD's website listed in the text was inoperable.	The website address has been corrected and is operational. Revision made.
4.3	Commenter requested that the text be revised to explain how wasteload allocations must be incorporated into the SWMP.	There are currently no TMDLs in Georgia that include a wasteload allocation specific to an MS4 outfall. In the event that TMDLs are modified in the future and MS4 outfalls are identified for a portion of the wasteload allocation, then we will address the requirement through guidance on revising the impaired waters monitoring and implementation plan. No revision made.
4.3	Commenter stated that the permit should define specifics regarding the sampling location, frequency, sample type and seasonal considerations.	The sampling specifics are varied depending on the pollutant of concern, the type of water body, etc. This variation cannot be addressed in the permit. The impaired waters monitoring and implementation plan is required to address the sampling specifics, and receives review and approval by EPD. No revision was made.
4.3	Commenter requested that public education on the impaired water status be required.	The public education program should be tailored to the MS4's audience and needs. If the MS4 determines that it would be helpful to educate the public on the status of impaired waters, then they may do so. No revision made.

4.3	Commenter requested that the text specifically define how the MS4 will determine if the BMPs are effective.	Due to the variation in water impairments and sampling programs, the impaired waters monitoring and implementation plan details how and when the MS4 will determine if the BMPs are effective. In addition, the permit requires the permittee to conduct a data trend assessment annually. This assessment will assist the permittee in determining BMP effectiveness. No revision made.
5.1.4	Commenter stated that a description of the methodology used to evaluate BMP effectiveness should be included in the permit.	Due to the variability in the number and type of BMPs to be implemented in the storm water management program, it is not possible to describe how the effectiveness of each BMP should be evaluated. The annual report form does require the MS4 to evaluate and determine the effectiveness of each BMP contained in the storm water management program. No revision made.
	Commenter recommended that language from a District of Columbia permit regarding floodplains and flood management be included in the permit.	We appreciate the recommendation, but the suggested text is not a regulatory requirement of 40 CFR Part 122. Georgia regulates water quality, not water quantity. Current regulations do not classify high flows as pollution. The District of Columbia permit was issued to municipal Phase II MS4s, which have the ability to adopt floodplain ordinances. This permit covers DOD facilities in Georgia, which as Federal facilities, do not have the legal authority to adopt ordinances. No change made.