



STATE OF GEORGIA  
DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION DIVISION

**Phase I Medium MS4  
Storm Water Management Program (SWMP) Guidance**

**General**

This guidance document is provided as an outline for development of the SWMP. The SWMP must follow the format of the NPDES Permit, including addressing every SWMP component listed in each table in the Permit. The permittee may include additional SWMP components or descriptive language other than that required by the Permit as needed to describe the permittee's program. For each SWMP component, the permittee must list a measurable goal, such as the percentage to be inspected annually, the number of events to be held annually, etc. For those SWMP components which will take time to implement (e.g. updating of maps), the SWMP must include a schedule for completing the task.

In addition to the text describing the SWMP, the permittee will need to include appendices to the document. At a minimum, the SWMP should include appendices that contain the following:

- Enforcement Response Plan;
- Illicit Discharge Detection and Elimination Plan;
- Impaired Waterbodies Monitoring and Implementation Plan;
- GI/LID Program; and
- Supporting Documentation (e.g. adopted ordinances, updated inventories, maps, example inspection forms, written procedures).

**Sharing Responsibility** (Part 3.2)

- If the permittee and another entity agree to share implementation of one or more SWMP components, or if the entity agrees to fully implement one or more of the SWMP components on behalf of the permittee, then the two parties must have a written document, such as a Memorandum of Agreement (MOA). Describe the arrangement, including the component or activity to be implemented by the other entity. Provide a copy of the executed agreement.

Please be aware that if the entity fails to complete an activity on the permittee's behalf, the permit makes the permittee ultimately liable. The permittee will need to complete the activity or face possible enforcement action.

## **Structural and Source Control Measures** (Part 3.3.1)

### 1. MS4 Control Structure Inventory and Map

- Provide a map of MS4 control structures.
- List the number and type of permanent structural controls (catch basins, ditches, detention ponds, storm drain lines, etc.) for which the MS4 is responsible. Describe the frequency at which the inventory will be updated.

### 2. MS4 Inspection and Maintenance Program

- Provide the frequency at which the control structures are inspected (e.g. 20% annually) and/or maintained, including cleaning, mowing, etc.
- Describe the prioritization procedure used to determine which control structures to inspect or maintain.
- Describe other aspects of the program to maintain and inspect structural controls, including the personnel responsible for performing the work, prioritization of repairs, when the MS4 takes ownership of control structures from private owners, etc.

### 3. Planning Procedures

- Describe the MS4's comprehensive planning document, such as a Master Plan, including the adoption date of the document and the duration of the document.
- Describe the planning procedures to develop, implement and enforce post-construction controls in areas of new development and redevelopment.

### 4. Street Maintenance

- Describe the street sweeping program, including such things as areas swept, frequency of sweeping, number of miles swept, debris disposal, etc.
- Describe other street cleaning programs, such as cleaning of catch basins and inlets and the removal of deicing material, including the frequency, who performs tasks, prioritization procedures, etc.
- Describe any litter removal program the MS4 performs, such as who removes debris, how often is it done, how is debris disposed of, etc.

- Describe procedures related to street maintenance, such as procedures to minimize impacts during repairs (work done during dry weather, disturb minimal amount of area, etc), during deicing, and any other tasks.
- Describe the method used to track the street maintenance activities. Provide any forms to be used to document the activities.

#### 5. Flood Management Projects

- Describe any procedures for ensuring future flood management projects (this includes detention/retention basins!) do not cause water quality impacts.
- Describe any procedures for determining if existing flood control devices (again, this includes detention/retention basins) can be retrofitted for additional pollutant removal. Provide the number or percentage of structures to be evaluated annually.

#### 6. Municipal Waste Facilities

- Provide an inventory of municipal waste facilities (e.g. waste transfer stations, recycling centers) located within the MS4's jurisdiction. Do not include any facilities on the list that are subject to the Industrial General Permit (IGP). Describe the frequency at which the inventory will be updated.
- Describe an inspection program for the municipal waste facilities, including the inspection prioritization and the inspection frequency (% or number to be inspected annually). Discuss the method used to document the inspection. Provide an example inspection form.

#### 7. Municipal Facilities with the Potential to Cause Pollution

- Provide an inventory of municipal facilities with the potential to cause pollution (e.g. fleet maintenance facilities, water treatment plants). Do not include on the list any municipal waste facilities or any facilities that are subject to the IGP. Describe the frequency at which the inventory will be updated.
- Describe the program for controlling runoff from these municipal facilities, including the inspection of the facilities (e.g. personnel responsible for performing the inspections, frequency of inspection, method of documentation). Provide the number or percentage of facilities to be inspected annually (e.g. 20% annually). Provide example forms to be used to document the inspections.

## 8. Pesticide, Fertilizer and Herbicide Application

- Describe a program to reduce pollution by commercial applicators and distributors, focusing on training provided by the Georgia Department of Agriculture. Discuss any additional training conducted by the permittee.
- Describe a program to reduce pollution through municipal use of chemicals, including an inventory of pesticides/herbicides/fertilizers, municipal employee training in application and safety by the Georgia Department of Agriculture, use of native or low-maintenance vegetation, etc.

## 9. Municipal Employee Training

- Describe any training activities that will be provided for municipal employees involved in municipal facility operation (e.g. pollution prevention).

### **Illicit Discharge Detection & Elimination Program** (Part 3.3.2)

We recommend that the IDDE Plan be attached to the SWMP as Appendix A. See Attachment A of this guidance for additional requirements of an IDDE Plan.

#### 1. Legal Authority

- Provide information on the most recently adopted illicit discharge detection and elimination ordinance, including the date of adoption. If the ordinance will require revision, provide details and a schedule. Provide a copy of the most recent ordinance.

#### 2. Outfall Inventory/Map

- Provide an inventory and a map showing the location of all outfalls from the MS4 and the names and locations of the receiving waters. If the inventory or map must be updated, provide a schedule for completing the activity. Explain the frequency at which the inventory and map will be updated.

#### 3. IDDE Plan

- Describe the illicit discharge detection program. If the MS4 performs stream walks, provide the total number of miles of streams, explain how the streams were chosen, the frequency at which the walks are performed (e.g. the miles of stream or % of miles to be walked annually), the

personnel responsible for conducting the walks, method of documentation, etc.

- Describe the field screening program, including the frequency of outfall inspection (e.g. 20% of the total outfalls screened annually), prioritization of areas for screening (e.g. areas with industrial facilities given priority, older areas of the MS4 given priority), personnel responsible for conducting the field screening, etc. Discuss the procedures in the event dry weather flow is detected, including field screening (e.g. parameters, trigger levels, test kits or meters used, follow-up laboratory testing). Provide example forms used to document an outfall inspection.
- Describe procedures to investigate possible sources if field screening results indicate an illicit discharge exists. Provide the department or personnel responsible for conducting the investigation, any laboratory testing to be performed, the time frame for determining the source of the flow, the method(s) used to determine the source (e.g. walking up the line, dye or smoke testing, line televising), etc.
- Describe procedures for ensuring an identified illicit discharge is eliminated, including possible enforcement actions (with detailed information to be included in the Enforcement Response Plan (ERP)), time frames, re-inspection, etc. Provide the method used to document and track each step.

#### 4. Spill Response Procedures

- Describe procedures for responding to spills to the storm sewer system (e.g. hazardous materials, sanitary sewage), including departments or personnel tasked with responding, method(s) used to contain spills, tracking method for spill occurrences, etc.

#### 5. Public Reporting Procedures

- Describe the program to promote, publicize and facilitate public reporting of illicit discharges, including procedures for receiving and responding to complaints.

#### 6. Proper Management and Disposal of Used Oil and Toxic Materials

- Describe activities to facilitate the management and disposal of used oil and toxic materials. This may include educational activities, household waste collection programs (e.g. curbside pickup services, recycling days), etc.

## 7. Sanitary Sewer Infiltration Controls

- If the MS4 owns or operates the sanitary sewer system, describe the activities performed to detect and eliminate seepage and spillage into the MS4. This may include information on such things as an inflow/infiltration studies being performed by sewer system personnel, procedures to notify the sewer department if dry weather flow indicates the presence of sewage, etc.

## 8. Municipal Employee Training

- Describe any training activities that will be provided to municipal employees involved in illicit discharge detection and elimination activities.

### **Industrial Facility Storm Water Discharge Control** (Part 3.3.3)

#### 1. Industrial Facility Inventory

- Provide an inventory of facilities with industrial activities that are subject to IGP and that potentially discharge to the MS4. At a minimum, consult EPD's online database listing facilities that have filed Notice of Intents for coverage or No Exposure Exclusions. Additional facilities can be identified using business license records, facility visits, etc. Explain the frequency at which the inventory will be updated.

#### 2. Inspection Program

- Describe an industrial facility inspection program, including prioritization for inspection, the number or percentage (e.g. 20% annually) to be inspected, the personnel responsible for inspecting the industrial facilities, the method used to document the inspections, etc. Provide an example inspection form. (Note: if the industrial inspections will be performed by the industrial pretreatment coordinator, ensure that the inspection form includes questions related to storm water concerns, not just industrial pretreatment requirements).
- If applicable, monitor runoff from industrial facilities, waste facilities, and hazardous waste treatment, storage, and disposal facilities. Describe the monitoring program (e.g. frequency of monitoring, sample location, parameters to be analyzed, etc).

#### 3. Enforcement Procedures

- Describe briefly enforcement procedures for instances of noncompliance noted at an industry. Detailed information should be addressed in the ERP.

#### 4. Educational Activities

- Describe any educational activities that will be directed towards industrial facilities.

#### 5. Municipal Employee Training

- Describe any training activities that will be provided to municipal employees involved in industrial activities.

### **Construction Site Management Program** (Part 3.3.4)

#### 1. Legal Authority

- Provide information on the most recently adopted erosion and sedimentation (E&S) ordinance, including the date the latest version was adopted. If the document will require revision, provide the status of the revision. A copy of the most recent ordinance should be provided.

#### 2. Site Plan Review Procedures

- Describe the site plan review procedures, including personnel or department responsible for conducting site plan reviews; types of permits to be issued; method to be used to track plans reviewed, approved or denied.

#### 3. Inspection Program

- Describe site inspection procedures, including personnel responsible for conducting inspections, prioritization of inspections, frequency of inspection, the number of inspectors employed by the MS4, etc. Explain how inspections are documented and the information is tracked.

#### 4. Enforcement Procedures

- Describe briefly enforcement procedures for erosion and sedimentation violations noted at construction sites. Detailed information on enforcement procedures for construction related violations should be addressed in the ERP.

#### 5. Educational/Training Activities

- Describe the program for ensuring the MS4 staff involved in construction activities are trained and certified in accordance with the Rules adopted by the Georgia Soil and Water Conservation Commission.

### **Highly Visible Pollutant Sources (HVPS)** (Part 3.3.5)

#### 1. HVPS Facility Inventory

- Provide an inventory of highly visible pollutant source facilities (commercial car washes, auto part stores, nurseries, home improvement stores, kennels, veterinarian offices, etc.). Explain how often the inventory will be updated.

#### 2. Inspection Program

- Describe a HVPS inspection program, including facility prioritization, frequency of inspection (e.g. 20% annually), method to document each inspection, personnel responsible for conducting inspection, etc. Provide an example inspection form.

#### 3. Enforcement Procedures

- Describe briefly enforcement procedures for instances of noncompliance noted at a HVPS. Detailed information should be addressed in the ERP.

#### 4. Educational Activities

- Describe the program to educate the HVPS business owners, including educational materials to be used, method of education (e.g. mailings, on-site education at the time of the inspection), etc.

#### 5. Municipal Employee Training

- Describe any training activities that will be provided for municipal employees involved in HVPS activities.

### **Enforcement Response Plan (ERP)** (Part 3.3.6)

We recommend that the ERP be attached to the SWMP as Appendix B. See Attachment B of this guidance for additional requirements of an ERP.

- Describe the Enforcement Response Plan, including the ordinances providing legal authority, types of enforcement mechanisms available, escalation of enforcement, time frames for investigation, and the method to be used to track instances of noncompliance.

### **Impaired Waterbodies** (Part 3.3.7)

We recommend that the Impaired Waterbodies Monitoring and Implementation Plan and material related to impaired waterbodies be attached to the SWMP as



Appendix C. (See Attachment C of this guidance for additional requirements related to impaired waterbody plans.)

- Provide a list of the impaired waters included on the most recent 305(b)/303(d) list that are located within your jurisdiction and the pollutant(s) of concern. Provide an inventory of outfalls located on these waters or within one linear mile upstream that are within your jurisdiction. A map or maps showing the impaired water(s), the sampling location(s), and any identified outfalls on these waters should be included.
- Provide a monitoring plan, including the parameters(s) to be monitored, the frequency, sample type, seasonal considerations, etc. If monitoring is being performed in an effort to have the stream de-listed, then explain the status of the Sampling Quality Assurance Plan (SQAP) process. Include an implementation schedule for conducting the monitoring.
- Describe any best management practices (BMPs) proposed to address the pollutant of concern, including a schedule for implementation of these BMPs. Explain the method that will be used by the MS4 to annually assess if the BMPs are being effective (e.g. trend monitoring).

#### **Public Education** (Part 3.3.8)

- Describe the storm water education program. Explain what the program consists of, such as bill inserts, website information, training classes, etc. Provide the frequency at which the activities will occur, who will perform the activity and who is the target audience. Describe the method used to track each activity (e.g. number of bill inserts, number of hits on the website). If another entity will conduct educational activities on your behalf (e.g. another MS4, Clean and Beautiful), then you must state this in the SWMP and provide a MOA.

#### **Public Involvement** (Part 3.3.9)

- Describe a public involvement program that provides **opportunities for citizens to participate** in the SWMP. Explain what the program consists of, such as Adopt-A-Stream, Rivers Alive, Storm Drain Stenciling, etc. Provide the frequency at which each activity will occur, who will conduct the activity, and how volunteers will be solicited. Describe the method used to track specifics on each conducted activity (e.g. number of volunteers, number of times activity occurred during the year, number of storm drains stenciled). If another entity will conduct public involvement activities on your behalf (e.g. another MS4, Clean and Beautiful), then you must state this in the SWMP and provide a MOA.

## **Post-Construction** (Part 3.3.10)

### Part 3.3.10(a)(1)

- Describe any ordinances or other mechanisms to address development and enforcement of post-construction controls. Provide a copy of any documents.
- Describe the adoption of the Georgia Stormwater Management Manual (GSMM or Blue Book), the Coastal Supplement to the GSMM (if relevant), or an equivalent design manual, including the ordinance and section citing and the date of adoption. Describe the procedures for utilizing the design manual in both areas of new development and redevelopment. Provide a copy of the ordinance or relevant section of the ordinance.

### Green Infrastructure/Low Impact Development (GI/LID, Part 3.3.10(b))

#### 1. Legal Authority and Ordinance Review

- Describe the assessment of local regulations to ensure they do not impede the use of green infrastructure practices. This evaluation includes the completion of worksheets and a summary of the ordinance revisions required. Provide the status of the ordinance evaluation and of making any necessary revisions to the ordinances. If necessary, provide a schedule for completing the ordinance revisions. If completed, copies of revised ordinances should be provided. Address whether the inclusion of incentives will be considered.

#### 2. GI/LID Program, Techniques and Practices

- Describe the program for the use of Green Infrastructure/Low Impact Development (GI/LID) techniques and practices, including procedures for evaluating the feasibility and site applicability of different GI/LID practices and structures and various structures and practices to be considered.

#### 3. GI/LID Structure Inventory

- Provide an inventory of GI/LID structures, including the type, ownership, etc. If time is needed to develop the inventory, include a schedule with a final completion date. Provide the frequency at which the inventory will be updated.

#### 4. Inspection Program

- Describe a program for inspecting non-residential GI/LID structures, addressing various types of structures and ownership scenarios (e.g.

privately-owned, publicly-owned) The program should include the frequency of inspection, the personnel responsible for conducting the inspections, and the method used to document and track the inspections. Provide an example inspection form.

- Describe procedures for ensuring non-residential GI/LID structures owned by the permittee are maintained as needed. The procedures should address the possible maintenance to be performed, the personnel responsible for conducting the maintenance, the frequency of maintenance, etc. Discuss how the maintenance performed will be documented and tracked.
- Describe procedures for ensuring privately-owned, non-residential GI/LID structures are maintained. Discuss such things as maintenance agreements, notification to the owner of maintenance needed after completion of an inspection, time frames, etc.

## **Attachment A** **Illicit Discharge Detection and Elimination Plan**

### **Inventory and Mapping**

The MS4 must identify and map all of the outfalls and the receiving waters for those outfalls. An outfall is the most downstream point (i.e. the final discharge point) on an MS4 where it discharges to the waters of the State. An outfall is not a culvert under a road, a headwall leading to a ditch, or an intermediate drainage structure. Only the point of discharge to the waters of the State is to be considered an outfall. The MS4 can use a Geographic Information System (GIS) to develop the outfall map; however, it is not necessary. For smaller MS4s, locating outfalls on an existing paper map may be sufficient.

### **Illicit Discharge Detection Plan**

Once you have inventoried and mapped the outfalls, then you must conduct inspections of these outfalls. The total number of outfalls must be inspected within a 5-year period. The MS4 may inspect 20% of the outfalls annually or another percentage. However, the MS4 must conduct some inspections each year and 100% of the outfalls must be inspected by the end of the 5-year period. The MS4 should determine the method to be used to inspect outfalls, whether it will be stream walks or inspection of the outfalls themselves.

The SWMP should describe the personnel position that will be responsible for conducting the illicit discharge inspections. The position and not the name of the responsible person should be included, due to personnel changes. If the illicit discharge screening will be conducted by a consultant, then this should be explained.

### **Stream Walks**

If stream walks are to be performed, then the SWMP needs to provide the total number of stream miles within the MS4's jurisdiction and either the number of miles or % of miles to be walked annually. Stream walks are usually conducted by a permittee in order to obtain information other than just outfall inspection data, such as the condition of the stream banks, etc. However, during the stream walk, the permittee must inspect any outfalls encountered. If dry weather flow is encountered, then field screening must be conducted. The permittee must document the stream walk using a form or other type of document, pictures, etc. Also, all outfall inspections performed during the stream walk must be documented through completion of an outfall inspection form, pictures, etc.

## Outfall Inspections

If the permittee will conduct outfall inspections, then the SWMP needs to provide the total number of outfalls inventoried and the % to be inspected annually. The permittee must inspect 100% of the outfalls within a 5-year period and some outfalls must be inspected each year. Some permittees have determined they will inspect 20% of the outfalls annually. Other permittees have derived another system, such as dividing the MS4 into quadrants or into 5 areas and inspecting one area annually. The permittee's approach to conducting outfall inspections must be described.

Another option is to prioritize the outfalls for inspection, such as inspecting outfalls in older areas of the municipality first, inspecting outfalls in industrial areas first, or inspecting outfalls that discharge to impaired waters first. The SWMP must describe any prioritization system used.

## Field Screening of Outfalls

The inspection of the outfalls must be conducted during periods of dry weather. Dry weather is usually defined as less than 0.1 inch of precipitation per day for a 72-hour period. The idea is that flow should not be discharging from an outfall during periods of dry weather. If flow is present, then a potential illicit discharge exists. The permittee must ensure that a proper period of dry weather exists prior to scheduling outfall inspections. The SWMP must include the permittee's definition of dry weather.

During an outfall inspection, the permittee must document the inspection through the completion of a form. The form must be fully completed, including the date, name of the inspector, outfall identifier, and other relevant information. If no flow is encountered, then the form should still be completed and "No flow" marked on the form in order for the MS4 to get credit for the outfall inspection. The SWMP should include an example outfall inspection form.

The SWMP needs to describe the MS4's procedures in the event that dry weather flow is encountered. Some MS4s immediately take a sample to a laboratory for testing. However, most MS4s conduct in situ field testing. The text should discuss this field testing, including if meters and/or test kits will be used, the parameters to be tested, and the trigger levels for those parameters. At a minimum, the permittee should test for pH, conductivity, surfactants, and fluoride. An exceptionally high or low pH may indicate an industrial discharge. High conductivity can indicate a discharge of sewage. Surfactants can indicate a washwater discharge. Finally, fluoride can mean a potable water leak is entering the MS4.

In the past, many permittees have tested for chlorine as an indication of a potable water leak. However, due to its volatility, chlorine may dissipate prior to

reaching the outfall. Therefore, it is strongly recommended that the MS4 replace any chlorine testing with fluoride testing. The SWMP must include trigger levels for each parameter. Once these levels are exceeded, the permittee will take additional steps, such as conducting laboratory testing for confirmation of an illicit discharge, or initiate investigatory steps to identify the source of the discharge.

As stated above, a high conductivity level is a possible indication of a sewage discharge. Many MS4s take a sample to the laboratory for testing of fecal coliform bacteria if a high conductivity level is found in the field. The MS4 must ensure the sample holding time of 6 hours is not exceeded.

The procedures described in the SWMP should address all of these points, so personnel understand the steps they need to follow in conducting an outfall inspection.

### Source Tracing

If field screening or laboratory testing indicate an illicit discharge, then the MS4 must initiate investigative procedures to identify a possible source. The most cost effective method is to walk up the storm sewer line and check in manholes to try and isolate the origin of the flow. However, the MS4 may have to use more complex methods, such as conducting dye testing, conducting smoke testing, or televising the line. The SWMP must describe the methods to be used by the permittee to trace dry weather flows.

Any dry weather flow is suspect. Often times, field testing does not indicate the presence of pollutants. The permittee may decide that the flow is from groundwater or a piped stream. However, until source tracing activities are undertaken, it is not safe to assume the flow is from a natural source.

Because illicit discharges are sometimes intermittent, the permittee must take steps to begin source tracing immediately upon suspecting an illicit discharge. The SWMP must include time frames for initiating the source tracing investigation.

### Source Elimination

Once the source of the illicit discharge has been identified, then the MS4 must take steps to ensure the flow is eliminated. The SWMP must describe the steps to be taken, including notifying the responsible party, the method of notification, and time frames. The best method for notifying the responsible party is in writing, so the notification and date of notification are documented.

Time frames may vary depending on the complexity of the discharge. For example, a one time dump may be resolved quickly. An illegally piped drain may take time to be disconnected from the MS4. The SWMP must describe time

frames for such things as notifying the responsible party, allowing time for the discharge to be eliminated, and re-inspection of the site. The permittee must document each and every step taken, both to provide legal evidence and to complete the annual report.

Some illicit discharges may be the result of a leaking water or sewer line. Interdepartmental communication is extremely important to ensure the discharge is eliminated. Also, it is to the MS4s benefit to keep other departments informed about what an illicit discharge is. When personnel from these departments are in the field, they may encounter an illicit discharge and can notify the MS4 department.

## **Attachment B** **Enforcement Response Plan (ERP)**

The permittee is required to develop an Enforcement Response Plan (ERP) in order to outline in a step-by-step manner, the procedures the MS4 staff will follow to identify, document, and take enforcement for a violation of a local ordinance. The MS4 staff must collect data and document violations in a way that will ensure the evidence is admissible in the event of a legal proceeding.

The ERP will describe violations and the range of appropriate enforcement actions, which should result in timely and consistent enforcement. The ERP will allow the MS4 to show that enforcement was escalated in accordance with approved procedures. This will prevent any claims by the violator that the enforcement was arbitrary or unreasonable. The document will list the personnel responsible for each level of enforcement, whether it is field personnel or the City/County Manager's office. The lower the level of staff allowed to take enforcement, the more timely the response.

It is recommended that the ERP be divided into separate sections for each of the SWMP components (IDDE, Construction, Industrial, HVPS). Each section will include information relevant to that component, such as the ordinance or ordinance citations, possible violations, enforcement mechanisms to be used, etc. The permittee may use another format, as long as all the information required by the permit is included and the procedures are clearly shown.

### **Ordinances**

The permittee must evaluate local ordinances to ensure the MS4 has adequate legal authority to take enforcement. This includes identifying the authority to use a range of enforcement actions. Also, the ordinance(s) must provide the permittee with the right of entry and inspection.

The ERP will need to include the names of the relevant ordinances and section citations from those ordinances which provide the legal authority to the MS4 to engage in enforcement actions.

### **Identify Potential Violations**

In developing the ERP, the permittee must determine the possible instances of noncompliance for each SWMP (i.e. IDDE, Construction, Industrial, HVPS). For example, for IDDE, the scenarios for noncompliance might include an intermittent discharge and an illegal connection to the MS4.



## **Enforcement Mechanisms**

Once the possible instances of noncompliance have been identified, the permittee must identify appropriate enforcement responses for each violation. This should include several options to be used, for both the initial enforcement action and follow-up actions. This will allow the MS4 to address the severity of the violation. For example, a Notice of Violation (NOV) might be appropriate for poor housekeeping at a HVPS such as at an oil change facility, but a more severe response would be warranted for the chronic dumping of oil to a storm drain at the same facility. Also, various enforcement options will allow the permittee to “escalate” enforcement, if necessary (i.e. the violator doesn’t resolve the noncompliance, the violator has several types of violations at once).

There are several types of enforcement actions. The permittee may not have the authority to use all of these, or may have other actions at their disposal. These are just suggested types of enforcement responses:

- Verbal warnings – these can consist of phone calls or face-to-face discussions. The permittee should specify the nature of the violation and the required corrective action during the conversation.
- Notice of Violation – this enforcement option should be used for minor or infrequent violations. The NOV can consist of a form or a letter that has been hand-delivered or sent certified mail. The authority to issue a NOV should be delegated to an inspector or field personnel, so the enforcement process will be expedited. The benefit of using the NOV is that it allows the MS4 to document the violation, it’s inexpensive, and can be issued promptly. Copies of the NOV should be retained by the MS4 for potential escalating enforcement.
- Citations (with or without fines) – these can include civil or administrative actions, including penalties. In addition to a penalty, the document may specify the corrective action needed and the time frame for completing the action. Most MS4s have the ability to fine up to \$1000 per day for civil penalties and fine up to \$1000 per day and 60 days imprisonment for a criminal violation.
- Stop Work Orders – these enforcement actions apply to violations identified at construction sites. The action requires the cessation of construction activities, except those related to cleaning up the site, abating a discharge, or installing control measures on the site.
- Withholding Plan Approval or other Authorizations – this can include withholding a certificate of occupancy, suspending or revoking a permit, or other type of authorization.

- Other measures – the MS4 may have the authority through an ordinance to take another type of enforcement action. For example, recovery of costs by an MS4 associated with corrective actions performed on behalf of a violator.

The permittee must ensure that they address all violations at the time of an inspection. If the permittee only addresses the most serious or significant violation, then minor problems will be overlooked. Failure to ensure these minor violations are corrected can result in the severity increasing over time. The permittee must ensure each enforcement action is documented. Documentation may be necessary in the event of escalation of enforcement to a judicial level.

### **Appropriate Responses**

After the permittee has determined possible types of enforcement, then factors must be considered in determining what the appropriate enforcement response is. When making this determination, the permittee should consider the following:

- Magnitude of the problem;
- Duration of the problem;
- Effect on the waters of the State;
- Effect on the MS4;
- Compliance history; and
- Good faith of the violator.

Magnitude - The permittee may determine that a phone call or NOV are appropriate for an isolated instance of noncompliance. However, more severe violations must be met with more severe enforcement actions.

Duration - If violations persist over a long period of time, then enforcement options must be available to provide for escalating enforcement.

Effects on State waters - If a violation results in environmental harm to the receiving waters, then the permittee must be able to respond with a severe action.

Effect on the MS4 - If a violator damages the MS4, or causes the permittee additional costs (e.g. cost to clean out the MS4, cost to trace the source of an illicit discharge), the permittee should have an enforcement action that allows for the recovery of these costs.

Compliance history - If a violator has taken a casual approach to complying with ordinance requirements in the past, this may indicate future violations will occur. This history should be taken into account when determining whether to take an informal or severe enforcement action.

Good faith - The permittee may determine that the violator has shown honest intent to correct an instance of noncompliance. In this case, the severity of the enforcement response should be reduced.

The ERP must describe when each of the enforcement mechanisms will be used and what factors the MS4 will consider when determining the level of response to take. Also, the ERP must explain how the escalation of enforcement will progress in a step-by-step manner.

### **Time Frames**

Once the permittee has determined possible scenarios of noncompliance, possible enforcement responses and when to use each enforcement type, then the next step is to set time frames. Enforcement must be timely to be effective. This means that the permittee must detect the violation and respond promptly. Most ordinances set time frames for issuance of an enforcement action, such as 5 days to issue an NOV. However, more formal enforcement actions will take longer. The ERP must include time frames for each step, including the initial enforcement response by the MS4, the time allowed to the violator to correct the problem, follow-up re-inspection, escalation of enforcement if necessary, etc.

### **Tracking**

The MS4 will need to track dates, including dates of inspection, dates for issuance of enforcement actions, and deadline date for a violator returning to compliance. The MS4 should use these dates to escalate enforcement, if necessary. The MS4 should not continue to issue multiple NOVs, but should escalate enforcement in order to resolve the violation.

The ERP will need to describe how the MS4 will track data related to enforcement. The data may be tracked manually or electronically. The information should include such things as:

- Name of owner/operator of the facility and/or location or address;
- Type of site (e.g. illicit discharge, construction, industrial, HVPS);
- Description of noncompliance;
- Description of enforcement mechanisms/actions used;
- Time frames for each step; and
- Date of violation resolution.

The ERP will also need to explain how the MS4 will document each inspection and enforcement action taken. In the event the complaint must be referred to another agency or department for handling, the ERP should explain how this referral will be documented. For example, if the illicit discharge is the result of a leaking sanitary sewer line and the stormwater department refers the problem to the sewer department for resolution, then this referral must be

documented. Because all of this information must be provided with the annual report, the MS4 will need to explain in the ERP how the information will be tracked, compiled, and submitted with the annual report.

## **Attachment C**

### **Impaired Waterbodies Monitoring and Implementation Plan**

The MS4 is required to take steps to address impaired waterbodies, including identifying the pollutant of concern, conducting monitoring and implementing best management practices (BMPs). The SWMP must include a section that addresses impaired waters.

#### **Identifying Impaired Waters**

The first step is to identify the impaired waters within your jurisdiction. This can easily be done by consulting the latest approved 305(b)/303(d) list. This list is updated every two years (in even numbered years), so ensure you are using the most recent list. The list of impaired waters and pollutant of concern (i.e. the pollutant(s) causing the water impairment) should be included in the SWMP. Every year that the 305(b)/303(d) list is published, the MS4 must review the list and address any newly listed waterbodies.

#### **Mapping**

The SWMP must include a map showing each of the impaired waters. In addition, you are required to identify any MS4 outfalls that discharge to these waters. These outfalls must be shown on the map. The permittee may include all of the impaired streams on one map. However, the permittee may find that if numerous streams need to be mapped, the map may be too complex. In that case, a separate map may be included for each impaired waterbody. If you need time to identify the relevant outfalls, then the SWMP must include a schedule with a final completion date for identifying the outfalls.

The MS4 must establish a monitoring location. The location can be instream, with both upstream and downstream sample sites. Samples can also be collected from outfalls along the impaired water during periods of wet weather. If you choose to sample outfalls and there are numerous outfalls along an impaired water, then you can propose to sample representative outfalls, instead of all the outfalls. Finally, you could use a combination of sampling instream and from outfalls. The majority of permittees conduct instream sampling. The map must show the chosen sampling location or locations.

#### **Monitoring Plan**

Once the map(s) showing the impaired waters, outfalls, and sampling location is complete, then you must develop the monitoring plan. The plan must describe the sample type, frequency of sampling, and any seasonal considerations. Usually, the sample type is a grab; however, the type will be dependent upon the pollutant being sampled for. There is no requirement as far as the frequency of sampling. Many MS4s are conducting only one sampling

event annually due to the expense. However, if the purpose of the sampling is to show a trend in water quality improvement, one sample per year may not be sufficient to meet this goal.

If sampling will be conducted with the goal of getting the waterbody removed from the 305(b)/303(d) list, then the permittee will need to prepare a Sampling Quality and Assurance Plan (SQAP). A SQAP guidance document is available on EPD's website, [www.gaepd.org](http://www.gaepd.org), titled "Guidance on Submitting Water Quality Data for Use by the Georgia Environmental Protection Division in 305(b)/303(d) Listing Assessments." The SQAP must be approved by EPD prior to the permittee starting to sample. The parameter being sampled will determine the sample type, number of samples collected, and any seasonal considerations. A final report must be submitted to EPD for an evaluation on whether the waterbody may be "de-listed". All of this information may be found in EPD's SQAP guidance document. In the event that the waterbody is removed from the 305(b)/303(d) list, then the permittee may cease monitoring of the waterbody.

### Implementation Plan

The final step in the plan preparation is the selection of BMPs. The purpose of the BMPs is to control or reduce the pollutant(s) of concern. The BMPs do not usually consist of structures, but rather practices and activities performed by the permittee. For example, the pollutant of concern has been identified as fecal coliform bacteria. BMPs might include taking steps to reduce sewage overflows from sanitary sewer lines, educating homeowners on the importance of pumping out septic tanks, or educating veterinarian clinics and kennels on the proper disposal of pet wastes, etc. The SWMP will need to include proposed BMPs and a schedule for implementing these BMPs.

The MS4 will need to annually assess the effectiveness of the chosen BMPs. The majority of permittees use trend monitoring to determine if a reduction in the pollutant of concern is occurring. If the annual assessment indicates that the chosen BMPs are not being effective, then the MS4 will need to propose new BMPs. The SWMP will need to describe how the MS4 will conduct the assessment of the BMP effectiveness. The permittee will be expected to provide the results of the assessment in each annual report and if necessary, propose new BMPs for the coming year.