



## Permitting for Environmental Results (PER)

# NPDES Profile: Georgia

### PROGRAM RESPONSIBILITY

**State of Georgia:** NPDES authority for base program, general permitting, federal facilities, pretreatment  
**EPA Region 4:** NPDES authority for biosolids

### Program Integrity Profile

This profile characterizes key components of the National Pollutant Discharge Elimination System (NPDES) program, including program administration and implementation, environmental outcomes, enforcement, and compliance. EPA considers profiles to be an initial screen of NPDES permitting, water quality, enforcement, and compliance programs based on self-evaluations by the States and a review of national data. EPA will use the profiles to identify program strengths and opportunities for enhancements. For more information, please contact David Bullard, Georgia Department of Natural Resources, at (404) 362-2680 or Cheryl Espy, EPA Region 4, at (404) 562-9242.

## Section I. Program Administration

### 1. Resources and Overall Program Management

#### The State of Georgia:

The NPDES program is administered through the State of Georgia, Department of Natural Resources, Environmental Protection Division (EPD), Water Protection Branch (WPB). The WPB is made up of five programs: the Permitting, Compliance, and Enforcement Program (PCEP); the Nonpoint Source Program; the Engineering and Technical Support Program; the Watershed Planning and Monitoring Program; and the TMDL Implementation Program.

The NPDES program is organized to provide close coordination with the water quality standards and total maximum daily load (TMDL) programs to ensure that NPDES permits accurately include the most recent wasteload allocations and State water quality standards.

**Table 1: Georgia Resource and Program Summary**

<b>Scope of NPDES Program in Georgia</b>		<b>Approval Date</b>	
NPDES Permit Program <sup>a</sup>		06/28/74	
Federal Facilities		12/08/80	
Pretreatment Program		03/12/81	
General Permits		01/28/91	
Biosolids		Not applicable	
<sup>a</sup> The Stormwater and concentrated animal feeding operation (CAFO) permitting authority was authorized at the same time as the base NPDES program. The Nonpoint Source Program is responsible for all Phase I and Phase II stormwater NPDES activity in the State. The Permitting, Compliance, and Enforcement Program (PCEP) is responsible for developing NPDES permits for CAFOs.			
<b>NPDES Universe in Georgia (based on 7/9/04 Management Report)</b>			
FY2003	Major Facilities	Minor Facilities	Minor Non-Stormwater Facilities (General Permits)
No. of Sources	174	668	184
% National Universe	2.6	1.6	0.47
<b>Georgia NPDES Program Resource</b>			
Source		Amount for FY2003	
State <sup>b</sup>		\$3,862,200	
Federal Funding		\$495,289	
Total Funding		\$4,357,489	
Workyears		73 positions	
<sup>b</sup> State funding does include permitting fees. Permit fees did not exist in FY2003.			

EPD’s annual budget for administering the NPDES program is approximately \$4.36 million. This includes permitting, monitoring, compliance, and enforcement functions. This includes staff who develop wasteload allocations, staff who review engineering information related to the NPDES program, and lab personnel. These functions equate to about 73 positions across the State in eight district offices (Atlanta, Athens, Macon, Brunswick, Savannah, Augusta, Albany, and Cartersville). A number of these positions are currently vacant and frozen. About 80 percent of the funding is from the State’s general budget and about 20 percent from EPA grants. EPD will begin to collect fees for NPDES stormwater permits that will help fund new erosion and sedimentation control positions. Other water programs, especially TMDL development and implementation, have impacted the resource demand on the NPDES program. A temporary increase in demand on the NPDES program was brought about when EPD moved to permitting by river basin, which is causing EPD to issue more permits in a year than would normally be required, reflecting issuance of all permits in a given basin along with reissuance of expiring permits. Staff retention in all of EPD is about 3 years. No analysis of retention specific to the NPDES program

has been conducted. The high turnover rate can make it challenging to maintain a trained staff. Staffing levels have increased over the years as the NPDES scope has expanded. However, the increase in staff numbers does not match the increase in workload. New staff were brought on for nonpoint source NPDES issues, concentrated animal feeding operations (CAFOs), and EPD's zero-tolerance effort.

Georgia has developed a training program for inspectors, permit writers, water quality staff, and pretreatment staff. Training for permit writers involves much on-the-job training with the more experienced employees training newer employees. Staff members study guidance and other documents that address the basis and goals of the NPDES program, the elements of the NPDES process, administrative processes, justification for permit requirements, effluent limits and monitoring requirements determinations, and the main conditions and basic layout of the NPDES permit. Staff members also receive training and guidance regarding public notice procedures, the industrial pretreatment program, sludge management, the State's impaired waters list (under Clean Water Act section 303(d)), and TMDLs and how their requirements relate to permit conditions. Staff are trained to evaluate the reasonable potential for a given pollutant load to cause or contribute to a violation of water quality standards to determine whether limits are needed for metals, priority pollutants, or whole effluent toxicity (WET).

In addition, the WPB has a training coordinator who is responsible for arranging training for new and veteran employees. These training courses are generally from outside sources and include many EPA courses, although on occasion WPB staff also provide formal training. The training coordinator provides a list of training courses available to staff at the beginning of each calendar year. These courses are geared toward the various aspects of wastewater treatment and collection systems, NPDES program elements, and inspections. Training in inspection procedures is provided to new employees mostly through on-the-job training by experienced staff from various programs within the WPB. New employees are also directed to use PCEP's library, which contains many publications and references on wastewater treatment and collection systems, as well as the NPDES program and inspection manuals. PCEP staff also provide training to EPD's district offices. When resources allow, EPD maximizes the use of NPDES-related conferences to keep staff trained and up-to-date on new developments.

#### EPA Region 4:

The Water Management Division's Permits, Grants, and Technical Assistance Branch (PGTAB) and Water Programs Enforcement Branch (WPEB) administer the NPDES program within EPA Region 4. Permitting responsibilities belong to the NPDES and Biosolids Permits Section of the PGTAB. Enforcement responsibilities for the NPDES program are shared by the Central, Gulf, and Eastern Enforcement Sections of the WPEB.

The permitting and enforcement sections coordinate activities pertaining to Region 4's direct implementation of the NPDES program. For example, NPDES enforcement program staff review all draft permits and NPDES permit program staff identify potential areas of concern for enforcement highlighted in permit applications. All permit compliance data are entered into the Permit Compliance System (PCS) by the NPDES enforcement sections.

The NPDES program is organized to provide close coordination with the water quality standards and TMDL programs to ensure that NPDES permits accurately incorporate the most recent wasteload allocations and reflect appropriate State water quality standards and federal requirements.

The Region has direct implementation responsibilities for issuing permits on Indian lands in Alabama, Florida, Mississippi, and North Carolina; for offshore oil and gas extraction facilities and other offshore activities in the Gulf of Mexico and the Atlantic Ocean in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina; and for one publicly owned treatment works (POTW) in Florida that discharges to federal waters. The Region has direct implementation responsibilities for biosolids in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

The Region issues all permits for oil and gas extraction facilities discharging in federal waters. At present there are no permitted oil and gas facilities off the coast of Georgia. There is one U.S. Navy facility discharging into the Atlantic for which the Region has direct implementation responsibility.<sup>1</sup>

The NPDES and Biosolids Permits Section has dedicated 1.0 full-time equivalent (FTE) staff position for implementation of the biosolids permitting program. A draft general permit is in the final stage of preparation and will be issued to cover sludge management facilities in all eight States in Region 4. The resources for the biosolids permitting program are adequate at this time.

The NPDES and Biosolids Permits Section has dedicated approximately 0.25 FTE for the management of offshore oil and gas extraction facilities. The upcoming issuance in fiscal year (FY) 2004 of the offshore oil and gas extraction general permit will streamline permitting efforts. The resources for this effort are sufficient at this time.

The NPDES enforcement sections have dedicated approximately 0.3 FTE toward the management of NPDES enforcement of offshore oil and gas extraction facilities. As the effort for compliance tracking, inspections, and enforcement for these facilities continues, an increase in resources may be needed.

The Region prioritizes permit issuance by reissuing permits as they expire, targeting a 0% backlog (a goal it is currently meeting), and processes new applications as they are received. Staff turnover has been very low and has not affected the direct implementation of the NPDES program on Indian lands in the Region and in federal waters. The NPDES resources for direct implementation, to date, have not been affected by the needs of other water programs. The NPDES and Biosolids Permits Section has a core group of 13 staff members, each with 10 to 30 years of experience in the NPDES and biosolids programs.

## **2. State Program Assistance**

The Region is responsible for issuing permits for facilities discharging to federal waters, and this cannot be delegated to the State.

The Region is the biosolids permitting authority for all eight States in Region 4 because none has an approved biosolids program. The Region will assist States in assuming authorization for the biosolids program as requests are received.

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<sup>1</sup> This minor facility is not shown in the National Data Sources column of the Management Report, measure #2, because it was not included on a list of EPA-issued permits provided by the Region for use in compiling the backlog report, which is the national source for this measure. The permit record is coded in PCS as issued by EPA.

### 3. EPA Activities in Indian Country

Not applicable because there are no federally recognized tribes in Georgia.

### 4. Legal Authorities

*EPA is conducting a comprehensive review of the State's legal authorities. This review has not yet been completed. As a result, EPA is reserving this section of the profile; when the legal reviews are complete, EPA will update profiles to include the results of the reviews.*

### 5. Public Participation

*An evaluation of the State's legal authorities regarding public participation will be included in the legal authority review. As noted above, the legal authority review section of this profile is reserved pending completion of the legal authority review.*

#### The State of Georgia:

The State provides for public participation in its NPDES program under the Georgia Rules and Regulations for Water Quality Control, Chapter 391-3-6. The term "public" is not defined in the Rules and Regulations for Water Quality Control, Chapter 391-3-6. The Official Code of Georgia Annotated - 12-5-22 defines a "person" as "any individual, corporation, partnership, or other unincorporated association. This term may extend and be applied to bodies politic and corporate."

The public has access to all permit records, including fact sheets, permits, enforcement actions, and correspondence. Only records deemed to be confidential under title 40 of the Code of Federal Regulations (CFR) section 122.7 and chapter 391-3-6-.06(7)(d) of the Rules and Regulations for Water Quality Control are not available to the public.

Georgia's public participation procedures for NPDES permits include the publication of public notices in newspapers, procedures for public comments, public meetings, and administrative hearings. In addition, members of the public can ask for an administrative hearing to contest a permit. The formal procedures for public participation in permitting activities are established in Chapter 391-3-6 of Georgia's Rules and Regulations for Water Quality Control.

Draft NPDES permits are placed on public notice. The public notice requirements differ depending on the type of owner, whether the draft permit is for an existing facility or a new or expanded facility, and whether the permit is a major or minor permit. The requirements for the different permits are presented in Table 2, below.

**Table 2: Public Notice Requirements for Different Permit Types**

<b>Category of Facility</b>	<b>Permit for New/Extended</b>	<b>Permit for Reissuance</b>
Major Publicly Owned, Major Industry, and Major Federal Facilities	EPD ad in Atlanta Journal & Constitution, owner ad in local paper, public advisory	EPD ad in Atlanta Journal & Constitution, owner-posted public notice, public advisory
Minor Publicly Owned, Minor Industry, Minor Federal, and Privately Owned Facilities	Owner ad in local paper, public advisory	Owner-posted public notice and public advisory
State-owned facilities	EPD ad in Atlanta Journal & Constitution, State posting of public notice, public advisory	EPD ad in Atlanta Journal & Constitution, State posting of public notice, public advisory

Georgia also issues a public advisory for NPDES permits that is mailed to everyone who has submitted a written request to be included on the mailing list as well as to the other groups or agencies that are required to be sent the notice under federal regulations at 40 CFR 124.10. In addition to the above methods, a copy of the public advisory is posted on EPD’s Web site.

Permits are placed on public notice for a minimum of 30 days. A copy of the draft permit is available for public review at the WPB’s office in Atlanta, at the district office (if the compliance and enforcement are handled at the district level), and at the permittee’s address. If EPD receives significant comments from the public on a permit or group of permits, the State may decide to hold a public meeting, a public hearing, or both on the permit. Normally, EPD holds both a meeting and a hearing. Meetings are more informal than hearings. During the meeting, EPD and the permittee can provide information about the proposed permit and answer questions from the audience. The hearing is a formal gathering of comments from the public on the proposed permit. EPD considers all comments received during the public comment period and during meetings and hearings before determining whether the draft permit can be issued as drafted, whether modifications are needed, or whether to deny the permit.

EPD also has public notice procedures for certain enforcement actions. On June 11, 1998, the State adopted the “Public Participation in Enforcement of Environmental Statutes” procedures, which address public notification of specific enforcement actions. For administrative orders, public notice is not issued unless the specific statute or rule pertaining to the order requires public notification. Public notice is provided for consent orders in the following situations:

- If there is a release to the environment of a State-regulated substance and there is information that it endangered human health or—because of the toxicity of the released substance, the amount and duration of the release, and the potential for human exposure—could endanger human health.
- If there is a consent order a with compliance schedule exceeding 1 year, or a consent order extending an existing compliance schedule to more than 12 months from the execution date of the original order.

- If there is a consent order that requires the submission of a compliance schedule for approval, where the proposed order itself does not go to public notice, and the submitted and approved schedule extends 12 months beyond the order execution date.
- If there is a consent order that is a second order issued to the same facility for reasons of noncompliance under the same statute in a 12-month period.
- If there is a consent order for which the party entering into the proposed consent order requests in writing that the order be placed on public notice.

A public hearing may be held on a proposed enforcement action if one is requested.

The public can access Georgia's information on Georgia's Department of Natural Resources's NPDES program Web site at <http://www.dnr.state.ga.us>. The Web site provides information on persons to contact, permit application forms, water quality standards, rules and regulations, and publications.

The public can access certain proposed and issued general permits on the Internet. Individual permits, however, are not available on the State's Web site. Some individual NPDES permits and fact sheets issued by the State can be accessed online. Instructions for accessing these documents are available at <http://www.epa.gov/npdes/permitdocuments>. Citizens can also contact their local NPDES field office or the central office and request copies of permits.

#### EPA Region 4:

The Region follows all public participation requirements of the Clean Water Act (CWA) and requirements contained in 40 CFR part 124. The Region's public participation procedures include the publication of public notices in newspapers and procedures for public comments, public meetings, and administrative hearings in accordance with the CWA. Public notices are also published in minority-owned newspapers in coastal cities that may be affected by offshore activities. Copies of all draft permits, fact sheets or statements of basis, public notices, and any other pertinent information can be viewed at the Region 4 office in Atlanta, Georgia, or on the Region's Web site, or a hard copy can be requested directly from the Region.

For new or controversial projects, the Region may hold public hearings and meetings to solicit any comments or concerns. This was recently done for the proposed reissuance of the offshore oil and gas extraction general permit.

Region 4's NPDES permitting Web site can be accessed at <http://www.epa.gov/region4/water/permits>. It offers information on the permit program's organization, permit access through a link to Envirofacts, access to general permits, and general NPDES information. The Region maintains a hard copy filing system for all permitted facilities. All files are arranged by State and NPDES number.

## **6. Permit Issuance Management Strategy**

#### The State of Georgia:

The State of Georgia administers all point source pollution control programs and has maintained a very low backlog since it obtained NPDES authorization. The State's permit issuance and trend data show a

reduction in the rate of timely issued permits beginning in 2002. This began when the State instituted the multiyear process of converting to a watershed-based approach for permit issuance. All watersheds in the State have been placed into one of five groups, and permits for all discharges to the watershed in a given group will be issued in the same year. A recent change in EPA Headquarters policy allows for permits that are backlogged due to implementation of a rotating-basin strategy for permit issuance to be excluded from the calculation of the percentage of backlogged permits. As of August 2004, according to a State transmittal to Region 4, Georgia's permit rate for major facilities was 95% (discounting permits that are excluded because they are part of the basin cycle described above).<sup>2</sup> The 95% issuance rate is above the national average (84.2%) and exceeds the national current permit goal (90%) for major facilities. The State's permit rate for minor facilities covered by individual permits was 98% (excluding permits backlogged due to basin permitting). The 98% issuance rate exceeds the 2004 national goal of 90%. The State is on track for meeting the national permit goal of 90% (including permits backlogged due to basin permitting) by the end of 2005 when the conversion to a watershed-based approach will be nearing completion. Permits for two major dischargers have been expired more than 2 years. Permits for three minor dischargers have been expired more than 2 years. The permit issuance and trend data for 2000 to 2004 are shown below.

**Table 3: Percentage of Facilities Covered by Current Permits in Georgia**

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	98.2%	74%	98.8%	76%	94.7%	83%	87.0%	84%
Minor Facilities Covered by Individual Permits	100.0%	69%	99.3%	73%	94.9%	79%	90.6%	81%
Minor Facilities Covered by Individual or General Permits	N/A	N/A	N/A	N/A	96.1%	85%	92.7%	86%

Source: PCS, 12/31/00; 12/31/01; 12/31/02; 12/31/03. The data above include permits that are expired due to basin permitting. (Values in the 2003 column are PCS data as of 12/31/03. Values in the National Data Sources column of the Management Report, measures #19 and #20, are PCS data as of 6/30/04.)

EPA Region 4:

Region 4 keeps the States well informed of their backlog status through the implementation of the Regional Low Backlog Maintenance Strategy. Since 2001, EPA Region 4 has provided the State a monthly NPDES update report that includes current backlog numbers. Reports are requested from any State that has a backlog of major permits of more than 10%. For each permit that is expired for more than 2 years, the State must provide the reason for the backlog, the issuance progress, and a tentative date for reissuance. In addition, every month the State receives from EPA Region 4 a list of NPDES permits that have expired or will expire in the near future for which draft permits have not been received by EPA for review. The draft permits in consideration are those for which EPA has permit overview

<sup>2</sup> This figure is different from the figure presented in the National Data Sources column of the Management Report, measure #19, which shows 83.9% for Georgia State activities. The reason for this difference is that the figure in the Management Report does not exclude those permits that are part of the basin cycle.



authority under the memorandum of agreement, between EPA and the State (e.g., major facilities, minor primary facilities, etc.).

The Region prioritizes permit issuance by reissuing permits as they expire, with the goal of achieving a 0% backlog, and processes new applications as they are received for offshore activities. At present, there are no permits for activities off the coast of Georgia. The Region is not considering prioritization of permitting on a watershed basis. The Region's strategy is sufficient in light of its limited direct implementation responsibilities.

As of May 26, 2004, 100% of the facilities covered by EPA-issued permits discharging to federal waters were current and no applications were pending.<sup>3,4</sup>

## 7. Data Management

### The State of Georgia:

Georgia uses PCS directly. The State also maintains a Microsoft Access database of basic facility and permit tracking information, sanitary sewer overflows, inspections, and orders. Summaries of Discharge Monitoring Reports (DMRs) are maintained in Microsoft Excel spreadsheets to assist with compliance tracking. Finally, notices of intent (NOIs) for industrial and construction stormwater general permits are maintained by the nonpoint source program and EPD's district offices. There is no automatic interface between any of the systems; all data are entered directly into both PCS and appropriate State tracking systems. Data in PCS and the various State systems are periodically compared as a data quality assurance measure. All of these databases are maintained in Region 4's Atlanta office except the databases for construction general stormwater coverages, which are maintained by the State district offices. EPD plans to use ICIS NPDES (modernized PCS) in the future. Georgia is applying for a grant next year to help with the data migration effort necessary to begin using modernized PCS.

The State does not currently enter all Water Enforcement National Data Base (WENDB) elements into PCS because of staffing constraints. The State collects and enters geographic data at the facility level and the pipe level. These data are collected using global positioning systems (GPS) units, incorporated into geographic information system (GIS) software, and periodically checked against GIS base map data. As of March 19, 2004, DMR data entry rates for major facilities from July to September 2003 were greater than 99% for municipal and industrial permittees.

WENDB Data Elements Entered in PCS: NPID, CSCH, DTAC, DSCD, DTSC, EVNT, CSFN, APAM, EKAC, ENAC, ECM2, ECM4, ENDT, ERFN, ENST, ESDT, EATP, DTIN, TYPI, INSP, MCAV, MCMX, MCMN, VDSC, VLIM, VMOD, VMLO, MVDT, VPRM, MQAV, MQMX, VSEA, NODI, LCAV, LCMX, LCMN, LCUC, PLDS, PLFN, PLRD, LTYP, MODN, ELED, ELSD, MLOC, LQAV, LQMX, LQUC, LCAS, LCXS, LCMS, LQAS, LQXS, PRAM, PERE, PERD, PTAC, PTEV, FLOW,

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<sup>3</sup> The National Data Sources column of the Management Report, measure #20, shows "n/a" for EPA activity because no Georgia permits were included on the list of EPA-issued permits provided by Region 4 for the backlog report, which is the national data source for this measure. See also measure #2 and Section I.1.

<sup>4</sup> The National Data Sources column of the Management Report, measure #18, indicates no data (-) for EPA activity because data for this measure were not separated into State and EPA activities in the national data pull.

CITY, CNTY, CNTN, IACC, IADT, FLAT, FLLC, FLLT, FLLD, FLLM, FLLS, RCTY, RNAM, RSTT, RST1, RST2, RZIP, FLON, FNML, FSEG, FHBC, FDGR, MADI, OCTY, OZIP, OLAB, ONAM, OST1, OST2, PRET, RCIN, TYPO, EPST, BAS6, SIC2, DSCH, FLED, FLIM, FLSD, STRP, STSS, NRPU, NSUS, OUTT, PIAC, PIDT, DRID, REUN, SUUS, ADLL, CIUS, DTIA, SSNC, PSNC, SNIN, NOIN, EVLL, SIUS, NOCM, JUDI, SVPU, PSED, PSSD, SOCS, IUPN, AND FENF.

EPA Region 4:

The Region does not have direct implementation responsibilities for any activities off the coast of Georgia at this time.

## **Section II. Program Implementation**

### **1. Permit Quality**

#### The State of Georgia:

The State routinely assesses whether a given facility discharges to a water on the impaired waters list prepared under CWA section 303(d), and coordinates with its TMDL program to incorporate any wasteload allocation requirements into the NPDES permit. If a TMDL has not yet been established, the State ensures that historical loadings are maintained for any parameter of concern. The State ensures that technology-based requirements, at a minimum, are incorporated into the NPDES permit. To protect water quality, the State has developed procedures to determine reasonable potential for chemical-specific parameters and for WET to cause or contribute to a violation of water quality standards, and these procedures have been approved by EPA. The State uses standardized language and templates, whenever possible, to streamline permit development.

To improve permit quality and efficiency, the State of Georgia routinely uses general permits. Based on mid-2003 data, the State administers seven general permits for non-stormwater discharges, covering a total of 492 facilities. The State also administers five general permits for stormwater discharges, covering a total of 38,000 facilities.

In accordance with the NPDES memorandum of agreement between the State and EPA, the State of Georgia routinely sends all municipal major permits and all industrial permits to Region 4 for concurrent review. Fact sheets include information regarding wasteload allocations (where needed), any applicable TMDLs, and analysis and review of the reasonable potential for parameters of concern to cause or contribute to violation of a water quality standard. Each fact sheet contains proposed effluent limitations, the basis for final effluent limitations and permit conditions, requested variances or alternatives to required standards, the effective date of proposed effluent limits and compliance schedule (if applicable), and water quality standards and effluent standards applied to the discharge. Region 4's State coordinator provides comments or expresses concerns based on the review. Each year, Region 4 also conducts a midyear and end-of-year review of the State's NPDES program. The midyear review involves a review of the administrative and technical NPDES permitting processes and an audit of a representative sample of permits that did not receive concurrent review during the previous year, using a standardized format. Interviews are conducted with State NPDES management following a pre-determined questionnaire. The Water Division Director completes the midyear review process with a site visit to discuss any identified issues. The State takes corrective actions, if necessary, and the Region follows up during the end-of-year phone evaluations.

Permit quality assurance is an ongoing process in Georgia. Georgia periodically has a review by the State Attorney General's office to ensure that the State is meeting all the federal NPDES program requirements. The State's Rules and Regulations for Water Quality Control are also assessed and updated as necessary to reflect any changes to federal regulations and any changes to State laws related to water quality. Applicable regulatory changes are incorporated into the standard conditions of the permits or, depending on the regulation, incorporated as special conditions. In addition, the standard conditions language in the permits is periodically updated and sent through an intensive review by other

environmental programs and branches of the EPD. The conditions in individual draft permits are peer-reviewed internally by members of the permit writing staff. The draft permits are also provided for review to persons who will be responsible for the compliance tracking of the particular facility. In addition, for new and expanded facilities, draft permits are reviewed by EPD's Engineering and Technical Support Program. The draft permits are also provided to the permittees for review, and made available for the general public's review.

The State of Georgia has developed and has been implementing a WET program. The State has developed "reasonable potential" procedures for WET, which have been approved by EPA. The State routinely incorporates sublethal limits in NPDES permits, as needed. EPD uses its reasonable potential procedures and its WET strategy in implementing the WET program. Certain permittees are required to submit the results of one or more WET tests with their permit applications. WET testing requirements are found in EPD's WET strategy.

As described in the EPA Form 2A NPDES permit application, the following municipal permittees are required to submit four WET tests with their permit applications: major facilities (permitted flow of 1 million gallons per day [MGD] or more) and minor facilities with a local industrial pretreatment program. In addition, EPD requires minor municipal facilities that receive wastewater from industries that have State-issued industrial pretreatment programs to submit one WET test with their permit applications. Major industrial facilities are required to submit one WET test with their permit applications and run an additional WET test sometime during the term of their permits. EPD uses the results of these tests along with the reasonable potential procedures to determine whether a WET limit needs to be placed in a permit.

EPD requires WET tests to be run in accordance with the most recent EPA toxicity testing manuals. EPD requires that definitive tests be run concurrently on a vertebrate species and an invertebrate species (*Ceriodaphnia dubia* and *Pimephales promelas*) for freshwater testing. EPD requires the permittee to conduct chronic WET tests if the in-stream wastewater concentration (IWC) is greater than or equal to 1% effluent, or if the IWC is less than 1% effluent, but the outfall has a diffuser. EPD uses the no observed effect concentration (NOEC) as an endpoint. The NOEC for *C. dubia* reproduction and *P. promelas* growth are compared with the IWC to determine whether the facility's effluent is toxic or not. Permittees with an IWC of less than 1% effluent who do not have a diffuser are required to run acute WET tests and must pass their tests at 100% effluent. WET data from the last 5 years is reviewed to determine the need for a WET limit. Generally, if any tests have been failed, the permit is reissued with a WET limit. Certain permittees are also required to conduct priority pollutant scans. If EPD determines that a limit is needed for a priority pollutant that does not have an in-stream criteria, EPD will give the permittee a WET limit in lieu of a numeric limit for the priority pollutant. The results of WET tests required by the permit are tracked by the compliance officer in charge of that facility. Violations of the WET limit are handled as other permit violations (enforcement action is taken).

EPD has prepared a guidance document that is sent to permittees who are required to conduct WET testing. The document provides some basic information on WET testing (such as what species to use, how to collect samples, how to set up a dilution series, what the appropriate dilution water is). The document also provides the titles of the EPA guidance documents for conducting WET tests. In addition, EPD sent a letter in April 2003 to all permittees with WET limits in their permits. This letter provided

information on how to enter WET data in their DMRs. EPD plans to provide some internal training on WET for compliance officers.

#### EPA Region 4:

On October 30, 2000, Region 4 and several other Regions issued the Multi-Sector General Permit for discharges of stormwater from industrial activities other than construction. The Region also has one general permit for offshore oil and gas extraction facilities covering 290 facilities in the States in Region 4. The Region does not have direct implementation responsibilities for any activities off the coast of Georgia at this time.

## **2. Pretreatment**

#### The State of Georgia:

Georgia received authorization to administer the pretreatment program on March 12, 1981. Currently, there are 65 approved programs in the State, which act as control authorities for 452 significant industrial users (SIUs).<sup>5</sup>

All SIUs have control mechanisms, and the State has authority to directly regulate industrial users in the absence of an approved pretreatment program. At this time, the State acts as the control authority for 65 SIUs, 29 of which are categorical industrial users. The State receives monitoring data and reports in accordance with 40 CFR 403.12 and tracks compliance with permits and appropriate categorical standards.

The State routinely evaluates industrial directories to identify new SIUs. Identification is also made through a condition in State NPDES permits that stipulates that POTWs identify and report information on SIUs that discharge to their facilities. The State verifies this reporting during NPDES inspections, and maintains a "new industry team," which provides a mechanism for the State to educate industries about any permits they may need.

To ensure compliance with approved pretreatment programs, the State conducts inspections and audits on a rotating-basin schedule in accordance with the State's performance partnership agreement. Under this approach, 25% of approved programs are inspected each year, which means that all programs should be audited within a 5-year period. Deficiencies identified during an audit or inspection are normally be submitted to the municipality for response within 90 days. Depending on the severity of the deficiencies and the responsiveness of the local program authority, escalating enforcement actions are taken, as appropriate. For State-issued SIU permits, the State conducts an inspection and collects samples every year. Renewal of expired State-issued SIU permits is sometimes delayed to accommodate the State's basin permitting strategy.

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<sup>5</sup> The National Data Sources column of the Management Report, measures #8 and #9, show 726 SIUs discharging to 58 pretreatment programs; the data were pulled from PCS on June 12, 2004. The values of 452 SIUs discharging to 65 programs are from a March/April 2004 midyear report provided by Georgia to Region 4. The Region believes the data provided in the midyear report are more accurate than the data in PCS.

EPA Region 4:

The Region has no direct implementation responsibilities for pretreatment in the State of Georgia.

### 3. Concentrated Animal Feeding Operations

The State of Georgia:

The new federal CAFO rule requires that all CAFOs must apply for permits by 2005. Georgia and the Region have agreed on a schedule toward implementation of the new rule and Georgia is on target with this schedule. Georgia revised its State CAFO rule on the basis of the new federal CAFO regulations for swine and non-swine including dry poultry operations, and it has been effective since September 2003.

Georgia issues individual NPDES permits for large swine CAFOs. An NPDES general permit for non-swine operations (poultry with liquid waste management systems, dairy, and beef) was issued in June 2002. Georgia potentially has 828 Large CAFOs and has issued 16 individual permits to date. Georgia approved coverage for 58 non-swine CAFOs. This accounts for 100% NPDES coverage, excluding dry litter poultry operations.<sup>6</sup> The State expects to issue a general permit for dry litter poultry CAFOs that meets the requirements of the new federal rule in early 2006.

EPA Region 4:

The Region does not have direct implementation for any CAFO facility at this time in Georgia.

### 4. Stormwater

The State of Georgia:

Phase I Municipal Separate Storm Sewer Systems: All 58 Phase I municipal separate storm sewer systems (MS4s) are covered by individual permits. On June 14, 2004, all 45 Phase I MS4 permits for three Atlanta metropolitan areas were reissued. All Phase I MS4s are tracked in PCS.

Phase II Municipal Separate Storm Sewer Systems: A general permit to cover Phase II MS4s was issued on December 9, 2002. All 84 MS4s targeted to submit NOIs submitted their NOIs to the State on time. The State has granted permit coverage under the general permit; it is reviewing the stormwater management plans submitted with the NOIs and providing detailed comments to enable permittees to further adjust their stormwater management plans. In addition, the State is proceeding with its review of the comments received from the permittees. Tracking information for Phase II permittees is maintained on EPD's Web site and maintained on an internal database. NOIs are made available to the public upon request.

Construction: The State issued the construction general permit on August 13, 2003. The permit covers three categories: (1) stand-alone construction, (2) infrastructure projects, and (3) common developments. The State has provided coverage to approximately 34,600 sites to date. The State is developing a

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<sup>6</sup> The Management Report, measure #26 (percentage of CAFOs covered by NPDES permits), lists 9% for Georgia State activities in the National Data Sources column. This differs from the 100% mentioned above because the data in the Management Report include the dry litter poultry facilities. Of the total number of CAFOs in Georgia (828), over 750 are dry litter poultry facilities.

database that will include permit status, basic site information, compliance tracking, inspection schedules, and inspection results. In addition, the State will use fees levied under the construction permit to hire and maintain 80 construction site inspectors. Funds from inspection fees will also be used to hire employees to develop and maintain a centralized database. At present, the six field offices maintain their own database and tracking systems. There are no plans for the development of an eNOI system because the State has not yet resolved the electronic signature issue. NOIs are made available to the public upon request.

Industrial General Permit: The EPD general industrial permit has expired. The State has established a State workgroup to resolve outstanding issues among the regulated community, environmental groups, and EPA. The current outstanding issues concern TMDLs, monitoring, and procedures to determine reasonable potential for parameters of concern to cause or contribute to a violation of water quality standards. The permit is in the final stages of development. Delays in the issuance of this permit are due to the negotiations and lingering differences among the interested parties. There are no plans for the development of an eNOI system because the State has not yet resolved the electronic signature issue. NOIs are made available to the public upon request.

**Table 4: Stormwater Permit Coverage in Georgia**

Permit Number	Category	Date Issued	Number of Facilities Covered
GAR000000	Industrial	6-1-1998	3500
GAR100001 GAR100002 GAR100003	Construction: Stand-Alone Infrastructure Common Development	8-13-2003	34,600

EPA Region 4:

The Region has no direct implementation responsibilities for stormwater in Georgia.

**5. Combined Sewer Overflows/Sanitary Sewer Overflows**

The State of Georgia:

Sanitary Sewer Overflows: The Georgia Rules and Regulation for Water Quality Control require all POTWs to immediately report sanitary sewer overflows (SSOs) that reach State waters to EPD and the local health department. For SSOs of more than 10,000 gallons, upstream and downstream monitoring is required and downstream public drinking water suppliers within 20 miles downstream must be notified. In addition, a legal public notice must be published in the largest legal organ of the county in which the SSO occurred. Georgia maintains a database to track SSOs reported to the State.

Combined Sewer Overflows: Georgia has three communities with combined sewer systems, covered under eight permits. Two of the three cities have developed and implemented their long-term control plans (LTCPs) for combined sewer overflows (CSOs). The Georgia Rules and Regulation for Water Quality Control require all POTWs to immediately report CSOs that reach State waters to EPD and the local health department. In addition, local media (TV, radio, and print) must be notified and signs must

be posted along the affected waterway at public access points. The third city is still working on implementation and is under a federal consent decree to complete the work.

Atlanta: CSOs in Atlanta are currently subject to a federal consent decree with EPA and EPD. Atlanta's proposed plan to refine the authorized CSO remedial measures plan was approved in January 2002. The remedial measures plan consists of separating specific CSO basins and installing individual consolidated deep tunnel storage systems in the east and west areas and providing treatment at dedicated CSO treatment plants. Approximately 27% of the total combined service area is slated for separation. The current average number of discharges (60+ in the west area and 20+ in the east area) is expected to be reduced to about 4 overflows per year. The remedial measures plan is equivalent to the LTCP. Most work is in an active "design phase."

Columbus: Columbus has been at the forefront of implementing its LTCP for CSOs for several years. Columbus's fully implemented program includes POTW upgrades, separation, new treatment facilities, and a variety of pump stations. Monitoring results show that the Chattahoochee meets water quality standards for fecal coliform bacteria and other parameters. In addition, the city has developed a river walk and other riverside amenities in conjunction with its CSO controls.

Albany: The City is in the implementation phase of its LTCP. The LTCP includes the rerouting of the system serving part of the city, partial separation of the system, and pumping portions of the system to a POTW to provide sediment removal and treatment. The city plans to proceed with full separation of its sewers as funds allow.

#### EPA Region 4:

The Region has no direct implementation responsibilities for CSOs in Georgia.

## **6. Biosolids**

#### The State of Georgia:

The State does not have direct implementation responsibilities for the biosolids program. At this time, Georgia is not planning to seek authorization from EPA to administer the federal biosolids program.

#### EPA Region 4:

The Region is the permitting authority for biosolids in all eight States in Region 4 because none have an approved biosolids program. The Region's NPDES and Biosolids Permits Section and Clean Water Act Enforcement Section implement the biosolids program. The permits program provides regulatory and permitting guidance on implementation of the 40 CFR part 503 biosolids regulations, which are self-implementing, meaning that compliance with the regulations is required without issuance of an individual or general permit. The NPDES and Biosolids Permits Section is the permitting authority for the biosolids program and has several functions. These include issuing individual or general permits that are deemed necessary because of potential public health or environmental concerns; reviewing and approving site closure plans; issuing approval letters for the closure of surface disposal sites; reviewing and approving equivalent pathogen reduction processes; providing technical and compliance assistance to facility personnel, consultants, and State and local officials; and providing biosolids training to the States and municipalities in Region 4. The permits section also works with the compliance and enforcement section to ensure the timely submission of annual biosolids reports. The compliance and



enforcement section implements the program by reviewing and assessing annual biosolids reports, conducting compliance evaluation inspections, drafting inspection reports, developing various types of enforcement actions, providing technical and compliance assistance, and providing training on the biosolids program.

## **Section III. NPDES Compliance Monitoring and Enforcement Response**

*In a separate initiative, EPA's Office of Enforcement and Compliance Assurance (OECA), EPA Regions, and the Environmental Council of the States have developed a tool for assessing State performance in enforcement and compliance assurance to ensure that States meet agreed-upon minimum performance levels and provide a consistent level of environmental and public health protection nationwide. OECA will use the State profiles to focus these efforts and identify areas needing further discussion and evaluation.*

### **1. Enforcement Program**

#### The State of Georgia:

The State of Georgia identifies and addresses all violations using EPA criteria outlined in program delegation documents and the memorandum of agreement. The State maintains a current Enforcement Management System (EMS), which describes how and when the State will take action on violations. The EMS also addresses the level of formal enforcement that should be taken; this involves consideration of several factors related to violations such as the environmental or health impacts. The State EMS is consistent with EPA's national EMS.

Microsoft Excel spreadsheets are used to track compliance by NPDES point sources. The State also maintains a database on SSOs. (Refer to the CSO/SSO section of this profile for information on identifying and tracking SSOs.) In addition, the State has implemented a Zero Tolerance Strategy for waters in a 14-county area in and around Metropolitan Atlanta for the Coosa and Tallapoosa River Basins, and the Upper Chattahoochee River Basin from the headwaters to Troup County. Under this strategy all violations of numeric permit limits (except flow), SSOs, delinquent DMRs, and failure to meet compliance milestones in existing enforcement actions will be addressed with a consent order that includes a monetary penalty.

Once the State of Georgia has issued a formal enforcement order, it maintains a tracking system to ensure compliance. Tracking of compliance order conditions is done using systems developed by individual staff responsible for tracking compliance with a specific order, and using a centralized order-tracking database that is continuously updated by a data technician based on staff input.

The State has a written penalty policy that applies to municipal and industrial facilities. The policy includes recovery of economic benefit. In addition, the State has a separate penalty policy specifically for construction stormwater permit violations. The construction stormwater penalty policy includes a penalty matrix.

The State estimates that over 95% of State formal enforcement actions include a monetary penalty. Data reported to EPA by the State of Georgia indicate that 298 formal enforcement actions were taken against facilities in FY2003 with a total of \$1,612,140 collected in penalties.<sup>7</sup> This was an increase from 84 formal enforcement actions taken in FY2002 (because of the use of expedited orders), when a total of \$2,758,534 was collected in penalties (because of the higher penalties associated with the Atlanta case).

EPA's trend data indicate that the percentage of major facilities in significant noncompliance in Georgia is below the national average of 18% and has increased from 4% in FY2002 to 8% in FY2003.

Georgia's self-assessment states that noncompliance with stormwater permits consists primarily of reporting violations. Compliance reviews of industrials and MS4s are mostly based on reporting. Compliance reviews of construction activities take place when complaints are received. However, construction compliance reviews focus more on best management practices. NPDES permit fees of \$80 per acre are now being collected for land disturbances. Local issuing authorities must revise their erosion and sedimentation ordinances to incorporate the requirements of the NPDES general construction permits. Persons involved in land development design, review, permitting, construction, monitoring, or inspection must meet new education and training certification requirements by December 2006. The fees will help pay for additional inspection staff for both State and local governments. The new fee program for NPDES construction is expected to result in not only filling many currently vacant positions, but also adding new enforcement positions. This will lead to an increase in routine compliance inspections, file reviews, non-PCS data entry, and stormwater enforcement. The new permit fee program for construction will likely result in a significant increase in enforcement resources throughout the State.

#### EPA Region 4:

The Region 4, Water Management Division, Water Programs Enforcement Branch (WPEB), is responsible for compliance tracking, inspections, and enforcement of biosolids facilities in all eight States in Region 4.

## **2. Record Keeping and Reporting**

#### The State of Georgia:

For all updates of WENDB data elements, whether for inspections, enforcement actions, historical information, schedules, permits, or DMRs, the updates are forwarded to the appropriate unit staff, who perform quality assurance controls and ensure that the data being directly uploaded to PCS are accurate.

The State maintains accurate and up-to-date paper files, including all correspondence, inspection reports, and enforcement actions. Penalty rationales are part of the permanent record and are included in the files. The files are maintained in a centralized file room with a full-time filing clerk assigned for the supervision of the file room and assisting citizens. The files are available for review and copying by citizens. The file clerk is also responsible for coordinating responses to requests filed under the Georgia Open Records Act.

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<sup>7</sup> The National Data Sources column of the Management Report, measures #37 and #38, shows a total of 135 formal enforcement actions taken by the State. The 298 mentioned above includes actions that do not fit the definition of formal enforcement action used in the Management Report.

EPA Region 4:

WPEB maintains compliance and enforcement files in a central location. The Region is drafting a formal records policy to ensure consistency in record keeping among all the NPDES programs. Files are maintained for each facility for which the Region has issued a permit or granted coverage under a general permit. Files contain DMR data, correspondence, permits, inspection reports, and enforcement actions.

### 3. Inspections

The State of Georgia:

The State of Georgia is conducting inspections in accordance with a Performance Partnership Agreement with EPA. This agreement incorporates a 5-year rotating watershed inspection plan. The State has 14 major river basins and these have been divided into 5 river basin groups for the purpose of river basin management planning based on location and proximity. The river basin groups rotate as the basin of focus each calendar inspection year, beginning again with the first group after a 5-year cycle is completed. All major municipal and industrial NPDES facilities and minor municipal NPDES facilities within the basins of focus are inspected at least once during the calendar year and most major facilities are inspected twice. Significant and smaller minor facilities are sampled early in the focus cycle, and facilities with documented compliance or operational problems receive follow-up inspections approximately 6 months later. Every year a work plan is developed that includes a schedule by quarter for conducting these inspections. The State is also prioritizing inspections for permittees discharging to impaired waters where the impairment, in whole or in part, is attributable to the permitted discharge. Facilities with a history of chronic noncompliance are also targeted for more frequent inspections, regardless of size. Facilities where water quality problems (such as sludge deposits in the receiving stream below the discharge) are documented during a routinely scheduled inspection will be scheduled for another, more in-depth, inspection. In accordance with the Performance Partnership Agreement, the State inspects at least 125 major facilities and 66 minor facilities each year.

Compliance sampling inspections cover all NPDES permit parameters, and laboratory testing is conducted by the EPD laboratory. In addition to permit parameters, the sampling includes a nutrient series, metals, and organics scans.

State-permitted industrial users are inspected and sampled by EPD once every fiscal year.

In addition, sampling inspections in non-focus basins for all categories of facilities, including NPDES majors and minors, land application systems, and private and institutional developments (such as subdivision package plants or hospitals) are conducted as needed. These requests originate within the PCEP and district offices given the need for enforcement-related follow-up, technical evaluations, and/or noncompliance documentation.

Industrial stormwater inspections are prioritized depending on the discharges to impaired waters. District offices inspect construction activity sites as needed.

The State of Georgia inspected 76% of its major facilities in the 2003 inspection year, which exceeds the national average of 69%. In addition, during the 2003 inspection year, 64 percent of the total number of inspections conducted by the State were at minor facilities.

Inspection coverage trend data for major permittees show that Georgia has improved performance from FY2000 (57%) to FY2002 (77%) and FY2003 (71%). The national average in FY2003 was 69%.

#### EPA Region 4:

For offshore activities, including oil and gas facilities, WPEB cannot readily access facilities for inspections; it therefore relies on file reviews to determine compliance. Effluent data for each facility are regularly reviewed to ascertain noncompliance and determine appropriate Regional action.

For biosolids facilities, assigned enforcement officers focus their compliance tracking efforts in environmental justice areas and within impaired watersheds identified by the Water Management Division. Inspections are also focused within these areas as well as in States that have rescinded their biosolids regulations. Biosolids inspections are focused in environmental justice areas and within impaired watersheds identified by the Water Management Division as well as in States that have rescinded their biosolids regulations. During the 2003 inspection year, WPEB conducted 7 biosolids inspections at minor facilities and 19 inspections at major facilities throughout the Region. As of midyear 2004, WPEB had conducted biosolids inspections at 2 minor facilities and 17 major facilities throughout the Region.

In the past, WPEB has not committed resources to ensuring that inspections were conducted at oil and gas facilities; therefore these facilities were not inspected routinely or in accordance with any strategy.

Given the number of facilities and limited access, WPEB does not have the resources to conduct inspections at every oil and gas facility every 5 years. During the 2003 inspection year, WPEB personnel conducted an inspection at one oil and gas facility and a performance audit inspection at a laboratory used by the oil and gas facilities.

## **4. Compliance Assistance**

### The State of Georgia:

Region 4 States have improved environmental performance through the development and implementation of compliance assistance activities. These activities have been used with individual entities, groups of regulated entities, and trade associations. The compliance assistance activities include innovative strategies, pollution prevention, and sustainable management practices. Specific examples are as follows.

The Nonpoint Source Program of the WPB provides assistance to the regulated community through several means. Numerous presentations are given to professional organizations and regulated community groups during the year, including over 40 presentations in 2004. Informal assistance is provided in the form of telephone conversations or meetings with representatives of the regulated community.

In addition, as new rules and regulations are adopted and State requirements change, the State has established formal procedures for notifying the general public and regulated community. The State also works closely with nonprofit organizations associated with wastewater treatment and collection systems. The Georgia Water and Pollution Control Association (GWPCA) membership consists of water and wastewater treatment plant operators, municipal and industrial officials and employees, consulting engineers, and State personnel. The State uses this organization to disseminate information to the

regulated community, attends GWPCA conferences, gives presentations at GWPCA conferences, and obtains feedback from the regulated community through GWPCA. The State and GWPCA have worked closely together to develop certain policies. Georgia Rural Water is an organization that supplies services and assistance to the smaller systems in rural areas of the State. The Pollution Prevention Assistance Division, a division of the State's Department of Natural Resources, offers free, nonregulatory, and confidential technical assistance to prevent, reduce, and reuse or recycle wastes, including point sources. The State measures the outcome or effect from technical assistance through compliance tracking efforts.

EPA Region 4:

Region 4, along with Region 6, is negotiating a memorandum of agreement with the Department of the Interior's Minerals Management Service (MMS) to incorporate NPDES elements into MMS inspections and provide compliance information back to the Region. MMS is required to visit each oil and gas facility annually. The memorandum of agreement would greatly benefit the Region and its compliance monitoring efforts because access to the offshore facilities is difficult.

The Region provides biosolids compliance assistance to both facilities and to States through presentations at workshops and conferences.

## **Section IV. Related Water Programs and Environmental Outcomes**

### **1. Monitoring**

#### The State of Georgia:

A State Monitoring Strategy is being finalized. The State implements a rotating-basin approach to water quality monitoring to maximize monitoring results in any given year in the basin of focus. Monitoring is conducted for major permits to assist with the determination of water quality-based effluent limits. The need for information and the permit cycle dictate the extent of monitoring conducted each year.

The goal of the water protection program in Georgia is to effectively manage, regulate, and allocate the water resources of Georgia. To achieve this goal, it is necessary to monitor the water resources of the State to establish baseline and trend data, document existing conditions, study impacts of specific discharges, determine improvements resulting from upgraded water pollution control plants, support enforcement actions, establish wasteload allocations for new and existing facilities, develop TMDLs, verify water pollution control plan compliance, and document water use impairment and reasons for problems causing less than full support of designated water uses. EPD uses tools such as trend monitoring, intensive surveys, biological and toxic substance monitoring, aquatic toxicity testing, and facility compliance sampling.

#### EPA Region 4:

Region 4's WPEB is responsible for compliance tracking, inspections of biosolids facilities, and enforcing biosolids requirements in all eight States in Region 4.

During FY2003, 1 administrative order, 19 administrative penalty orders, and 19 settlements were issued for biosolids violations. As of midyear 2004, 2 administrative orders, 8 administrative penalty orders, and 8 settlements had been issued for biosolids violations.

WPEB addresses all noncompliance problems. Those causing environmental or human health impacts are addressed in accordance with the EMS, which includes escalation of action and a penalty for noncompliance causing environmental or human health impacts.

WPEB uses the EMS along with EPA national and Regional guidance to address violations that occur at biosolids facilities. Staff members recommend and prepare actions, which are reviewed and signed off on by management to ensure consistency with EPA national and Regional guidance and policies.

WPEB has enforcement staff assigned to each enforcement action issued to facilities under direct implementation. The enforcement officer is responsible for ensuring that all provisions of the action are completed in accordance with the requirements and the deadlines set within the action. Because the assigned enforcement officer is generally the person who provided input into the action when it was issued, the enforcement officer is very familiar with the requirements and due dates. All enforcement actions are entered into PCS, which allows for the tracking of all schedule items. Follow-up site visits or meetings are held as needed to observe and discuss completion of requirements. These meetings and

visits allow WPEB to learn early on of any foreseen problems in meeting deadlines so that alternatives can be discussed and WPEB management briefed.

WPEB escalates enforcement, including penalties, based on the EMS.

## **2. Environmental Outcomes**

According to the 2002 water quality inventory prepared under Clean Water Action section 305(b), 43% of assessed river/stream miles, 72% of assessed lake acres, and 88% of assessed estuaries fully support their designated uses.

## **3. Water Quality Standards**

### The State of Georgia:

The State of Georgia has integrated the water quality standards and NPDES programs in part by conducting timely reviews of water quality standards. The WPB program managers meet weekly to discuss issues of concern to WPB. Any water quality standard or designated use issues are discussed and resolved in a timely and efficient manner.

Permit fact sheets explain the basis for each water quality-based effluent limit and identify designated uses of the receiving water body and applicable water quality standards. Additional information is maintained in facility-specific files, which are available for public review.

Use attainability analyses are considered when a receiving water is not achieving its use and when water quality modeling shows that the stream will not meet standards even with very stringent limits or “no discharge” limits. The State of Georgia has provisions for compliance schedules, which are used when needed.

Several processes contribute to the timely review and update of water quality standards as needed and appropriate. One is changes in federal water quality criteria. As federal criteria change, the process for reviewing and adopting the changes in Georgia is initiated as appropriate. A recent example is the new EPA criterion for mercury in fish tissue, which was reflected in the State water quality standards within a short period of time.

A second process is the triennial review. If certain issues are not addressed during the years leading up to the triennial review, the triennial review provides a mechanism for review and change as appropriate.

A third process is responding to an issue or concern at the State level. An example is lake water quality standards for nutrients. Water quality data indicated nutrient issues in Lakes West Point and Jackson, which are fed by tributaries that drain portions of metropolitan Atlanta. Studies were conducted on these lakes in the 1980s and 1990s that became the basis for adoption of specific water quality standards addressing in-lake chlorophyll a and nitrogen and phosphorus in the major tributaries. Specific water quality standards were adopted for West Point in 1995 and for Lake Jackson in 1996. In addition, studies have been completed and specific standards adopted for Lakes Walter F. George (1996), Lake Lanier (2000), Lake Allatoona (2000), and Carters Lake (2002).

Georgia has made significant progress on nutrient criteria over the past two decades and addressed the primary nutrient problems that have been documented across the State. In addition, Georgia and EPA are working on a mutually agreeable nutrient criteria development plan that will be completed in the near future.

Georgia initiated the process of adopting new bacteria standards in 2002, but this work has been put on hold until EPA finalizes implementation guidance and test procedures.

Bacteria and the BEACH Act: The Georgia DNR Coastal Resources Division (CRD) began monitoring bacteria levels in Georgia beach waters in 1998, using State-appropriated funds. CRD contracted with a private sector laboratory to collect and analyze waters on heavily used public beaches. Sampling sites included three stations each on Tybee Island, St. Simons Island, and Jekyll Island, and two stations on Sea Island. Each station was tested weekly throughout the year. Waters were tested and monitored for fecal coliform bacteria according to standards adopted in Georgia's Rules and Regulations for Water Quality Control (Chapter 391-3-6).

In 2000 the U.S. Congress passed an amendment to the federal Clean Water Act known as the Beaches Environmental Assessment and Coastal Health Act of 2000 (PL 106-284, also known as the BEACH Act). Pursuant to the act, federal grant money was made available to States through the EPA for beach water monitoring and public notification of associated risk. The EPA criteria for marine recreational waters call for a standard based on an enterococci indicator not to exceed a most probable number of 104 per 100 milliliters (mL) per single sample or a geometric mean of 35 per 100 mL based on at least four samples over 30 days.

In 2002 CRD successfully competed for BEACH Act funding. Pursuant to the grant, CRD agreed to test and monitor coastal beaches for enterococcus bacteria, and develop and implement a process for public notification if bacteria levels are found to exceed the EPA-established limits for marine recreational waters. CRD developed and implemented a standard operating procedure (SOP) for public notification, in partnership with local governments, the Jekyll Island Authority, the Public Health Districts, and the EPD. Pursuant to the SOP, CRD performs all testing activities and provides staff and material support to the other team members. EPD conducts preliminary source investigations in cooperation with CRD. The respective Health Districts provide public and media notification including issuing advisories if necessary. The local beach managing entities post signs at affected beaches.

Because there were no locally collected data on enterococcus levels, CRD used a portion of the grant funding to contract with the University of Georgia's Marine Extension Service to conduct a 6-month-long pilot study to determine the best sampling and testing protocol for enterococcus in Georgia's turbid beach waters. Three beach sampling stations, one each on Tybee, St. Simons, and Jekyll, were added at the same time. The pilot study was implemented during May through October 2003. Findings were published and peer-reviewed in December 2003. CRD convened a stakeholders' meeting in January 2004 at Midway to discuss the study and gain consensus on sampling and testing protocols. As a result, researchers and stakeholders agreed that the membrane filtration methodology (EPA Method 1600) was best suited for laboratory purposes.

CRD, with EPD's assistance, also did a risk characterization study of wastewater plants in proximity to beach waters.



On April 12, 2004, CRD began to officially monitor coastal beach waters for enterococcus in full compliance with the EPA's BEACH Program guidance. CRD monitors 15 beach sites weekly: four on Tybee, five on St. Simons, and six on Jekyll Island. During the swimming season, from April through November, CRD monitors 16 beach sites monthly: two sites on Ossabaw Island, two on Sapelo Island, two on Sea Island, and one site at each of the 10 other locations—Williamson Island, Little St. Simons Island, Cumberland Island, Little Cumberland Island, Kings Ferry Park, Skidaway Narrows Park, Pelican Spit, Reimold's Pasture, Blythe Island Sandbar, and Dallas Bluff Sandbar. The Health Districts receive the data, and issue swimming advisories for affected beaches as appropriate.

In fall 2002 Georgia initiated the process of adopting new bacteria standards for fresh and coastal waters. At that time Georgia was conducting work to ascertain the appropriate test procedures for coastal waters and, as a result, decided to proceed with promulgation of new criteria for freshwaters only. Stakeholder meetings were held prior to the development or public notice of the new draft criteria. The criteria were drafted based on the input received and the guidance provided in the May 2002 EPA draft document, "Implementation Guidance for Ambient Water Quality for Bacteria." Georgia gave public notice of draft criteria in October 2002. Georgia received significant input on the draft criteria and made the decision that additional work was needed prior to adopting a new bacteria standard. A stakeholder meeting was held in January 2003 to discuss the issues. Based on the input received during the public notice period and at the stakeholders' meeting, Georgia decided to postpone any additional work on adoption of new bacteria criteria for fresh or coastal waters until such time as EPA (1) finalized the draft May 2002 guidance document, "Implementation Guidance for Ambient Water Quality for Bacteria," (2) finalized E. coli and enterococci test procedures for ambient waters, and (3) finalized E. coli and enterococci test procedures for wastewater treatment plant effluents. At that time, it was understood that EPA was moving forward with this work and would complete each action item in a short period of time. Work on only one test procedure for ambient waters has been completed.

In conclusion, Georgia has done its part to adopt EPA-proposed bacteriological criteria and the BEACH Act and has worked in partnership with EPA to do this work. In practice, the State of Georgia is implementing the BEACH Act for coastal recreational waters. The State has expressed concerns that EPA has not finalized the draft implementation guidance or test procedures for wastewater treatment plants, which States expected to have for use during the standards setting process. The State has also expressed concern that no work has been done on flowing rivers or streams across the nation to determine whether the EPA-proposed criteria are appropriate for these waters and can be related to illness rates associated with recreational activities in rivers and streams.

#### **4. Total Maximum Daily Loads**

##### The State of Georgia:

TMDL development is under way in Georgia. The State will meet the TMDL development schedule of 13 years from date of original listing. Currently, Georgia is 100% on schedule for meeting its commitment to develop TMDLs.

Any proposed new municipal discharge or expanding municipal discharge of an existing facility has to undergo a wasteload allocation (WLA) process prior to design, permitting, or construction. WLAs in permits for major municipal facilities (with design flows of 1.0 MGD or more) are also reviewed and approved before the permits are reissued. For reissuance of permits for industrial and federal facilities,

WLAs are reviewed and approved for major facilities and primary industries discharging an oxygen-demanding effluent. WLAs are calculated for new and expanding industries with oxygen-demanding effluents. WLAs, once developed, provide the basis for calculating allowable discharge loadings and ensure protection of the water quality standards (including designated uses) of receiving streams. Any impaired waters on the Clean Water Act section 303(d) list are taken into consideration, as are TMDL issues for the discharge location. WLA development includes a comprehensive review by permitting and standards staff of the WPB, followed by a review of the draft WLA by the branch’s program managers prior to final approval.

Georgia’s watershed approach allows all permits in a watershed to be reviewed at the same time, and ensures that WLAs are appropriately incorporated into permits. Permits incorporate WLAs as expressed in TMDLs. Georgia incorporates WLAs into NPDES permits as they are expressed in the TMDL (as a load or a concentration).

The State keeps an updated list of completed and approved TMDLs (see table below for the number of approved and completed TMDLs). This list is used in drafting NPDES permits to ensure that WLAs derived from a TMDL are incorporated into the NPDES permits. The permit fact sheet discusses the TMDL and appropriate WLA for the affected permit. If a permit needs to be modified based on a finalized TMDL and the permit expiration date is not near, EPD modifies the permit to include TMDL requirements. Standard language allowing the modification of permits is included in all NPDES permits and this language is also included in Georgia’s Rules and Regulations for Water Quality Control 391-3-6-.06.

**Table 5: TMDL Trends in Georgia**

<b>Year</b>	<b># of TMDLs Approved<sup>a</sup></b>	<b># of TMDLs Established<sup>b</sup></b>	<b>Total # of TMDLs<sup>c</sup> (% Completed)</b>
1998	0	116	116 (100%)
1999	0	0	0 (100%)
2000	2	46	48 (100%)
2001	24	146	170 (100%)
2002	140	132	272 (100%)
2003	200	13	213 (100%)
2004	95	13	108 (78%)

<sup>a</sup>TMDLs developed by EPD and approved by EPA.

<sup>b</sup>TMDLs developed by EPA and established.

<sup>c</sup>Total number of TMDLs completed in a calendar year (1/1/03 - 12/31/03). (Values in the National Data Sources column of the Management Report, measure #55, are from NTTS for FY2003 (10/1/02 - 9/30/03).)

The remaining 22% (31 TMDLs for PCBs) of TMDLs awaiting approval in 2004 were re-proposed on June 30, 2004, as requested by EPA.

Savannah River Estuary Dissolved Oxygen Issue: Georgia submitted a revised dissolved oxygen standard for the Savannah Harbor on December 7, 1988. EPA disapproved the State of Georgia's dissolved oxygen criterion. EPA Region 4 has been working on developing and proposing a revised standard since 1989 and is currently on track to propose a TMDL for the system by August 30, 2004, which will be written to the current criterion. The TMDL will also contain an alternative allocation scenario based on an alternative criterion.

The receiving water for all ocean dischargers is not classified as impaired and therefore TMDLs are not needed.

## **5. Safe Drinking Water Act**

The municipal NPDES permit language requires notification of downstream public water supply intakes in the event of a spill, emergency bypass, or other emergency discharge. Water intakes are identified in GIS, and appropriate drinking water standards are applied where drinking water uses are established.

## **Section V. Other Program Highlights**

### **The State of Georgia:**

Georgia has taken a number of steps to improve the quality and efficiency of NPDES permitting. These include the following:

EPD is implementing a watershed approach to water protection efforts through a rotating river basin management planning process. Georgia has 14 major river basins. The basins have been divided into five groups and a complete river basin planning cycle is 5 years from 2003 to 2008. The basin planning process includes monitoring, data assessment and listing, TMDL development, and NPDES permit reissuance by basin.

For individual NPDES permits, EPD has developed spreadsheets to be used in determining reasonable potential and for the calculation of limits for priority pollutants. Spreadsheets for the calculation of local limits for an industrial pretreatment program have also been developed.

EPD has issued 10 general permits, which cover water treatment plant filter backwash, private and institutional developments, reuse (Gwinnett County), noncontact cooling water, sand dredging, CAFO NPDES, CAFO, construction activities, industrial activities, and Phase II municipal stormwater. Once a general permit has been issued, providing coverage for facilities under these general permits is less time-consuming than issuing individual permits. This in turn helps free up time to spend on more complex permits.

EPD has made significant enhancements to its Web site. Information previously requested of staff by the regulated community and general public is now available on the Web site. It provides information on persons to contact, permit application forms, water quality standards, rules and regulations, and publications.

### **EPA Region 4:**

The Region has developed a standardized template representing the standard language required in 40 CFR Part 122. This permit tool helps to streamline permit issuance.

The general permit for oil and gas extraction facilities has allowed Region 4 to streamline the issuance of permit coverage for 290 facilities in Region 4 States.

Water Protection Branch

<u>Permitting Compliance and Enforcement Program</u>	<u>Engineering and Technical Support Program</u>	<u>NonPoint Source Program</u>	<u>Watershed Planning and Monitoring Program</u>	<u>TMDL Implementation Program</u>
Municipal Permitting Unit	Engineering Unit	Stormwater Unit	Water Quality Modeling Unit	
Industrial Wastewater Unit	Technical Support Unit	Erosion & Sedimentation Unit	TMDL Modeling & Development Unit	
East Compliance and Enforcement Unit	Construction Management Unit	Implementation & Outreach Unit	Facilities Monitoring Unit	
West Compliance and Enforcement Unit	Information Management Unit		Intensive Surveys Unit	
			Ambient Monitoring Unit	

# NPDES Management Report, Fall 2004

## Georgia

			Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data	
						State Activities	EPA Activities	State Activities	EPA Activities
<b>NPDES Progress</b>									
Universe	1	# major facilities (6,690 total)	I.1		n/a	174	0		
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	668	0		1
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	184	0		
	4	# priority permits (TBD)	I.6			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	2,164	--		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	446	1		
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	370	0		
	8	# pretreatment programs (1,482 total)	II.2		n/a	58	--	65	
	9	# Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total)	II.2		n/a	726	--	452	
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	II.5		n/a	8	--		
	11	# CAFOs (current and est. future) (17,672 total)	II.3		n/a	828	--		
	12	# biosolids facilities (TBD '05)	II.6			--	--		
NPDES Program Administration	13	State or Region assessment of State NPDES program (none (N)/assessment (A)/profile (P))	I.1	50 states 2004	n/a	A, P	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	I.7		46.3%	42.1%	--		
	15	State CAFO legal authority expected (mo/yr)	II.3	2005	n/a	9/03	n/a		
	16	# Withdrawal petitions/legal challenges (22 total)	I.4		n/a	0	n/a		
	17	DMR data entry rate	I.7		95%	99%	--		
	18	# permit applications pending (1,011 total)	I.6		n/a	2	--		0
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	83.9%	n/a	95.0%	
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	93.5%	n/a		100.0%
	21	# major facilities w/permits expired >10 yrs. (56 total)	I.6		n/a	0	0		
	22	% priority permits issued as scheduled (TBD '05)	I.6	95% 2005		--	--		
	23	% pretreatment programs inspected/audited during 5 yr. inspection period	II.2		85.3%	77.6%	--		
	24	% SIUs w/control mechanisms	II.2		99.2%	97.1%	--		
	25	% of CSO permittees with long-term control plans developed or required	II.5	75% 2008	82.2%	100.0%	--		
	26	% CAFOs covered by NPDES permits	II.3		35%	9%	--		
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	II.6			--	--		
	28	# Phase I storm water permits issued but not current (76 total)	II.4		n/a	1	n/a		
	29	# Phase I storm water permits not yet issued (5 total)	II.4		n/a	0	n/a		
	30	Phase II storm water small MS4 permits current (Y/N/D (draft) (35 States)	II.4	100% states 2008	n/a	Y	n/a		
	31	Phase II storm water construction permit current (Y/N/D (draft) (49 States)	II.4	100% states 2008	n/a	Y	n/a		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	III.3		71%	76%	8%		
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	64%	42%		
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	8%	--		
	35	% SNCs addressed by formal enforcement action (FEA)	III.1		14%	8%	--		
	36	% SNCs returned to compliance w/o FEA	III.1		70%	92%	--		
	37	# FEAs at major facilities (666 total)	III.1		n/a	63	4		
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	72	0		

### Explanation of Column Headers:

**Profile Section:** For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

**National Data Sources:** The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NTTs as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The [definitions document](#) accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

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**State Activities:** Information in these columns reflects activities conducted by the State program. (Shaded cells in these columns indicate that the work may not be entirely the State's responsibility, but a breakdown of the data into EPA and State responsibilities is unavailable.)

**EPA Activities:** Information in these columns reflects activities conducted by the EPA Region within the State.

# NPDES Management Report, Fall 2004

## Georgia

		Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data		
					State Activities	EPA Activities	State Activities	EPA Activities	
<b>Water Quality Progress</b>									
Universe	39	River/stream miles (3,419,857 total)	IV.2		n/a	68,117	n/a		
	40	Lake acres (27,775,301 total)	IV.2		n/a	388,525	n/a		
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	IV.4		n/a	551	--		
	42	# TMDLs committed to in FY 2003 management agreement (2,435 total)	IV.4		n/a	n/a	n/a		
	43	# Watersheds (2,341 total)	IV.2		n/a	--	--		
Water Quality Administration	44	On-time Water Quality Standards (WQS) triennial review completed (42 States)	IV.3		n/a	Y	n/a		
	45	# WQS submissions that have not been fully acted on after 90 days (32 total)	IV.3	<25% submiss-ions	n/a	n/a	0		
Water Quality Implementation	46	State is implementing a comprehensive monitoring strategy (Y/N) (TBD)	IV.1	all states 2005	--	--	--		
	47	% river/stream miles assessed for recreation	IV.2		13.8%	0.3%	n/a		
	48	% river/stream miles assessed for aquatic life	IV.2		22.0%	0.2%	n/a		
	49	% lake acres assessed for recreation	IV.2		49.4%	27.2%	n/a		
	50	% lake acres assessed for aquatic life	IV.2		48.5%	0.0%	n/a		
	51	# outstanding WQS disapprovals (23 total)	IV.3		n/a	1	n/a		
	52	WQS for E. coli or enterococci for coastal recreational waters (12 States)	IV.3	35 states 2008	n/a	N	n/a		
	53	WQS for nutrients or Nutrient Criteria Plan in place (13 States)	IV.3	25 states 2008	n/a	N	n/a		
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	IV.4		n/a	991	--		
	55	# TMDLs completed in FY 2003 (2,929 total)	IV.4		n/a	195	13		
Environmental Outcomes	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	IV.4		n/a	821	--		
	57	% Assessed river/stream miles impaired for swimming in 2000	IV.2		--	--	n/a		
	58	% Assessed lake acres impaired for swimming in 2000	IV.2		--	--	n/a		
	59	# Watersheds in which at least 20% of the water segments have been assessed and, of those assessed, 80% or more are meeting WQS (440 total)	IV.2	600 2008	n/a	--	--		

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