

Georgia Department of Natural Resources

Environmental Protection Division • Watershed Protection Branch
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(404) 463-1511; Fax (404) 656-2453
Judson H. Turner, Director

August 19, 2015

RE: City of Atlanta Combined Sewer System
NPDES Permits - East Area (GA0037168)
and West Area (GA0038644)

Dear Concerned Citizen(s):

Thank you for your comments concerning the application submitted by the City of Atlanta for the reissuance of their NPDES permits for the Combined Sewer Systems. The Environmental Protection Division (EPD) has performed a detailed technical review and has carefully considered the comments received by EPD during the public hearing and during the comment period for the draft NPDES permits.

Based on those comments, EPD has made some modifications to the draft permits and a list of changes to the permits can be found in the attached fact sheet addendum along with an attachment, which addresses the issues presented during the public hearing and public notice comment period with EPD's responses to the issues raised.

EPD has determined that the permits meet all necessary requirements and are protective of the environment. Therefore, EPD has issued the permits.

We appreciate your interest in this matter and your continuing support for Georgia's environmental programs.

Sincerely,



Jeff Larson, Assistant Branch Chief
Watershed Protection Branch

JL\gms
Attachment:
Response to comments and fact sheet addendum

FACT SHEET – Addendum
Atlanta East Area Combined Sewer System (CSS)
NPDES Permit No. GA0037168
8/19/2015

APPLICATION FOR REISSUANCE OF A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TREATED WASTEWATER INTO WATERS OF THE STATE OF GEORGIA

Were there any revisions between the draft and final permit? If yes, specify:

Yes No Revisions specified below:

- On page 19, added a table for instream water quality monitoring of Intrenchment Creek.

- On page 16, revised footnote 6 to clarify rainfall events to include the following:

The rainfall gauge is to be located near the discharge points. Rainfall may occur in other areas of the CSS and not be recorded at the rainfall gage of record. The permittee may use other rainfall data within the drainage area to demonstrate that a Dry Weather Overflow has not occurred.

- On page 5, in Part I.A.1(d) under definitions: moved the sentence, For the purpose of this permit, the East Area Combined Sewer System (CSS) includes the Custer Avenue Combined Sewage Control Facility (CSCF) and Intrenchment Creek (East Area) WQCF.” to the definition in Part I.A.1.(e)

- On page 5 in Part I.A.1(e), corrected the reference for 403.3 (p) to 403.3 (q).

- On page 6 in Part I.A.1(l), capitalized Dry Weather Overflow

- On page 7 in Part I.A.2., first paragraph, replaced the word, “should” with “shall”

- On page 8 in Part I.A.2.(8)(c), “Public Notification”, added a provision for the permittee to post a notice on their website when a CSO occurs. The wording is as follows:

c. On the next business day following a CSO, the permittee shall post notification of the combined sewer overflow event (including the receiving stream) in a prominent location on the on the City of Atlanta’s website.

- Part I.A.4., on page 9, the language that contains the conditions for the three year long term rolling average has been revised. The sentence now reads, “No more than a three year long-term rolling average of four (4) Combined Sewer Overflow events per year is allowed from the CSS.”

Capitalized Overflow Events in the first sentence

- In Part I.A.6., on page 10, “CSS Annual Reports” added a specific time frame of March 31 of each year for annual reports to be submitted.

- On page 10, corrected the date that EPD approved the sampling plan from June 28, 2012 to July 17, 2012. Also, language was added in the draft permit to call for revision of the approved sampling plan within ninety days of the issuance date of the permit.

- For clarity a sentence in Part I.A.8.b.(i) on page 12 was revised from:

“The permittee shall develop an iterative process of implementing projects. Those provisions may incorporate an iterative process employing adaptive management”.

FACT SHEET – Addendum
Atlanta East Area Combined Sewer System (CSS)
NPDES Permit No. GA0037168
8/19/2015

To read,

“The permittee shall develop an iterative process of implementing projects which at a minimum incorporates employing adaptive management.”

Added a comma in I.A.8(a)(v) after the word “identifying”

- For all outfall locations identified in the permit in Part I.B., added the words, “as referenced in the approved sampling plan”. This is for clarity and each sampling plan contains the lat/long identification for sampling locations.
- On page 18, on footnote #5, added the sentence, “This testing shall be completed within the first 18 months after the effective date of the permit.” This is to add clarity as to when the Whole Effluent Toxicity testing shall be completed.
- Corrected the method for Whole Effluent Toxicity from chronic to acute and corrected the Rules cite reference to 391-3-6-.3(5)(e) on page 20.
- On page 20, “Flow Monitoring, “added the words pursuant to industry-accepted engineering and manufacturing standards.”
- On page 22, added a hyphen between the words, site-specific.
- Revised the language for Civil and Criminal Liability on page 29

FACT SHEET – Addendum
Atlanta West Area Combined Sewer System (CSS)
NPDES Permit No. GA0038644
8/19/2015

APPLICATION FOR REISSUANCE OF A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TREATED WASTEWATER INTO WATERS OF THE STATE OF GEORGIA

Were there any revisions between the draft and final permit? If yes, specify:

Yes No Revisions specified below:

- Corrected the outfall location for the West Area WQCF on the permit cover for GA0038644
- On page 5 in Part I.A.1(d) under definitions: moved the sentence, “For the purpose of this permit, the West Area Combined Sewer System (CSS) includes the West Area WQCF, Clear Creek CSCF, North Avenue/Proctor Creek CSCF and the Tanyard Creek CSCF” to the definition for CSS in Part I.A.1(e) .
- On page 5 in Part I.A.1(e), corrected the reference for 403.3 (p) to 403.3 (q).
- On page 6 in Part I.A.1(l), capitalized Dry Weather Overflow
- On page 7 in Part I.A.2., first paragraph, replaced the word, “should” with “shall”
- On page 8 in Part I.A.2.(8)(c), “Public Notification” , added a provision for the permittee to post a notice on their website when a CSO occurs. The wording is as follows:
 - c. On the next business day following a CSO, the permittee shall post notification of the combined sewer overflow event (including the receiving stream) in a prominent location on the on the City of Atlanta’s website.
- Revised footnote 6 on page 16 to clarify rainfall events to include the following:

The rainfall gauge is to be located near the discharge points. Rainfall may occur in other areas of the CSS and not be recorded at the rainfall gage of record. The permittee may use other rainfall data within the drainage area to demonstrate that a Dry Weather Overflow has not occurred.
- Part I.A.4., on page 9, the language that contains the conditions for the three year long term rolling average has been revised. The sentence now reads, “No more than a three year long-term rolling average of four (4) Combined Sewer Overflow events per year is allowed from the CSS.”

Capitalized Overflow Events in the first sentence
- In Part I.A.6., on page 10, “CSS Annual Reports” added a specific time frame of March 31 of each year for annual reports to be submitted.
- On page 10, corrected the date that EPD approved the sampling plan from June 28, 2012 to July 17, 2012. Also, language was added in the draft permit to call for revision of the approved sampling plan within ninety days of the issuance date of the permit.
- For clarity a sentence in Part I.A.8.b.(i) on page 12 was revised from:

“The permittee shall develop an iterative process of implementing projects. Those provisions may incorporate an iterative process employing adaptive management”.

FACT SHEET – Addendum
Atlanta West Area Combined Sewer System (CSS)
NPDES Permit No. GA0038644
8/19/2015

To read,

“The permittee shall develop an iterative process of implementing projects which at a minimum incorporates employing adaptive management.”

Added a comma in I.A.8(a)(v) after the word “identifying”

- For all outfall locations identified in the permit in Part I.B., added the words, “as referenced in the approved sampling plan”. This is for clarity and each sampling plan contains the lat/long identification for sampling locations.
- On page 16, on footnote #5, added the sentence, “This testing shall be completed within the first 18 months after the effective date of the permit.” This is to add clarity as to when the Whole Effluent Toxicity testing shall be completed.
- Corrected the method for Whole Effluent Toxicity from chronic to acute and corrected the Rules cite reference to 391-3-6-.3(5)(e) on page 24.
- On page 24, “Flow Monitoring,” added the words pursuant to industry-accepted engineering and manufacturing standards.”
- On page 26, added a hyphen between the words, site-specific.
- Revised the language for Civil and Criminal Liability on page 34

TABLE I
Comments and EPD Responses to the public comments on the City of Atlanta CSS permits East & West
NPDES Draft Permit Number GA0037168 and GA0038644

Major Issue	Comments	EPD Response
<p>Definitions General</p>	<p>Definitions and terminology used in the permits are ambiguous and confusing. The permit(s) must contain a clear definition of</p> <ol style="list-style-type: none"> 1) combined sewer overflow 2) combined sewer discharge 3) combined sewer discharge event 4) combined sewer overflow event 5) combined sewer system <p>The definition of "bypass" should be included in the definition section.</p>	<p>All of the definitions contained in the permits were reviewed and, where applicable, revised to reflect current federal requirements as detailed in the Combined Sewer Overflow Control Policy.</p> <p>A Combined Sewer System (CSS) is defined as a wastewater collection system owned by a State or municipality (as defined by section 502(4) of the CWA) which conveys both sanitary wastewaters and storm water through a single-pipe system to a Publicly Owned Treatment Works (POTW) as defined in 40 CFR Part 403.3(g). A combined sewer discharge event is expressed in terms of sampling duration which is defined as a discharge event that lasts at least fifty minutes and which occurs not less than 48 hours since the end of the last such discharge event. In general, there are two possible scenarios that would result in a permitted combined sewer discharge:</p> <ol style="list-style-type: none"> 1) An allowable number of combined sewer overflows as defined in the Combined Sewer Overflow (CSO) Control Policy; and 2) A permitted discharge as allowed under the Clean Water Act (CWA) <p>A combined sewer overflow (CSO) is defined as a discharge of combined sewage from a CSS into waters of the State at a point prior to receiving minimum treatment. The number of CSOs allowed are defined in the permits, and once the maximum allowable events have been reached they are considered violations of the permit. A combined sewer overflow event is defined as the CSOs from a number of points in the combined sewer system during wet weather flow conditions from a single event.</p> <p>Permitted discharges from the CSS are those discharges that occur during a wet weather event that receive minimum treatment and are discharged through permitted outfalls identified in the permit(s). Wet Weather Flow Conditions are defined as the hydraulic flow conditions within a CSS resulting from an event of greater than 0.1 inches of precipitation within a twenty-four hour period.</p>

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Major Issue	Comments	EPD Response
Definitions General (continued)		<p>A bypass is only allowed under specific circumstances. Bypass by federal definition under 40 CFR 122.41(m), is the intentional diversion of waste streams from any portion of a treatment facility. Bypasses are prohibited and EPD can take enforcement action against a permit holder for bypass, unless: the bypass was unavoidable to prevent loss of life, personal injury or severe property damage; there were no feasible alternatives to bypass, and the permit holder submitted notices for an anticipated or unanticipated bypass.</p> <p>A bypass is <u>not</u> considered a CSS permitted discharge or a CSO.</p>

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<p>Anti-backsliding 40 CFR 122.44(l)</p>	<p>The Federal Clean Water Act prohibits backsliding. The proposed permit must be as stringent as the previous permit. Removal of biological chemical demand [<i>sic</i>] (BOD) and total suspended solids (TSS) performance standards violates the Clean Water Act. Removal of Performance Standards for BOD and TSS is considered backsliding under the anti-backsliding provisions of 40 CFR 122.44(l) and should remain in the permits.</p>	<p>40 CFR §122.44(l) (1) states, "when a permit is renewed or reissued, interim effluent limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards or conditions in the previous permit (unless circumstances on which the previous permit was based have materially and substantially changed since the time that the permit was issued and would constitute cause for a permit modification or revocation and reissuance under §122.62.)" 122.44 (l)(2) further lists exceptions to backsliding that states that a permit may be renewed, reissued or modified to contain a less stringent effluent limitation applicable to a pollutant if, "material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation and information is available which was not available at the time of permit issuance and which would have justified the application of a less stringent limit."</p> <p>The performance standards in the 2005 permits were considered indicators for gaging whether the City was operating and maintaining its CSS properly. At that time, the condition was considered an operational standard for the CSS Management Operation and Maintenance (MOM) plans.</p> <p>These performance standards were included in the permits before separation had occurred and before major system improvements were made. Since the major system improvements have been made, it has been determined that the performance indicator chosen for the percent removal for Biochemical Oxygen Demand and Total Suspended Solids is not a good indicator of whether the CSS is performing as designed. The CSS was not designed to meet the described percent removal, therefore using it as a performance measure is inappropriate. In addition, the performance standards were not effluent limitations and therefore anti-backsliding is not applicable.</p>

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Major Issue	Comments	EPD Response
Anti-backsliding 40 CFR 122.44(l) (Continued)	<p>The City's "presumptive approach" cannot meet the usual nationwide TSS and BOD standards and other water quality standards as well.</p>	<p>Further, the CSO Control Policy states that CSOs are not subject to secondary treatment regulations applicable to publicly owned treatment works. The 85% removal requirement is a secondary treatment requirement applicable to a POTW (40 CFR §133.102). Given the nature of a CSO (i.e. storm water and sanitary sewage) the domestic influent sanitary sewage may be diluted by the storm water which in turn produces a low strength influent wastewater stream.</p> <p>The percent removal may not be attainable due to the less concentrated influent associated with the nature of combined sewer flows. 40 CFR §133.103 "Special Considerations" recognizes that combined sewer treatment works may not be capable of meeting the percentage removal requirement.</p>
Anti-backsliding 40 CFR 122.44(l) (Continued)	<p>The draft permit backslides on the definition of a combined sewer system it is misleading and should be replaced with the 2005 permit definition.</p>	<p>The Design Development Report specified certain percent removal levels. However, the federal regulations recognize that combined sewer systems are not designed to meet specific percent removal for BOD and TSS. Therefore, the 2015 permits do not have percent removal requirements.</p> <p>The definition for a CSS as defined in the permits is the federal definition and is further defined in the Environmental Protection Agency (EPA) Combined Sewer Overflow Control Policy. Backsliding/Anti-backsliding are terms used in reference to permitted effluent limitations, not in reference to this terminology.</p>
Integrated Planning and Green Infrastructure	<p>Strengthen the implementation of Green Infrastructure projects.</p> <p>Strong water quality standards must be included in the 2015 permit in order to measure the effectiveness of green infrastructure projects as required. The green infrastructure (GI) discussion in the</p>	<p>The intent of the permit language for Integrated Planning is to have the City of Atlanta develop and implement an integrated plan for their entire collection system (wastewater, stormwater and combined sewer) that identifies potential projects for green infrastructure control. Green infrastructure uses natural hydrologic features to manage water and provide environmental and community benefits. The permit language contains specific elements to be included in the integrated plan and includes provisions for stakeholder involvement.</p>

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Major Issue	Comments	EPD Response
<p>Integrated Planning and Green Infrastructure (continued)</p>	<p>draft permit should contain specifics about critical aspects of the proposed project such as the amount of storm water that will be taken out of the system, how will the GI be implemented and performance requirements.</p> <p>As written, the GI is an idea without substantive details that would make it a viable option for reducing the amount of stormwater that enters Intranchment Creek and the South River via Atlanta's combined over five year life of the NPDES permit.</p>	<p>EPD specifically added provisions for the City to evaluate and choose projects designed to be effective so that discharges from the CSS do not cause water quality violations, and that they reduce combined sewer overflows, runoff volume, solids and floatable materials, provide stormwater management, and improve overall water quality.</p> <p>The permits contain a two year compliance schedule for the development and implementation of the Integrated Plan (IP). Once the IP is approved by EPD, it will be enforceable through the permits.</p>
<p>Rolling Average for an overflow event</p>	<p>The use of a "rolling average of four overflow events" is an inappropriate measure. A rolling average over a three year period statistically obscures the frequency of overflow events over a discrete period of time, i.e. four events per year. Determination of violations and confounded enforcement would practically be delayed for three years.</p> <p>The proposed rolling average of four overflow events has no basis in federal regulations or technical guidance for combined sewer overflow and should be disallowed. The conflict between the definition of overflow in the 2014 draft permit and CSO discharge in the 2005 permit makes it impossible to determine exactly where these overflows will occur and how they should be counted. What is the basis for allowing the drastic reduction of how CSOs are counted?</p>	<p>The CSO Control Policy allows "no more than an <u>average</u> of four overflow events per year, provided that the permitting authority may allow up to two additional overflow events per year." The three year long term rolling average of four CSO events per year is more stringent than the 2005 permits and is consistent with the CSO Control Policy. The allowable CSOs are now counted across the entire CSS and not per each combined control facility.</p>

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Major Issue	Comments	EPD Response
<p>Allowed permitted discharges</p>	<p>How many permitted discharges (combined sewer discharges receiving minimum treatment, e.g. screening, chlorinate and de-chlorinate) are allowed under the draft permit?</p>	<p>The National Pollutant Discharge Elimination System (NPDES) Program allows discharges of treated wastewater from point sources to be discharged provided that a NPDES permit has been issued to the facility. The Atlanta CSS permits are NPDES permits and treated wastewater can be discharged from the Water Quality Control facilities legally under the terms of the permits. The permittee is required to meet the effluent limitations outlined in the permits.</p> <p>The permits require the City to first maximize the flows to the Water Reclamation Facility (WRC) during wet weather flow conditions. Once the WRC reaches capacity, only then will any additional flow be allowed to be discharged from the CSS. Each discharge event from the CSS should receive minimum treatment (e.g. screening, chlorination and de-chlorination) and is considered a permitted discharge. A permitted discharge is defined as, "treated effluent that is discharged from the outfall conveyance structure of a combined sewage control facility into waters of the State that has received at least minimum treatment."</p> <p>The discharges that are limited (by number allowed) under the permits are the combined sewer overflows (CSOs) from the CSS that do not receive minimum treatment (i.e., do not receive screening, chlorination and de-chlorination).</p>
<p>Metals - Evaluations</p>	<p>The permit must contain clear guidelines for evaluating metals. The draft permit should contain numeric limits for metals.</p>	<p>The permits contain several provisions to address and evaluate metals as follows: The Integrated Plan (to control runoff and discharges to the system); conditions for conducting a Water Effects Ratio (WER); Whole Effluent Toxicity (WET) tests (to evaluate toxicity); a Biotic Ligand Model (for copper evaluation); and the requirement that the City monitor for metals with every discharge event. Under the Georgia Rules for Water Quality Control 391-3-6-.06(4)(d)(ii)(b), EPD can evaluate the reported metals data for reasonable potential. Further, both permits contain a re-opener clause that allows EPD to re-open the permits and add numeric limits for metals if there is a reasonable potential that they need to be limited.</p>

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<p>Metals bioaccumulation and numeric limits</p>	<p>Monitoring and reporting will not result in a reduction of metals in the South River. Residents of Lake Jackson consume fish caught from the Lake because they believe that the fish are safe to eat. Some metals bio-accumulates in fish and can be harmful to human health if fish consumption limits are not adhered to.</p>	<p>The Department of Natural Resources publishes, "Guidelines For Eating Fish From Georgia Waters" that contains recommendations for fish consumption in Georgia including meal frequencies for different fish species and sizes.</p> <p>Metals, PCBs, chlordane and other pesticides are contaminants that can affect fish tissue. These guidelines account for bio-accumulation in fish tissue and list meal consumption recommendations based on the waterbody and the constituents that may affect the fish. The fish consumption guidelines serve as a basis to help the public to be aware of the constituents that have been found in the fish tissue and provide guidelines on fish consumption and should be adhered to as a precautionary measure.</p> <p>See information above on permit conditions addressing metals and the potential to re-open Atlanta CSS permits at a later date based on EPD evaluation of metals data.</p>
<p>Supplemental Environmental Projects (SEP)</p>	<p>The permit should require a Supplementary Environmental Project (SEP) of \$25 million or more to fund green infrastructure design development with community involvement.</p> <p>Permit must establish a Supplementary Environmental Project (SEP) to address flooding of residential areas in Vine City. This should address the direct and indirect flooding from higher elevations in the gulch area caused by inadequate stormwater detention.</p>	<p>The City of Atlanta was required to complete Supplemental: Environmental Projects (SEPs) under the Federal Consent Decree (CD). The CD contained specific project descriptions with specific deadlines. The SEPs have been completed. SEPs are usually associated with enforcement mechanisms and are not part of NPDES permitting process. EPD will review the City's priority areas for improvement once they develop their Integrated Plan.</p>

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Public Notification	<p>The City of Atlanta must be required to post, on a publicly accessible website, the occurrence of any CSO event within 18 hours so that the streamside communities will be alerted promptly to these health threats.</p> <p>Post the occurrence of combined sewer overflow event on a publicly accessible website within fifteen hours of such occurrence.</p>	<p>The permits have public notification language for Nine Minimum Controls (NMC) which requires that the City implement a public notification process to inform citizens when and where CSOs occur.</p> <p>The permits have been revised in Part I.A.2. (8) to include a provision for the permittee to post notification of a combined sewer overflow in a prominent location on their webpage by the next business day after a CSO has occurred.</p>
Complaints	<p>The state should create a mechanism to receive and respond to citizen complaints and notify interested parties downstream upon sewage release.</p>	<p>EPD has a mechanism in place to receive and respond to citizen complaints. Complaints are tracked in an electronic data system and are investigated by EPD personnel. In addition, Chapter 391-3-6 .05 "Emergency Actions" of the Georgia Rules for Water Quality Control requires all POTWs to report all spills and any unreported spills is a violation of this Rule. The permits contain the definition of spills and the associated reporting and public notification requirements.</p>
Rainfall data	<p>The permit must require that the City utilize accurate and representative rainfall data in response to dry weather overflows. Any and all rainfall data utilized must come from sources in close proximity to the location of discharge.</p>	<p>The permits define dry weather flow conditions as: Hydraulic flow conditions within the CSS drainage resulting from domestic sewage, groundwater infiltration, commercial and industrial wastewaters, stormwater, or a combination thereof, during a period when there has been less than 0.1 inches of precipitation in the preceding 24-hour period. The permits further specify that rainfall gauges are to be located near CSS discharge points.</p>

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<p>Whole Effluent Toxicity and Water Effect Ratios</p>	<p>The tables in the 2015 draft permit identify monitoring requirements and <i>Acute</i> whole effluent toxicity testing is identified as a parameter, yet the reporting requirements are identified as results for <i>chronic</i> whole effluent testing.</p>	<p>This has been corrected.</p>
<p>Impaired waters and 305(b)/303(d) listings and Total Maximum Daily Load (TMDL)</p>	<p><u>Intr trenchment Creek</u> Intr trenchment Creek is listed on the Georgia 305(b)/303(d) report as "not meeting water quality standards." CSO overflows at the Custer Avenue CSCF appear to occur at a frequency and intensity to effectively prevent Intr trenchment Creek from gaining a foothold toward recovery and removal from non-attainment status.</p> <p>Clear Creek is listed for dissolved oxygen. EPD's determination should address whether pollutants in the CSS facilities' permitted discharge are consistent with the allocation of pollutants in the TMDL for these receiving waters.</p>	<p>The CSS permit has fecal coliform limits based on the 2008 Chattahoochee River Basin Fecal coliform TMDL that states "The fecal coliform TMDL for the listed stream segments is dependent on the time of year and the streamflow. The maximum seasonal fecal loads in the TMDL are given below:</p> <p>$TMDL_{summer} = 200 \text{ counts (as a 30day geometric mean)}/100 \text{ mL} * Q * \text{Conversion Factor}$</p> <p>$TMDL_{winter} = 1000 \text{ counts (as a 30day geometric mean)}/100 \text{ mL} * Q * \text{Conversion Factor}^r$</p> <p>Dissolved Oxygen violations typically occur during critical conditions of low flow and high temperature and permit limits are developed for these conditions. According to the 2003 Clear Creek Dissolved Oxygen TMDL, the "City of Atlanta Clear Creek CSO was not discharging during the critical time period (June 2000) and therefore not considered in the TMDL analysis." While wet weather discharges may contribute to the organic load, Dissolved Oxygen TMDLs are developed for dry weather flows.</p>

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<p>CSO Control Policy Presumption Approach</p>	<p>The presumption approach allows the permittee to implement a minimum level of treatment that is <i>presumed</i> to meet water quality based requirements of the CWA. The demonstration approach allows for a permittee that cannot meet the qualifying criteria for the presumption approach to <i>demonstrate</i> that its control program is adequate to meet the water quality based criteria requirements of the CWA. A municipality cannot choose the “presumption approach absent the permitting authority’s determination that the “presumption is reasonable in light of the data and analysis conducted in the characterization, monitoring and modeling of the system...” Based on the draft permit and supporting materials, it is unclear whether EPD made such determinations.</p>	<p>The permits meet the requirements of the EPA Combined Sewer Overflow Control Policy.</p>
<p>Alternative methods of disinfection</p>	<p>Intr trenchment Creek is impaired stream chlorine should not be used to disinfect the combined sewage. The impaired condition of Intr trenchment Creek dictates that the City implements the use of carbon adsorption or other non-chlorine disinfection such as ozone and ultraviolet light. Sodium bisulfate is used by Atlanta to de-chlorinate wastewater. Atlanta’s discharge monitoring reports confirm frequent violations for total residual chlorine (TRC).</p> <p>The chlorination/de-chlorination process is further degrading Intr trenchment Creek which is an impaired stream that is listed on the State’s 303d list.</p>	<p>When a wastewater treatment plant is designed, the entity proposing to build the wastewater treatment plant submits a design of the technology that it proposes to use. EPD reviews the appropriateness of the technology to achieve the assigned waste load limits.</p> <p>The City of Atlanta’s design allows for chlorine disinfection and de-chlorination. The permits contain a limitation for total residual chlorine of 0.10 mg/L. This is based on water quality protection. Noncompliance with the permit will be addressed through the enforcement process.</p>

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<p>Chronic Whole Effluent Toxicity Test for Metals</p>	<p>EPD must evaluate the need to address the CSS's compliance with chronic toxicity criteria in addition to acute toxicity criteria for metals.</p>	<p>Since CSS discharges are the result of wet weather events, and since the combined sewage is initially discharged during a short interval of time, this "first flush" usually characterizes the discharge with the highest concentrations of pollutants. Therefore, using acute criteria to gage toxicity during the discharge sampling event is appropriate.</p> <p>Under the "Effluent Toxicity and Bio-monitoring Requirements" of the permits, if toxicity is suspected, EPD may require the permittee to perform any of the following actions: acute bio-monitoring tests; chronic bio-monitoring tests; stream studies; priority pollutant analyses; toxicity reduction evaluations (TRE); or any other appropriate study. The permittee must eliminate effluent toxicity and supply EPD with data and evidence to confirm toxicity elimination. When approved by EPD, all study plans and TRE plans will become part of the permit requirements.</p>
<p>Whole Effluent Toxicity (WET) testing in Intrenchment Creek</p>	<p>It has been established that Intrenchment Creek is effectively devoid of aquatic macro-invertebrates and fish and does not meet water quality standards. This is a chronic condition likely resulting from acute episodic events of CSO overflows from the Custer Avenue CSCF. WET testing and reporting must be undertaken in a manner and frequency that will result in data that defines effects of acute episodic events leading to chronic water quality degradation.</p>	<p>The permits contain a requirement for the City to conduct acute whole effluent toxicity test (WET) once during the permit duration. EPD will evaluate the results of the WET tests and if toxicity is predicted, the permits will be evaluated with respect to re-opening them to increase the frequency of WET testing. Further, as stated above, under the "Effluent Toxicity and Bio-monitoring Requirements" of the permits, if toxicity is suspected, EPD may require the permittee to perform additional studies.</p>
<p>Fecal Coliform and E.Coli</p>	<p>The permit should contain a provision for requiring an automatic conversion from fecal coliform bacteria to E. coli bacteria pending changes in site standards.</p>	<p>The proposed bacteria criteria are only for those waters designated as recreation. The receiving waters for the CSS are designated as fishing. Please note that fecal coliform bacteria are indicator organisms to show the presence of fecal pollution from warm blooded animals.</p>

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NPDES Draft Permit Number GA0037168 and GA0038644

Major Issue	Comments	EPD Response
Untreated Sewage	The draft permit allows too much untreated sewage to be discharged when significant rain events occur.	The permits specifically state that the permittee must operate the Water Reclamation Facilities at maximum treatable flow during all wet weather flow conditions to reduce the magnitude, frequency and duration of all discharges from the CSS. When a significant amount of rain occurs, discharges must receive minimum treatment which includes screening, chlorination and de-chlorination. However, under the definition of combined sewer overflow (the discharge of combined sewage from a combined sewer system into waters of the State at a point prior to receiving minimum treatment), the permits specifically limit the number of these occurrences.
Ammonia limits	The permit should contain limits for ammonia	Due to the nature of the discharge that occurs during rainfall events resulting in high flows in the receiving stream and the subsequent dilution of the CSS discharge, instream water quality data shows there is not an ammonia toxicity issue. However, the permits contain a requirement for the City to monitor for ammonia with every discharge sampling event.
Underground Injection Control (UIC)	Comments about the CSO being an UIC	EPD has determined that the tunnels are not underground injection wells.
Total Suspended Solids (TSS)	Suspended solids can diminish the aesthetic and recreational qualities of our stream. Turbidity limits light penetration into the water column and reduces growth of microscopic algae and submerged aquatic vegetation. Suspended solids also impede filter-feeding organisms such as shellfish and small aquatic invertebrates. The permit must require screening of all flows.	The permits require the City to first maximize the flows from combined sewers to the wastewater treatment plant. The WQCFs and the CSCFs are designed to screen and remove floatables and solids prior to any discharge from the system. All of the City's CSS facilities have bar screens and fine screens.

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Solids deposits in tunnels	<p>EPD should require the City to determine whether there are significant accumulations of deposited solids in the storage tunnel and if such accumulations have resulted in operational problems at the CSS. Operational problems include: overloading of total suspended solids and operation of the tunnel in the West area.</p>	<p>As stated above, the CSS facilities have both bar screens to catch large solids and fine screens for smaller solids. Screening is performed prior to the flow entering the tunnels. The City also has an approved Management, Operation and Maintenance Plan (MOM) to address CSS operational issues.</p>
<p>Nine Minimum Controls</p>	<p>The CSO discharges from the Custer Avenue CSO control facility do not comply with the federal Combined Sewer Overflow Guidance for nine minimum controls.</p> <p>The amount of trash and floatables in the stream channel and hanging from trees and other vegetation at the Custer Avenue CSO Control facility demonstrate that these discharges do not meet the technology based requirements and best management practices required to meet Nine Minimum Controls (NMC) for combined sewer overflows.</p>	<p>The requirement to implement the Nine Minimum Controls (NMC), through the City's maintenance and operational plans is designed to ensure proper operation and maintenance of the CSS. EPD inspects the CSS facilities for adherence to these controls. The NMC is part of the permit, is enforceable, and records are publicly available.</p>
<p>Sampling protocol at the Custer Avenue CSO</p>	<p>The sampling point at the Custer Avenue CSO facility (002) is located immediately downstream of the diversion dam. Rainfall events significant enough to trigger combined sewer overflow would seem to be virtually impossible to take samples from this location. Clarify how sampling from this site is accomplished?</p>	<p>Sampling at the Custer site is accomplished in accordance with the approved Management, Operations, and Maintenance (MOM) plans, which are on file with EPD. According to the MOMs Plan, both the automated effluent sampling point and the manual (backup) effluent sampling point for the Custer Avenue CSCF are located inside the screening building just prior to the effluent discharge outfall, and are not affected by the diversion dam.</p>

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Major Issue	Comments	EPD Response
Upstream and downstream monitoring at the East CSS	The additional monitoring requirement and effluent limitations for "upstream and downstream monitoring" is not included in the draft permit.	This has been corrected in the East CSS permit.
Capacity, Maintenance, Operation and Management (CMOMs) Program	Operations and maintenance failures directly contribute to combined sewer overflows, chlorine overdosing, total residual chlorine under-dosing, sampling violations, and a myriad of other problems; It is Atlanta's responsibility to ensure that its CMOM program works.	The Combined Sewer Overflow Control Policy (1994) requires that the Nine Minimum Controls (NMC), through the City's maintenance and operational plans, are designed to ensure proper operation and maintenance of the CSS. EPD inspects the CSS facilities for adherence to these controls. The NMC is part of the permit, is enforceable, and records are publicly available.
Additional Monitoring	Under the Additional Monitoring Requirements and Effluent Limitations section of the draft permit, EPD should add, "CSO discharge(s) must not cause or contribute to violation of the Georgia Water Quality standards pursuant to the State Rules and Chapters 12-5-29-1 and 12-5-30.2 of the Code"	The CSS NPDES permits are appropriate and enforceable.
Performance Standards	The final permit should require strict performance standards for the BOD and TSS provisions and result in the most optimum protection for the South River.	The permits contain a section for "Performance Standards" that include the permittee maintaining and updating its MOM plans to include a schedule of maintenance, frequency of inspections, a description and schedule of regular equipment maintenance of all structures to ensure proper working condition (including mechanical screens, screens for grit removal, chemical feed systems, mechanical rake systems, tunnels, etc.); a plan for regular inspection to prevent dry weather overflows from occurring; a description and inspection schedule of each tunnel and catch basin maintenance; and information regarding recordkeeping and staffing, including the title of a designated individual responsible for inspection and maintenance of the CSS.

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<p>Permit Clarification and Strengthening</p>	<p>Condition 4. a. on page 9 of both draft permits should be revised for clarification as follows:</p> <p><i>No more than a three year long-term rolling average of four (4) combined sewer overflow events per year is allowed from the CSS. An overflow event is one or more overflows from a CSS that does not receive minimum treatment. Any overflow events exceeding the long term rolling average if four overflow events per year that occur without receiving the minimum treatment shall be considered a violation of the permit.</i></p> <p>For clarification, revise the rainfall monitoring requirement to include rainfall events that may occur within other areas of the CSS.</p> <p>The proposed permits have a total residual chlorine (TRC) limit of 0.10 mg/L. The proposed limit is more stringent than the current permitted limit of 0.1 mg/L.</p> <p>The proposed permits require pollution prevention annual and annual reports in Part 1.A.2. (6). Since the issuance/effective dates of the permits are uncertain, clarify the permits by adding postmark dates.</p>	<p>This clarification has been made in order to strengthen the language and make it clear that the combined sewer overflow events are to be measured on a <u>per year</u> basis.</p> <p>This language has been revised to clarify rainfall events.</p> <p>The effluent limit for TRC in the permits of 0.10 will remain in the permits.</p> <p>The permits specifically state that the annual reports will be submitted each June.</p>

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Nutrients	<p>EPD's determination should address how the discharge of nutrients through the CSS facilities is consistent with nutrient water quality criteria for waters in the Chattahoochee River downstream of the CSS discharges. EPD should determine if nutrient concentrations from CSS discharges will impact nutrient related criteria for downstream waterbodies, particularly West Point Lake, and if permit limits or other means of reduction should be necessary to address nutrient pollution.</p>	<p>A hydrodynamic water quality model was used to evaluate the revised West Point Lake Chlorophyll <i>a</i> criteria. The model was run for a period of seven years (2000-2007) which included wet, dry and normal years. During the wet years, the CSS discharge was incorporated in the model.</p> <p>The City has to report monthly for total P and ammonia nitrogen. The monitoring will provide the data necessary to determine whether a permit limit is needed. Further, we have included additional requirements for the City to monitor total Kjeldahl nitrogen and nitrate/nitrite.</p>
<p>Unpermitted Overflows to Peachtree Creek</p>	<p>The 2015 Permit must apply the 2005 standards to the "unpermitted" new combined sewage overflow which flows directly into Peachtree Creek. The unpermitted new CSO was constructed as a part of the West End tunnel collection and Water Quality Control Facility complex. Although no overflow events are permitted from this "unpermitted CSO," the City reported two such overflow events from this site in 2014 alone.</p>	<p>A CSS discharge to Peachtree Creek is prohibited and any discharge would be considered unpermitted.</p>
<p>Maintenance Plan and Schedule</p>	<p>The permit must require maintenance of monitoring equipment. The permit should require a specific maintenance plan and schedule to ensure that the City's CSS remains in good working order and continues to provide adequate treatment of combined sewer flows.</p>	<p>The permits contain a requirement to implement the best available technology which includes the Nine Minimum Control (NMC) that is required of all Combined Sewer Systems in accordance with the CSO Control Policy. One such condition of the NMC is Proper Operation and Maintenance.</p>

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Maintenance Plan and Schedule (continued)		<p>The permits also contain performance standards that state that the permittee must maintain a Management and Operations Plan. Any updates to those plans are submitted for EPD's review and approval.</p>
Miscellaneous	<p>EPD should require the City to fund testing by EPD or NGOs or by downstream jurisdictions on a regular basis, including after any rainfall of two inches or more in a 24 hour period.</p> <p>Do not allow raw sewage to be dumped in the South River.</p>	<p>EPD currently conducts routine monitoring of the Chattahoochee River including the operation and maintenance of a continuous monitoring station at Capps Ferry Road.</p> <p>As previously stated, the permits require the City to first maximize the flows to the Water Reclamation Facility (WRC) during wet weather flow conditions. Once the WRC reaches capacity, only then will any additional flow be allowed to be discharged from the CSS. Each discharge event from the CSS should receive minimum treatment (e.g. screening, chlorination and de-chlorination) and is considered permitted discharges. Raw sewage overflows are addressed in the permits under Part 2.A.11.</p>
	<p>EPD should require that City to fund downstream enhancements of the South River's recreational value.</p>	<p>National Pollutant Discharge Elimination System (NPDES) permits authorize the discharge of pollutants from a point source to a State water in compliance with the Clean Water Act, the Federal Regulations (40 CFR) and the Georgia Rules for Water Quality Control. The permits have been written to ensure the receiving waters will achieve their water quality standards, which will enhance the recreational aspects of those waters.</p>