



**CONTRACT**

**#24RFP140569K-DB**

**MS4 NPDES Permit Management Oversight and  
Administration**

**For**

**DEPARTMENT OF PUBLIC WORKS**



# GEORGIA CORPORATIONS DIVISION

GEORGIA SECRETARY OF STATE  
**BRAD RAFFENSPERGER**

[HOME \(/\)](#)

## BUSINESS SEARCH

### BUSINESS INFORMATION

Business Name: **R2T, INC.** Control Number: **0527955**

Business Type: **Domestic Profit Corporation** Business Status: **Active/Compliance**

Business Purpose: **NONE**

Principal Office Address: **1841 Peeler Rd, Unit C, Unit C, Atlanta, GA, 30338, USA** Date of Formation / Registration Date: **4/11/2005**

State of Formation: **Georgia** Last Annual Registration Year: **2024**

### REGISTERED AGENT INFORMATION

Registered Agent Name: **GEORGE S. AJY**

Physical Address: **580 W. Crossville Rd, Suite 101, Roswell, GA, 30075, USA**

County: **Fulton**

### OFFICER INFORMATION

Name	Title	Business Address
GEORGE S. AJY	CFO	580 W. Crossville Rd, Suite 101, Roswell, GA, 30075, USA
Kimberly Ajy	Secretary	1841 Peeler Road, Unit C, Atlanta, GA, 30338, USA
KIMBERLY AJY	CEO	1841 Peeler Road, Unit C, Atlanta, GA, 30338, USA

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## CONTRACT AGREEMENT

Consultant: **R2T, Inc.**

Contract No.: **#24RFP140569K-DB; MS4 NPDES Permit Management Oversight & Administration**

Address: **580 W Crossville Road, Suite 101**  
City, State **Roswell, Georgia 30075**

Telephone: **(770) 569-7038**

Email: [kim.ajy@r2tinc.com](mailto:kim.ajy@r2tinc.com)

Contact: **Kimberly Ajy, MS, ENV SP**  
**President**

This Agreement made and entered into effective the 8<sup>th</sup> day of July, 2024 by and between **FULTON COUNTY, GEORGIA**, a political subdivision of the State of Georgia, hereinafter referred to as “**County**”, and **R2T, INC.**, hereinafter referred to as “**Consultant**”, authorized to transact business in the State of Georgia.

### WITNESSETH

WHEREAS, County through its **Department of Public Works** hereinafter referred to as the “**Department**”, desires to retain a qualified and experienced Consultant to perform **Municipal Separate Storm Sewer System (MS4) Permit No. GAS000117 Oversight Management and Administration**, hereinafter, referred to as the “**Project**”.

WHEREAS, Consultant has represented to County that it is experienced and has qualified and local staff available to commit to the Project and County has relied upon such representations.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, and for other good and valuable consideration, County and Consultant agree as follows:



## ARTICLE 1. **CONTRACT DOCUMENTS**

County hereby engages Consultant, and Consultant hereby agrees, to perform the services hereinafter set forth in accordance with this Agreement, consisting of the following contract documents:

- I. Form of Agreement;
- II. Addenda;
- III. Exhibit A: General Requirements;
- IV. Exhibit B: Special Conditions [Not Applicable];
- V. Exhibit C: Scope of Work
- VI. Exhibit D: Project Deliverables;
- VII. Exhibit E: Compensation;
- VIII. Exhibit F: Purchasing Forms;
- IX. Exhibit G: Office of Contract Compliance Forms;
- X. Exhibit H: Insurance and Risk Management Forms
- XI. Exhibit I: Exhibits

The foregoing documents constitute the entire Agreement of the parties pertaining to the Project hereof and is intended as a complete and exclusive statement of promises, representations, discussions and agreements oral or otherwise that have been made in connection therewith. No modifications or amendment to this Agreement shall be binding upon the parties unless the same is in writing, conforms to Fulton County Purchasing Code §102-420 governing change orders, is signed by the County's and the Consultant's duly authorized representatives, and entered upon the meeting minutes of the Fulton County Board of Commissioners.

If any portion of the Contract Documents shall be in conflict with any other portion, the various documents comprising the Contract Documents shall govern in the following order of precedence: 1) the Agreement, 2) the RFP, 3) any Addenda, 4) change orders, 5) the exhibits, and 6) portions of Consultant's proposal that was accepted by the County and made a part of the Contract Documents.

The Agreement was approved by the Fulton County Board of Commissioners on Wednesday, June 26<sup>th</sup>, 2024; Item #24-0441.

## ARTICLE 2. **SEVERABILITY**

If any provision of this Agreement is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of the Agreement, which shall remain in full force and effect, and enforceable in accordance with its terms.

### ARTICLE 3. **DESCRIPTION OF PROJECT**

County and Consultant agree the Project is to provide for consulting services for Oversight, Management and Administration services for the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit program within the Fulton Industrial District area of unincorporated Fulton County. The MS4 Permit requires the development of a Stormwater Management Program and numerous subprograms/program elements established to reduce and minimize pollutant discharges to surface water from stormwater sources. All exhibits referenced in this agreement are incorporated by reference and constitute an integral part of this Agreement as if they were contained herein.

### ARTICLE 4. **SCOPE OF WORK**

Unless modified in writing by both parties in the manner specified in the agreement, duties of Consultant shall not be construed to exceed those services specifically set forth herein. Consultant agrees to provide all services, products, and data and to perform all tasks described in Exhibit C, Scope of Work.

### ARTICLE 5. **DELIVERABLES**

Consultant shall deliver to County all reports prepared under the terms of this Agreement that are specified in Exhibit D, Project Deliverables. Consultant shall provide to County all deliverables specified in Exhibit D, Project Deliverables. Deliverables shall be furnished to County by Consultant in a media of form that is acceptable and usable by County at no additional cost at the end of the project.

### ARTICLE 6. **SERVICES PROVIDED BY COUNTY**

Consultant shall gather from County all available non-privileged data and information pertinent to the performance of the services for the Project. Certain services as described in Exhibit C, Scope of Work, if required, will be performed and furnished by County in a timely manner so as not to unduly delay Consultant in the performance of said obligations. County shall have the final decision as to what data and information is pertinent.

County will appoint in writing a County authorized representative with respect to work to be performed under this Agreement until County gives written notice of the appointment of a successor. The County's authorized representative shall have complete authority to transmit instructions, receive information, and define County's policies, consistent with County rules and regulations. Consultant may rely upon written consents and approvals signed by County's authorized representative that are consistent with County rules and regulations.

## ARTICLE 7. **MODIFICATIONS**

If during the course of performing the Project, County and Consultant agree that it is necessary to make changes in the Project as described herein and referenced exhibits, such changes will be incorporated by written amendments in the form of Change Orders to this Agreement. Any such Change Order and/or supplemental agreement shall not become effective or binding unless approved by the Board of Commissioners and entered on the minutes. Such modifications shall conform to the requirements of Fulton County Purchasing Code §102-420 which is incorporated by reference herein.

## ARTICLE 8. **SCHEDULE OF WORK**

Consultant shall not proceed to furnish such services and County shall not become obligated to pay for same until a written authorization to proceed (Notice to Proceed) has been sent to Consultant from County. The Consultant shall begin work under this Agreement no later than five (5) days after the effective date of notice to proceed.

## ARTICLE 9. **CONTRACT TERM**

### **MULTI-YEAR CONTRACT TERM**

The period of this Agreement shall consist of a series of Terms as defined below. The County is obligated only to pay such compensation under this Agreement as may lawfully be made from funds budgeted and appropriated for that purpose during the County's then current fiscal year.

#### **a. Commencement Term**

The "Commencement Term" of this Agreement shall begin on the date of execution of the Agreement in the year 2024, the starting date, and shall end absolutely and without further obligation on the part of the County on the 31<sup>st</sup> day of December, 2024. The Commencement Term shall be subject to events of termination and the County's termination rights that are described elsewhere in this Agreement. Notwithstanding anything contained in this Agreement, the County's obligation to make payments provided under this Agreement shall be subject to the County's annual appropriations of funds for the goods, services, materials, property and/or supplies procured under this Agreement by the County's governing body and such obligation shall not constitute a pledge of the County's full faith and credit within the meaning of any constitutional debt limitation.

#### **b. Renewal Terms**

Unless the terms of this Agreement are fulfilled with no further obligation of the part of either party on or before the final date of the Commencement Term as stated above, or unless an event of termination as defined within this Agreement occurs

during the Commencement Term, this Agreement may be renewed at the written option of the County upon the approval of the County Board of Commissioners for two (2) one-year ("Renewal Terms"). However, no Renewal Term of this Agreement shall be authorized nor shall any Renewal Term of this Agreement commence unless and until each Renewal Term has first been approved in writing by the County Board of Commissioners for the calendar year of such Renewal Term.

If approved by the County Board of Commissioners, the First Renewal Term shall begin on the 1<sup>st</sup> day of January, 2025 and shall end no later than the 31<sup>st</sup> day of December, 2025. If approved by the County Board of Commissioners, the Second Renewal Term shall begin on the 1<sup>st</sup> day of January, 2026 and shall end no later than the 31<sup>st</sup> day of December, 2026.

If the County chooses not to exercise any Renewal Term as provided in this Section, then the Term of this Agreement then in effect shall also be deemed the "Ending Term" with no further obligation on the party of either party.

#### **44. Term Subject to Events of Termination**

All "Terms" as defined within this Section are subject to the section of this Agreement which pertain to events of termination and the County's rights upon termination.

#### **44. Same Terms**

Unless mutually agreed upon in writing by the parties, or otherwise indicated herein, all provisions and conditions of any Renewal Term shall be exactly the same as those contained within in this Agreement.

#### **e. Statutory Compliance Regarding Purchase Contracts.**

The parties intend that this Agreement shall, and this Agreement shall operate in conformity with and not in contravention of the requirements of O.C.G.A. § 36-60-13, as applicable, and in the event that this Agreement would conflict therewith, then this Agreement shall be interpreted and implemented in a manner consistent with such statute.

#### ARTICLE 10. COMPENSATION

Compensation for work performed by Consultant on Project shall be in accordance with the payment provisions and compensation schedule, attached as Exhibit E, Compensation.

The total contract amount for the Project shall not exceed \$64,422.00 (Sixty-Four Thousand Four Hundred Twenty-Two Dollars and No Cents), which is full payment for a complete scope of work.

#### ARTICLE 44. PERSONNEL AND EQUIPMENT

Consultant shall designate in writing a person(s) to serve as its authorized representative(s) who shall have sole authority to represent Consultant on all manners pertaining to this contract.

Consultant represents that it has secured or will secure, at its' own expense, all equipment and personnel necessary to complete this Agreement, none of whom shall be employees of or have any contractual relationship with County. All of the services required hereunder will be performed by Consultant under his supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under law to perform such services.

Written notification shall be immediately provided to County upon change or severance of any of the authorized representative(s), listed key personnel or sub-consultant performing services on this Project by Consultant. No changes or substitutions shall be permitted in Consultant's key personnel or sub-consultant as set forth herein without the prior written approval of the County. Requests for changes in key personnel or sub-consultants will not be unreasonably withheld by County.

#### ARTICLE 12. SUSPENSION OF WORK

**Suspension Notice:** The County may by written notice to the Consultant, suspend at any time the performance of all or any portion of the services to be performed under this Agreement. Upon receipt of a suspension notice, the Consultant must, unless the notice requires otherwise:

- 1) Immediately discontinue suspended services on the date and to the extent specified in the notice;
- 2) Place no further orders or subcontracts for material, services or facilities with respect to suspended services, other than to the extent required in the notice; and
- 3) Take any other reasonable steps to minimize costs associated with the suspension.

**Notice to Resume:** Upon receipt of notice to resume suspended services, the Consultant will immediately resume performance under this Agreement as required in the notice.

### ARTICLE 13. **DISPUTES**

Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the County. The representative shall reduce the decision to writing and mail or otherwise furnish a copy thereof to the Consultant. The Consultant shall have 30 days from date the decision is sent to appeal the decision to the County Manager or his designee by mailing or otherwise furnishing to the County Manager or designee, copy of the written appeal. The decision of the County Manager or his designee for the determination of such appeal shall be final and conclusive. Pending any final decision of a dispute hereunder, Consultant shall proceed diligently with performance of the Agreement and in accordance with the decision of the County's designated representative.

### ARTICLE 14. **TERMINATION OF AGREEMENT FOR CAUSE**

- (1) Either County or Consultant may terminate work under this Agreement in the event the other party fails to perform in accordance with the provisions of the Agreement. Any party seeking to terminate this Agreement is required to give thirty (30) days prior written notice to the other party.
- (2) Notice of termination shall be delivered by certified mail with receipt for delivery returned to the sender.
- (3) **TIME IS OF THE ESSENCE** and if the Consultant refuses or fails to perform the work as specified in Exhibit C, Scope of Work and maintain the scheduled level of effort as proposed, or any separable part thereof, with such diligence as will insure completion of the work within the specified time period, or any extension or tolling thereof, or fails to complete said work within such time. The County may exercise any remedy available under law or this Agreement. Failure to maintain the scheduled level of effort as proposed or deviation from the aforesaid proposal without prior approval of County shall constitute cause for termination
- (4) The County may, by written notice to Consultant, terminate Consultant's right to proceed with the Project or such part of the Project as to which there has been delay. In such event, the County may take over the work and perform the same to completion, by contract or otherwise, and Consultant shall be required to provide all copies of finished or unfinished documents prepared by Consultant under this Agreement to the County as stated in Exhibit D, "Project Deliverables".
- (5) Consultant shall be entitled to receive compensation for any satisfactory work completed on such documents as reasonably determined by the County.

- (6) Whether or not the Consultant's right to proceed with the work has been terminated, the Consultant shall be liable for any damage to the County resulting from the Consultant's refusal or failure to complete the work within the specified time period, and said damages shall include, but not be limited to, any additional costs associated with the County obtaining the services of another Consultant to complete the project.

#### ARTICLE 15. **TERMINATION FOR CONVENIENCE OF COUNTY**

Notwithstanding any other provisions, the County may terminate this Agreement for its convenience at any time by a written notice to Consultant. If the Agreement is terminated for convenience by the County, as provided in this article, Consultant will be paid compensation for those services actually performed. Partially completed tasks will be compensated for based on a signed statement of completion to be submitted by Consultant which shall itemize each task element and briefly state what work has been completed and what work remains to be done.

If, after termination, it is determined that the Consultant was not in default, or that the default was excusable, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the government.

#### ARTICLE 16. **WAIVER OF BREACH**

The waiver by either party of a breach or violation of any provision of this Agreement, shall not operate or be construed to be, a waiver of any subsequent breach or violation of the same or other provision thereof.

#### ARTICLE 17. **INDEPENDENT CONSULTANT**

Consultant shall perform the services under this Agreement as an independent Consultant and nothing contained herein shall be construed to be inconsistent with such relationship or status. Nothing in this Agreement shall be interpreted or construed to constitute Consultant or any of its agents or employees to be the agent, employee or representative of County.

#### ARTICLE 18. **PROFESSIONAL RESPONSIBILITY**

Consultant represents that it has, or will secure at its own expenses, all personnel appropriate to perform all work to be completed under this Agreement;

All the services required hereunder will be performed by Consultant or under the direct supervision of Consultant. All personnel engaged in the Project by Consultant shall be fully qualified and shall be authorized or permitted under applicable State and local law to perform such services.

None of the work or services covered by this Agreement shall be transferred, assigned, or subcontracted by Consultant without the prior written consent of the County.

#### ARTICLE 19. **COOPERATION WITH OTHER CONSULTANTS**

Consultant will undertake the Project in cooperation with and in coordination with other studies, projects or related work performed for, with or by County's employees, appointed committee(s) or other Consultants. Consultant shall fully cooperate with such other related Consultants and County employees or appointed committees. Consultant shall provide within his schedule of work, time and effort to coordinate with other Consultants under contract with County. Consultant shall not commit or permit any act, which will interfere with the performance of work by any other consultant or by County employees. Consultant shall not be liable or responsible for the delays of third parties not under its control nor affiliated with the Consultant in any manner.

#### ARTICLE 20. **ACCURACY OF WORK**

Consultant shall be responsible for the accuracy of his work and shall promptly correct its errors and omissions without additional compensation. Acceptance of the work by the County will not relieve Consultant of the responsibility of subsequent corrections of any errors and the clarification of any ambiguities. Consultant shall prepare any plans, report, fieldwork, or data required by County to correct its errors or omissions. The above consultation, clarification or correction shall be made without added compensation to Consultant. Consultant shall give immediate attention to these changes so there will be a minimum of delay to others.

#### ARTICLE 21. **REVIEW OF WORK**

Authorized representatives of County may at all reasonable times review and inspect Project activities and data collected under this Agreement and amendments thereto. All reports, drawings, studies, specifications, estimates, maps and computations prepared by or for Consultant, shall be available to authorized representatives of County for inspection and review at all reasonable times in the main office of County. Acceptance shall not relieve Consultant of its professional obligation to correct, at its expense, any of its errors in work. County may request at any time and Consultant shall produce progress prints or copies of any work as performed under this Agreement. Refusal by Consultant to submit progress reports and/or plans shall be cause for County, without any liability thereof, to withhold payment to consultant until Consultant complies with County's request in this



regard. County's review recommendations shall be incorporated into the plans by Consultant.

## ARTICLE 22. **INDEMNIFICATION**

**22.1 Professional Services Indemnification.** With respect to liability, damages, costs, expenses (including reasonable attorney's fees and expenses incurred by any of them), claims, suits and judgments that arise or are alleged to arise out of the Consultant's acts, errors, or omissions in the performance of professional services, the Consultant shall indemnify, release, and hold harmless Fulton County, its Commissioners and their respective officers, members, employees and agents (each, hereinafter referred to as an "Indemnified Person"), from and against liability, damages, costs, expenses (including reasonable attorney's fees and expenses incurred by any of them), claims, suits and judgments only to the extent such liability is caused by the negligence of the Consultant in the delivery of the Work under this Agreement, but such indemnity is limited to those liabilities caused by a Negligent Professional Act, as defined below. This indemnification survives the termination of this Agreement and shall also survive the dissolution or to the extent allowed by law, the bankruptcy of Consultant.

For the purposes of the Professional Services Indemnity above, a "Negligent Professional Act" means a negligent act, error, or omission in the performance of Professional Services (or by any person or entity, including joint ventures, for whom Consultant is liable) that causes liability and fails to meet the applicable professional standard of care, skill and ability under similar conditions and like surrounding circumstances, as is ordinarily employed by others in their profession.

Consultant obligation to indemnify and hold harmless, as set forth hereinabove, shall also include, but is not limited to, any matter arising out of any actual or alleged infringement of any patent, trademark, copyright, or service mark, or other actual or alleged unfair competition disparagement of product or service, or other tort or any type whatsoever, or any actual or alleged violation of trade regulations.

Consultant further agrees to indemnify and hold harmless Fulton County, its Commissioners, officers, employees, subcontractors, successors, assigns and agents from and against any and all claims or liability for compensation under the Worker's Compensation Act, Disability Benefits Act, or any other employee benefits act arising out of injuries sustained by any employees of Consultant. These indemnities shall not be limited by reason of the listing of any insurance coverage.

**22.2 Notice of Claim.** If an Indemnified Person receives written notice of any claim or circumstance which could give rise to indemnified losses, the receiving party shall promptly give written notice to Consultant, and shall use best efforts to deliver such written notice within ten (10) Business Days. The notice must include a copy of such written notice of claim, or, if the Indemnified Person did not receive a written notice of claim, a description of the indemnification event in reasonable detail and the basis on which indemnification may be due. Such notice will not stop or prevent an Indemnified Person from later asserting a different basis for indemnification. If an Indemnified

Person does not provide this notice within the ten (10) Business Day period, it does not waive any right to indemnification except to the extent that Consultant is prejudiced, suffers loss, or incurs additional expense solely because of the delay.

**22.3 Defense.** Consultant, at Consultant's own expense, shall defend each such action, suit, or proceeding or cause the same to be resisted and defended by counsel designated by the Indemnified Person and reasonably approved by Consultant (provided that in all instances the County Attorney of Fulton County Georgia shall be acceptable, and, for the avoidance of doubt, is the only counsel authorized to represent the County). If any such action, suit or proceedings should result in final judgment against the Indemnified Person, Consultant shall promptly satisfy and discharge such judgment or cause such judgment to be promptly satisfied and discharged. Within ten (10) Business Days after receiving written notice of the indemnification request, Consultant shall acknowledge in writing delivered to the Indemnified Person (with a copy to the County Attorney) that Consultant is defending the claim as required hereunder.

#### **22.4 Separate Counsel.**

**22.4.1 Mandatory Separate Counsel.** In the event that there is any potential conflict of interest that could reasonably arise in the representation of any Indemnified Person and Consultant in the defense of any action, suit or proceeding pursuant to Section 22.3 above or in the event that state or local law requires the use of specific counsel, (i) such Indemnified Person may elect in its sole and absolute discretion whether to waive such conflict of interest, and (ii) unless such Indemnified Person (and, as applicable, Consultant) elects to waive such conflict of interest, or in any event if required by state or local law, then the counsel designated by the Indemnified Person shall solely represent such Indemnified Person and, if applicable, Consultant shall retain its own separate counsel, each at Consultant's sole cost and expense.

**22.4.2 Voluntary Separate Counsel.** Notwithstanding Consultant's obligation to defend, where applicable pursuant to Section 22.3, a claim, the Indemnified Person may retain separate counsel to participate in (but not control or impair) the defense and to participate in (but not control or impair) any settlement negotiations, provided that for so long as Consultant has complied with all of Consultant's obligations with respect to such claim, the cost of such separate counsel shall be at the sole cost and expense of such Indemnified Person (provided that if Consultant has not complied with all of Consultant's obligations with respect to such claim, Consultant shall be obligated to pay the cost and expense of such separate counsel). Consultant may settle the claim without the consent or agreement of the Indemnified Person, unless the settlement (i) would result in injunctive relief or other equitable remedies or otherwise require the Indemnified Person to comply with restrictions or limitations that adversely affect or materially impair the reputation and standing of the Indemnified Person, (ii) would require the Indemnified Person to pay amounts that Consultant or its insurer does not fund in full, (iii) would not result in the Indemnified Person's full and complete release from all liability to the plaintiffs or claimants who are parties to or otherwise bound by the settlement, or (iv) directly involves the County (in which case the County of Fulton County, Georgia shall be the only counsel authorized to represent the County with respect to any such settlement).

**22.5 Survival.** The provisions of this Article will survive any expiration or earlier termination of this Agreement and any closing, settlement or other similar event which occurs under this Agreement.

#### ARTICLE 23. **CONFIDENTIALITY**

Consultant agrees that its conclusions and any reports are for the confidential information of County and that it will not disclose its conclusions in whole or in part to any persons whatsoever, other than to submit its written documentation to County, and will only discuss the same with it or its authorized representatives, except as required under this Agreement to provide information to the public. Upon completion of this Agreement term, all documents, reports, maps, data and studies prepared by Consultant pursuant thereto and any equipment paid for by County as a result of this Agreement, shall become the property of the County and be delivered to the User Department's Representative.

Articles, papers, bulletins, reports, or other materials reporting the plans, progress, analyses, or results and findings of the work conducted under this Agreement shall not be presented publicly or published without prior approval in writing of County.

It is further agreed that if any information concerning the Project, its conduct results, or data gathered or processed should be released by Consultant without prior approval from County, the release of the same shall constitute grounds for termination of this Agreement without indemnity to Consultant, but should any such information be released by County or by Consultant with such prior written approval, the same shall be regarded as Public information and no longer subject to the restrictions of this Agreement.

#### ARTICLE 24. **OWNERSHIP OF INTELLECTUAL PROPERTY AND INFORMATION**

Consultant agrees that Fulton County is the sole owner of all information, data, and materials that are developed or prepared subject to this Agreement. Consultant or any sub-consultant is not allowed to use or sell any information subject to this contract for educational, publication, profit, research or any other purpose without the written and authorized consent of the County. All electronic files used in connection to this Agreement, which are by definition, any custom software files used in connection to this Agreement, (collectively, the "Software"), shall be turned over to the County for its use after termination hereof and Consultant shall have no interest of any kind in such electronic files. Any required licenses and fees for the Software or other required materials shall be purchased and/or paid for by Consultant and registered in the name of the County, if possible. The Software as defined hereunder, specifically excludes all software, documentation, information, and materials in which Consultant has pre-existing proprietary rights and/or has otherwise been licensed to Consultant prior to this Agreement, and any upgrades, updates, modifications or enhancements thereto. Consultant agrees to provide at no cost to County any upgrades to any software used in connection with this Agreement which may be subsequently developed or upgraded for a period of three (3) years from the date

of completion of the work under the Agreement, except in the case of commercial Software licensed to the County. Any information developed for use in connection with this Agreement may be released as public domain information by the County at its sole discretion.

ARTICLE 25. **COVENANT AGAINST CONTINGENT FEES**

Consultant warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees maintained by Consultant for the purpose of securing business and that Consultant has not received any non-County fee related to this Agreement without the prior written consent of County. For breach or violation of this warranty, County shall have the right to annul this Agreement without liability or at its discretion to deduct from the Contract Price or consideration the full amount of such commission, percentage, brokerage or contingent fee.

ARTICLE 26. **INSURANCE**

Consultant agrees to obtain and maintain during the entire term of this Agreement, all of the insurance required as specified in the Agreement documents, Exhibit H, Insurance and Risk Management Forms, with the County as an additional insured and shall furnish the County a Certificate of Insurance showing the required coverage. The cancellation of any policy of insurance required by this Agreement shall meet the requirements of notice under the laws of the State of Georgia as presently set forth in the Georgia Code.

ARTICLE 27. **PROHIBITED INTEREST**

Section 27.01 **Conflict of interest:**

Consultant agrees that it presently has no interest and shall acquire no interest direct or indirect that would conflict in any manner or degree with the performance of its service hereunder. Consultant further agrees that, in the performance of the Agreement, no person having any such interest shall be employed.

Section 27.02 **Interest of Public Officials:**

No member, officer or employee of County during his tenure shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

ARTICLE 28. **SUBCONTRACTING**

Consultant shall not subcontract any part of the work covered by this Agreement or permit subcontracted work to be further subcontracted without prior written approval of County.

ARTICLE 29. **ASSIGNABILITY**

Consultant shall not assign or subcontract this Agreement or any portion thereof without the prior expressed written consent of County. Any attempted assignment or subcontracting by Consultant without the prior expressed written consent of County shall at County's sole option terminate this Agreement without any notice to Consultant of such termination. Consultant binds itself, its successors, assigns, and legal representatives of such other party in respect to all covenants, agreements and obligations contained herein.

ARTICLE 30. **ANTI-KICKBACK CLAUSE**

Salaries of engineers, surveyors, draftsmen, clerical and technicians performing work under this Agreement shall be paid unconditionally and not less often than once a month without deduction or rebate on any account except only such payroll deductions as are mandatory by law. Consultant hereby promises to comply with all applicable "Anti-Kickback" Laws, and shall insert appropriate provisions in all subcontracts covering work under this Agreement.

ARTICLE 31. **AUDITS AND INSPECTORS**

At any time during normal business hours and as often as County may deem necessary, Consultant shall make available to County and/or representatives of the County for examination all of its records with respect to all matters covered by this Agreement.

It shall also permit County and/or representative of the County to audit, examine and make copies, excerpts or transcripts from such records of personnel, conditions of employment and other data relating to all matters covered by this Agreement. Consultant's records of personnel, conditions of employment, and financial statements (hereinafter "Information") constitute trade secrets and are considered confidential and proprietary by Consultant. To the extent County audits or examines such Information related to this Agreement, County shall not disclose or otherwise make available to third parties any such Information without Consultant's prior written consent unless required to do so by a court order. Nothing in this Agreement shall be construed as granting County any right to make copies, excerpts or transcripts of such information outside the area covered by this Agreement without the prior written consent of Consultant. Consultant shall maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred on the Project and used in support of its proposal and shall make such material available at all reasonable times during the period of the Agreement and for eight years from the date of

final payment under the Agreement, for inspection by County or any reviewing agencies and copies thereof shall be furnished upon request and at no additional cost to County. Consultant agrees that the provisions of this Article shall be included in any Agreements it may make with any sub-consultant, assignee or transferee.

#### ARTICLE 32. **ACCOUNTING SYSTEM**

Consultant shall have an accounting system, which is established, and maintaining in accordance with generally accepted accounting principles. Consultant must account for cost in a manner consistent with generally accepted accounting procedures, as approved by Fulton County.

#### ARTICLE 33. **VERBAL AGREEMENT**

No verbal agreement or conversation with any officer, agent or employee of County either before, during or after the execution of this Agreement, shall affect or modify any of the terms of obligations herein contained, nor shall such verbal agreement or conversation entitle Consultant to any additional payment whatsoever under the terms of this Agreement. All changes to this shall be in writing and the form of a change order in supplemental agreement, approved by the County, and entered on the Minutes of the Board of Commissioners.

#### ARTICLE 34. **NOTICES**

All notices shall be in writing and delivered in person or transmitted by certified mail, postage prepaid.

**Notice to County, shall be addressed as follows:**

Fulton County Government  
Department of Public Works  
Director  
141 Pryor Street, SW, Suite 6001  
Atlanta, Georgia 30303  
Telephone: (404) 612-2804  
Email: [david.clark@fultoncountyga.gov](mailto:david.clark@fultoncountyga.gov)  
Attention: David E. Clark

**With a copy to:**

Fulton County Government  
Department of Purchasing & Contract Compliance  
Chief Purchasing Agent  
130 Peachtree Street, S.W. Suite 1168  
Atlanta, Georgia 30303  
Telephone: (404) 612-5800  
Email: [felicia.strong-whitaker@fultoncountyga.gov](mailto:felicia.strong-whitaker@fultoncountyga.gov)  
Attention: Felicia Strong-Whitaker

**Notices to Consultant shall be addressed as follows:**

R2T, Inc.  
Kimberly Ajy, ENV SP  
President  
580 W. Crossville Road, Suite 101  
Roswell, Georgia 30075  
Telephone: (770) 569-7038 ext. 102  
Email: [kim.ajy@r2tinc.com](mailto:kim.ajy@r2tinc.com)  
Attention: Kimberly Ajy

**ARTICLE 35. JURISDICTION**

This Agreement will be executed and implemented in Fulton County. Further, this Agreement shall be administered and interpreted under the laws of the State of Georgia. Jurisdiction of litigation arising from this Agreement shall be in the Fulton County Superior Courts. If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void insofar as it is in conflict with said laws, but the remainder of this Agreement shall be in full force and effect.

Whenever reference is made in the Agreement to standards or codes in accordance with which work is to be performed, the edition or revision of the standards or codes current on the effective date of this Agreement shall apply, unless otherwise expressly stated.

ARTICLE 36. **EQUAL EMPLOYMENT OPPORTUNITY**

During the performance of this Agreement, Consultant agrees as follows:

Section 36.01 Consultant will not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin;

Section 36.02 Consultant will, in all solicitations or advertisements for employees placed by, or on behalf of, Consultant state that all qualified applicants, will receive consideration for employment without regard to race, creed, color, sex or national origin;

Section 36.03 Consultant will cause the foregoing provisions to be inserted in all subcontracts for any work covered by the Agreement so that such provision will be binding upon each sub-consultant, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

ARTICLE 37. **FORCE MAJEURE**

Neither County nor Consultant shall be deemed in violation of this Agreement if either is prevented from performing its obligations hereunder for any reason beyond its control, including but not limited to acts of God, civil or military authority, act of public enemy, accidents, fires, explosions, earthquakes, floods or catastrophic failures of public transportation, provided however, that nothing herein shall relieve or be construed to relieve Consultant from performing its obligations hereunder in the event of riots, rebellions or legal strikes.

ARTICLE 38. **OPEN RECORDS ACT**

The Georgia Open Records Act, O.C.G.A. Section 50-18-70 et seq., applies to this Agreement. The Consultant acknowledges that any documents or computerized data provided to the County by the Consultant may be subject to release to the public. The Consultant also acknowledges that documents and computerized data created or held by the Consultant in relation to the Agreement may be subject to release to the public, to include documents turned over to the County. The Consultant shall cooperate with and provide assistance to the County in rapidly responding to Open Records Act requests. The Consultant shall notify the County of any Open Records Act requests no later than 24 hours following receipt of any such requests by the Consultant. The Consultant shall promptly comply with the instructions or requests of the County in relation to responding to Open Records Act requests.



**ARTICLE 39. CONSULTANT'S COMPLIANCE WITH ALL ASSURANCES OR  
PROMISES MADE IN RESPONSE TO PROCUREMENT**

Where the procurement documents do not place a degree or level of service relating to the scope of work, M/FBE participation, or any other matter relating to the services being procured, should any Consultant submit a response to the County promising to provide a certain level of service for the scope of work, M/FBE participation, or any other matter, including where such promises or assurances are greater than what is required by the procurement documents, and should this response containing these promises or assurances be accepted by the County and made a part of the Contract Documents, then the degree or level of service promised relating to the scope of work, M/FBE participation, or other matter shall be considered to be a material part of the Agreement between the Consultant and the County, such that the Consultant's failure to provide the agreed upon degree or level of service or participation shall be a material breach of the Agreement giving the County just cause to terminate the Agreement for cause, pursuant to ARTICLE 14 of the Agreement.

**ARTICLE 40. INVOICING AND PAYMENT**

Consultant shall submit monthly invoices for work performed during the previous calendar month, in a form acceptable to the County and accompanied by all support documentation requested by the County, for payment and for services that were completed during the preceding phase. The County shall review for approval of said invoices. The County shall have the right not to pay any invoice or part thereof if not properly supported, or if the costs requested or a part thereof, as determined by the County, are reasonably in excess of the actual stage of completion.

**Time of Payment:** The County shall make payments to Consultant within thirty (30) days after receipt of a proper invoice. Parties hereto expressly agree that the above contract term shall supersede the rates of interest, payment periods, and contract and subcontract terms provided for under the Georgia Prompt Pay Act, O.C.G.A. 13-11-1 et seq., pursuant to 13-11-7(b), and the rates of interest, payment periods, and contract and subcontract terms provided for under the Prompt Pay Act shall have no application to this Agreement; parties further agree that the County shall not be liable for any interest or penalty arising from late payments.

**Submittal of Invoices:** Invoices shall be submitted as follows:

**Via Mail:**

Fulton County Government

141 Pryor Street, SW

Suite 7001

Atlanta, Georgia 30303

Attn: Finance Department – Accounts Payable

OR

**Via Email:**

Email: [Accounts.Payable@fultoncountyga.gov](mailto:Accounts.Payable@fultoncountyga.gov)

At minimum, original invoices must reference all of the following information:

- 1) Vendor Information
  - a. Vendor Name
  - b. Vendor Address
  - c. Vendor Code
  - d. Vendor Contact Information
  - e. Remittance Address
- 2) Invoice Details
  - a. Invoice Date
  - b. Invoice Number (uniquely numbered, no duplicates)
  - c. Purchase Order Reference Number
  - d. Date(s) of Services Performed
  - e. Itemization of Services Provided/Commodity Units
- 3) Fulton County Department Information (needed for invoice approval)
  - a. Department Name
  - b. Department Representative Name

Consultant's cumulative invoices shall not exceed the total not-to-exceed fee established for this Agreement.

**County's Right to Withhold Payments:** The County may withhold payments, not to exceed the total of two months' fees of the applicable SOW, for services that involve disputed costs, involve disputed audits, or are otherwise performed in an inadequate fashion. Payments withheld by the County will be released and paid to the Consultant when the services are subsequently performed adequately and on a timely basis, the causes for disputes are reconciled or any other remedies or actions stipulated by the County are satisfied. If there is a good faith dispute regarding a portion of an invoice, Consultant will notify County and detail the dispute before the invoice date. The County shall promptly pay any undisputed items contained in such invoices. Upon resolution of the dispute, any disputed amounts owed to Consultant will be promptly paid by County.

**Payment of Sub-consultants/Suppliers:** The Consultant must certify in writing that all sub-consultants of the Consultant and suppliers have been promptly paid for work and materials and previous progress payments received. In the event the prime Consultant is unable to pay sub-consultants or suppliers until it has received a progress payment from Fulton County, the prime Consultant shall pay all sub-consultants or supplier funds due

from said progress payments within forty-eight (48) hours of receipt of payment from Fulton County and in no event later than fifteen days as provided for by State Law.

**Acceptance of Payments by Consultant; Release.** The acceptance by the Consultant of any payment for services under this Agreement will, in each instance, operate as, and be a release to the County from, all claim and liability to the Consultant for work performed or furnished for or relating to the service for which payment was accepted, unless the Consultant within five (5) days of its receipt of a payment, advises the County in writing of a specific claim it contends is not released by that payment.

#### ARTICLE 41. **TAXES**

The Consultant shall pay all sales, retail, occupational, service, excise, old age benefit and unemployment compensation taxes, consumer, use and other similar taxes, as well as any other taxes or duties on the materials, equipment, and labor for the work provided by the Consultant which are legally enacted by any municipal, county, state or federal authority, department or agency at the time bids are received, whether or not yet effective. The Consultant shall maintain records pertaining to such taxes as well as payment thereof and shall make the same available to the County at all reasonable times for inspection and copying. The Consultant shall apply for any and all tax exemptions which may be applicable and shall timely request from the County such documents and information as may be necessary to obtain such tax exemptions. The County shall have no liability to the Consultant for payment of any tax from which it is exempt.

#### ARTICLE 42. **PERMITS, LICENSES AND BONDS**

All permits and licenses necessary for the work shall be secured and paid for by the Consultant. If any permit, license or certificate expires or is revoked, terminated, or suspended as a result of any action on the part of the Consultant, the Consultant shall not be entitled to additional compensation or time.

#### ARTICLE 43. **NON-APPROPRIATION**

This Agreement states the total obligation of the County to the Consultant for the calendar year of execution. Notwithstanding anything contained in this Agreement, the obligation of the County to make payments provided under this Agreement shall be subject to annual appropriations of funds thereof by the governing body of the County and such obligation shall not constitute a pledge of the full faith and credit of the County within the meaning of any constitutional debt limitation. The Director of Finance shall deliver written notice to the Consultant in the event the County does not intend to budget funds for the succeeding Contract year.

Notwithstanding anything contained in this Agreement, if sufficient funds have not been appropriated to support continuation of this Agreement for an additional calendar year or an additional term of the Agreement, this Agreement shall terminate absolutely and without further obligation on the part of the County at the close of the calendar year of its execution and at the close of each succeeding calendar year of which it may be renewed,

unless a shorter termination period is provided or the County suspends performance pending the appropriation of funds.

ARTICLE 44. **WAGE CLAUSE**

Consultant shall agree that in the performance of this Agreement the Consultant will comply with all lawful agreements, if any, which the Consultant had made with any association, union, or other entity, with respect to wages, salaries, and working conditions, so as not to cause inconvenience, picketing, or work stoppage.

**IN WITNESS THEREOF**, the Parties hereto have caused this Contract to be executed by their duly authorized representatives as attested and witnessed and their corporate seals to be hereunto affixed as of the day and year date first above written.

OWNER:

**FULTON COUNTY, GEORGIA**

CONSULTANT:

**R2T, INC.**

DocuSigned by:

*Robert L. Pitts*

Robert L. Pitts, Chairman  
Fulton County Board of Commissioners

DocuSigned by:

*Kimberly Ajy*

Kimberly Ajy, MS, ENV SP  
President

ATTEST:

ATTEST:

DocuSigned by:

*Tonya R. Grier*

Tonya R. Grier  
Clerk to the Commission

(Affix Corporate Seal)



kimberly Ajy

Secretary/  
Assistant Secretary

(Affix Corporate Seal)



APPROVED AS TO FORM:

DocuSigned by:

*Patrick O'Connor*

Patrick O'Connor  
Office of the County Attorney

Nadya Marinina

Notary Public

APPROVED AS TO CONTENT:

County: Fulton

Commission Expires: 08/29/2025

DocuSigned by:

*David Clark*

David E. Clark, P.E., Director  
Department of Public Works

(Affix Notary Seal)



ITEM#: _____ RCS: _____	ITEM#: <u>24-0441</u> RM: <u>6/26/2024 SRM</u>
RECESS MEETING	REGULAR MEETING

# **ADDENDA**



Date: March 1, 2024

Project Number: #24RFP140569K-DB

Project Title: MS4 NPDES Permit Management Oversight and Administration

This Addendum forms a part of the contract documents and **modifies** the original RFP documents as noted below:

**ADDENDUM NO. 1**

**CLARIFICATION ON TERM  
QUESTION/RESPONSE #1**

The undersigned Bidder/Proposer acknowledges receipt of this Addendum by uploading this form with the Bid/Proposal submittal package as outlined in 3.2 of the RFP

This is to acknowledge receipt of Addendum No.1, 26 day of March, 2024.

R2T, Inc.

\_\_\_\_\_  
Legal Name of Bidder/Proposer

Kimberly Ajay  
\_\_\_\_\_  
Signature of Authorized Representative

President

\_\_\_\_\_  
Title



Date: March 14, 2024

Project Number: #24RFP140569K-DB

Project Title: MS4 NPDES Permit Management Oversight and Administration

This Addendum forms a part of the contract documents and **modifies** the original RFP documents as noted below:

**ADDENDUM NO. 2**

**ADDITIONAL REQUIREMENTS  
QUESTIONS/RESPONSES #2-12**

The undersigned Bidder/Proposer acknowledges receipt of this Addendum by uploading this form with the Bid/Proposal submittal package as outlined in 3.2 of the RFP

This is to acknowledge receipt of Addendum No.2, 26 day of March, 2024.

R2T, Inc.

\_\_\_\_\_  
Legal Name of Bidder/Proposer

Kimberly Ajay  
\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
President

\_\_\_\_\_  
Title





Date: March 15, 2024

Project Number: #24RFP140569K-DB

Project Title: MS4 NPDES Permit Management Oversight and Administration

This Addendum forms a part of the contract documents and **modifies** the original RFP documents as noted below:

**ADDENDUM NO. 3**

**ADDITIONAL RESPONSE TO QUESTION #2(Q2) ATTACHED**

The undersigned Bidder/Proposer acknowledges receipt of this Addendum by uploading this form with the Bid/Proposal submittal package as outlined in 3.2 of the RFP

This is to acknowledge receipt of Addendum No.3, 26 day of March, 2024.

R2T, Inc.

\_\_\_\_\_  
Legal Name of Bidder/Proposer

Kimberly Ajiy  
\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
President

\_\_\_\_\_  
Title

# **EXHIBIT A**

## **GENERAL REQUIREMENTS**

1. Proposals may be withdrawn upon receipt of a written request prior to the stated due date and time. If a firm seeks to withdraw a proposal after the due date and time, the firm must present a notarized statement indicating that an error was made, with an explanation of how it occurred. The withdrawal request must be accompanied by documentation supporting the claim. Prior to approving or disapproving the request, an opinion will be obtained from Fulton County's Legal Counsel indicating whether the firm is bound by its proposal.

Proposals for projects that are solicited pursuant to the Georgia Local Government Public Works Construction Law (O.C.G.A. § 36-91-1 et seq.) may be withdrawn as follows:

The County must advise Offerors in the request for proposals of the number of days that Offerors will be required to honor their proposals. If an Offeror is not selected within 60 days of opening the proposals, any Offeror that is determined by the governmental entity to be unlikely of being selected for contract award will be released from the proposal.

2. Fulton County shall be the sole judge of the quality and the applicability of all proposals. Design, features, overall quality, local facilities, terms and other pertinent considerations will be taken into account in determining acceptability.
3. The successful Offeror must assume full responsibility for delivery of all goods and services proposed.
4. The successful Offeror must assume full responsibility for replacement of all defective or damaged goods and/or performance of contracted services within thirty (30) days' notice by the County of such defect, damage or deficiency.
5. The successful Offeror must assume full responsibility for providing warranty service on all goods, materials, or equipment provided to the County with warranty coverage. Should a vendor be other than the manufacturer, the vendor and not the County is responsible for contacting the manufacturer. The Offeror is solely responsible for arranging for the service to be performed.
6. The successful Offeror shall be responsible for the proper training and certification of personnel used in the performance of the services proposed.
7. The successful Offeror shall not assign, transfer, convey, sublet, or otherwise dispose of any contract resulting from the RFP or of any of its rights, title or interest therein without prior written consent of the Fulton County Board of Commissioners.
8. In case of default by the successful Offeror, Fulton County may procure the articles or services from another source and hold the successful Vendor responsible for any resultant excess cost.
9. All proposals and bids submitted to Fulton County are subject to the Georgia "Open Records Act", Official Code of Georgia, Annotated (O.C.G.A.) § 50-18-70 et seq.
10. All proposals and bids submitted to Fulton County involving Utility Contracting are subject to the Georgia law governing licensing of Utility Contractors, O.C.G.A. §43-14-8.2(h).

## **EXHIBIT B**

### **SPECIAL CONDITIONS**

(Not Applicable)

# **EXHIBIT C**

## **SCOPE OF WORK**

## SCOPE OF WORK

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The Consultant shall, but not limited to, provide consulting services for Oversight, Management and Administration services for the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit program within the Fulton Industrial District area of unincorporated Fulton County. The MS4 Permit requires the development of a Stormwater Management Program and numerous subprograms/program elements established to reduce and minimize pollutant discharges to surface water from stormwater sources.

The Best Management Practices for this program include:

- Inspection and Maintenance of Stormwater Control Structures
- Detection and Elimination of Illicit Discharges
- Industrial Facility Stormwater Discharge Control
- Construction Site Management
- Inspection and Enforcement of Highly Visible Pollutant Sources
- Public Education
- Public Involvement
- Regulation of Post Construction Stormwater Controls
- Promotion of Green Infrastructure / Low Impact Development

The consultant will assist Fulton County staff in performing and meeting these elements on a time and materials basis and preparing the annual report to EPD documenting our efforts. The consultant will monitor the timely accomplishment of the tasks performed by staff, as well as other consultants, and compile and submit the comprehensive Annual Report documenting compliance required by the Permit.

# **EXHIBIT D**

## **PROJECT DELIVERABLES**

## PROJECT DELIVERABLES

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**See Exhibit E, Compensation.**



# **EXHIBIT E**

## **COMPENSATION**

## **COMPENSATION**

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The County agrees to compensate the Consultant as follows:

County agrees to compensate Consultant for all services performed under this Agreement in an amount not to exceed \$64,422.00. The detailed costs are provided below:

Task Area	Position Title	Principal Hours	Project Manager Hours	Project Engineer	Engineer 2	Engineer 1	Finance Manager
<b>Rates</b>		\$ 250.00	\$163.00	\$ 128.00	\$ 97.00	\$ 88.00	\$90
Task 1. Infrastructure Inventory Upgrade			4			50	
Task 2. Infrastructure Inspection and Maintenance Training			4				
Task 3. Flood Management Facility Inspections			1		2		
Task 4. Municipal Facility Inventory Upgrade			2		2		
Task 5. Highly Visible Pollutant Sources (HVPS) Inventory Upgrade			2		2		
Task 6. Highly Visible Pollutant Sources (HVPS) Inspections			1		2		
Task 7. Industrial Facilities Inventory Upgrade			2		2	4	
Task 8. Enforcement Response Plan (ERP) Upgrade			4				
Task 9. Impaired Water Plan Development/ Upgrade			4	2			
Task 10. Ordinance Review and Upgrade Development as Required			4	4			
Task 11. Illicit Discharge Detection and Elimination (IDDE)				4		40	
Task 12. Spill Response Plan Upgrade			2	4			
Task 13. Public Spill Reporting System Development			2	4			
Task 14. Industrial Facility Inspections			2	4			
Task 15. Coordination, Tracking and Oversight of Activity Performance by Others			40	16			
Task 16. Annual Report Preparation		8	80		40	24	
Task 17. Project/ Contract Management		10	24				6
Task 18. Other Unidentified ConsultantTasks		12	40				
Total Hours		30	218	38	50	118	6

<b>Element A: Structural and Source Control Measures (Permit Section 3.3.1)</b>							
1) MS4 Control Structure Inventory and Map	X						
2) MS4 Inspection and Maintenance Program	X						
3) Planning Procedures					X		
4) Street Maintenance	X						
5) Flood Management Projects							
a. New					X		
b. Existing						X	
6) Municipal Facilities Excluding Any Industrial Facilities						X	
7) Pesticide, Fertilizer and Herbicide Application	X						
<b>Element B: Illicit Discharge and Elimination Program</b>							
1) Legal Authority						X	
2) Outfall Inventory Map					X		
3) IDDE Plan						X	
4) Spill Response Procedures						X	
5) Public Reporting Procedures			X			X	
6) Proper Management and Disposal of Used Oil and Toxic Materials			X				
7) Sanitary Sewer Infiltration Controls				X			
<b>Element C: Industrial Facility Storm Water Discharge Control</b>							
1) Industrial Facility Inventory						X	
2) Inspection Program						X	
3) Enforcement Procedures					X		
4) Educational Activities			X				
<b>Element D: Construction Site Management Program</b>							
1) Legal Authority					X		
2) Site Plan Review Procedures					X		
3) Inspection Program					X		
4) Enforcement Procedures					X		

<b>5) Certification</b>					<b>X</b>		
<b>Element E: Highly Visible Pollutant Sources (HVPS)</b>							
<b>1) HVPS Facility Inventory</b>						<b>X</b>	
<b>2) Inspection Program</b>						<b>X</b>	
<b>3) Enforcement Procedures</b>					<b>X</b>		
<b>4) Educational Activities</b>			<b>X</b>				
<b>Element F: Public Education</b>							
<b>1) Public Education – Educational Activity #1/Public Ed Materials</b>			<b>X</b>				
<b>2) Public Education – Educational Activity #2/Public Ed Workshops</b>			<b>X</b>				
<b>3) Public Education – Educational Activity #3/Public Ed Articles</b>			<b>X</b>				
<b>4) Public Education – Educational Activity #4/Public Ed Website</b>			<b>X</b>				
<b>Element G: Public Involvement</b>							
<b>1) Public Involvement – Educational Activity #1/Stream Cleanups</b>			<b>X</b>				
<b>2) Public Involvement – Educational Activity #2/Citizen Science</b>			<b>X</b>				
<b>3) Public Involvement – Educational Activity #3/AAR</b>			<b>X</b>				
<b>4) Public Involvement – Educational Activity #4/Storm Drain Marking</b>			<b>X</b>				
<b>Element H: Post-Construction Stormwater Controls</b>							
<b>1) Ordinance Review</b>					<b>X</b>		
<b>2) Linear Transportation Project</b>			<b>NA</b>				
<b>Element I: Green Infrastructure/Low Impact Development (GI/LID)</b>							
<b>1) Legal Authority</b>					<b>X</b>		
<b>2) GI/LID Program</b>					<b>X</b>		
<b>3) GI/LID Structure Inventory</b>					<b>X</b>		

4) GI/LID Inspection and Maintenance Program					<b>X</b>		
PWT = Public Works Transportation							
PWG = Public Works GIS							
PWE = Public Works Education							
PWO = Public Wprks Operations							
FIC = FID Permitting Consultant							
MOMA = MS4 Oversight Mangement and Administraction Consultant (this contract)							
Additional Requirements for MS4 Management Oversight and Adminstrative Consultant (MOMA)							
1) Compilation and Submittal of Annual Report							

Table 2. MS4 Oversight Management & Administration			
Cost Estimate			
	Estimated Hours	Hourly Rates	Total
Principal	30	\$ 250.00	\$ 7,500.00
Project Manager	218	\$ 163.00	\$ 35,534.00
Project Engineer	38	\$ 128.00	\$ 4,864.00
Engineer 2	50	\$ 97.00	\$ 4,850.00
Engineer 1	118	\$ 88.00	\$ 10,384.00
Finance Manager	6	\$ 90.00	\$ 540.00
	Total Hourly Cost		\$ 63,672.00
	Estimated Expenses		\$ 750.00
	Total Project Cost		\$ 64,422.00

# **EXHIBIT F**

## **PURCHASING FORMS**



**STATE OF GEORGIA**  
**COUNTY OF FULTON**

**FORM A: GEORGIA SECURITY AND IMMIGRATION CONTRACTOR AFFIDAVIT AND AGREEMENT**

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services<sup>1</sup> under a contract with [insert name of prime contractor] R2T, Inc. on behalf of Fulton County Government has registered with and is participating in a federal work authorization program\*,<sup>2</sup> in accordance with the applicability provisions and deadlines established in O.C.G.A. 13-10-91.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services to this contract with Fulton County Government, contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to the Fulton County Government at the time the subcontractor(s) is retained to perform such service.

107167 - Authorization Date: 3/17/2008

EEV/Basic Pilot Program\* User Identification Number

Kimberly Ajy (R2T, Inc.)

BY: Authorized Officer of Agent (Insert Contractor Name)  
President

Title of Authorized Officer or Agent of Contractor  
Kimberly Ajy, MS, ENV SP

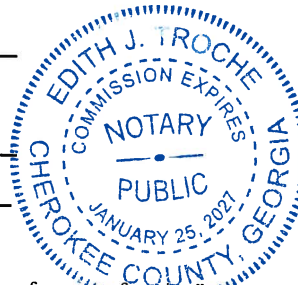
Printed Name of Authorized Officer or Agent

Sworn to and subscribed before me this 26th day of March, 2024.

Notary Public: Edith J. Troche

County: Charokee County

Commission Expires: January 25, 2027



<sup>1</sup>O.C.G.A. § 13-10-90(4), as amended by Senate Bill 160, provides that "physical performance of services" means any performance of labor or services for a public employer (e.g., Fulton County) using a bidding process (e.g., ITB, RFQ, RFP, etc.) or contract wherein the labor or services exceed \$2,499.99, except for those individuals licensed pursuant to title 26 or Title 43 or by the State Bar of Georgia and is in good standing when such contract is for service to be rendered by such individual.

<sup>2</sup>[Any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603].

STATE OF GEORGIA  
COUNTY OF FULTON

Not Applicable

**FORM B: GEORGIA SECURITY AND IMMIGRATION SUBCONTRACTOR AFFIDAVIT**

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services<sup>3</sup> under a contract with **[insert name of prime contractor]** behalf of **Fulton County Government** has registered with and is participating in a federal work authorization program\*,<sup>4</sup> in accordance with the applicability provisions and deadlines established in O.C.G.A. 13-10-91.

\_\_\_\_\_  
EEV/Basic Pilot Program\* User Identification Number

\_\_\_\_\_  
BY: Authorized Officer of Agent  
(Insert Subcontractor Name)

\_\_\_\_\_  
Title of Authorized Officer or Agent of Subcontractor

\_\_\_\_\_  
Printed Name of Authorized Officer or Agent

**Sworn to and subscribed before me,**

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Notary Public)

\_\_\_\_\_  
(Seal)

Commission Expires: \_\_\_\_\_

(Date)

<sup>3</sup>O.C.G.A. § 13-10-90(4), as amended by Senate Bill 160, provides that “physical performance of services” means any performance of labor or services for a public employer (e.g., Fulton County) using a bidding process (e.g., ITB, RFQ, RFP, etc.) or contract wherein the labor or services exceed \$2,499.99, except for those individuals licensed pursuant to title 26 or Title 43 or by the State Bar of Georgia and is in good standing when such contract is for service to be rendered by such individual.

<sup>4</sup>\*[Any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603].

**FORM C: OFFEROR'S DISCLOSURE FORM AND QUESTIONNAIRE**

1. Please provide the names and business addresses of each of the Offeror's firm's officers and directors.

For the purposes of this form, the term "Offeror" means an entity that responds to a solicitation for a County contract by either submitting a proposal in response to a Request for Proposal or a Request for Qualification or a Bid in response to an Invitation to Bid. Describe accurately, fully and completely, their respective relationships with said Offeror, including their ownership interests and their anticipated role in the management and operations of said Offeror.

Kimberly Ajy, MS, ENV SP - President, Secretary, Treasurer  
580 W. Crossville Rd, Suite 101, Roswell, GA 30075

George Ajy, PE - Vice President, Asst. Secretary  
580 W. Crossville Rd, Suite 101, Roswell, GA 30075

Andy Rankin, PE - Vice President of Engineering  
580 W. Crossville Rd, Suite 101, Roswell, GA 30075

2. Please describe the general development of said Offeror's business during the past five (5) years, or such shorter period of time that said Offeror has been in business.

R2T, Inc. was established in 2005 as an environmental engineering firm and opened an office in Roswell, Georgia in August 2006. R2T provides a wide range of services in civil and environmental engineering, environmental planning and permitting, operations, and project and construction management to various federal, state, and local agencies and municipalities.

3. Please state whether any employee, agent or representative of said Offeror who is or will be directly involved in the subject project has or had within the last five (5) years: (i) directly or indirectly had a business relationship with Fulton County; (ii) directly or indirectly received revenues from Fulton County; or (iii) directly or indirectly receives revenues from the result of conducting business on Fulton County property or pursuant to any contract with Fulton County. Please describe in detail any such relationship.

(i) Employees of R2T have indirectly and through R2T or other engineering firms in the last (5) years performed work on Fulton County projects. To the best of our knowledge, no employee of R2T has or had directly any business relationship with the County.

(ii) R2T employees have indirectly received salary payments which came from revenues received by R2T and/or other firms for performing work on Fulton County projects. To the best of our knowledge, no employee of R2T directly received any revenue from the County.

(iii) R2T employees have indirectly received salary payments which came from revenues received by R2T for performing work on Fulton County projects some of which were performed on County Property. To the best of our knowledge, no employee of R2T directly received any revenue from the County for conducting business on County property or pursuant to any contract with the County.

**LITIGATION DISCLOSURE:**

Failure to fully and truthfully disclose the information required, may result in the disqualification of your bid or proposal from consideration or termination of the Contract, once awarded.

1. Please state whether any of the following events have occurred in the last five (5) years with respect to said Offeror. If any answer is yes, explain fully the following:

- (a) whether a petition under the federal bankruptcy laws or state insolvency laws was filed by or against said Offeror, or a receiver fiscal agent or similar officer was appointed by a court for the business or property of said Offeror;

Circle One: YES

☒ NO

- (b) whether Offeror was subject of any order, judgment, or decree not subsequently reversed, suspended or vacated by any court of competent jurisdiction, permanently enjoining said Offeror from engaging in any type of business practice, or otherwise eliminating any type of business practice; and

Circle One: YES

☒ NO

- (c) whether said Offeror's business was the subject of any civil or criminal proceeding in which there was a final adjudication adverse to said Offeror, which directly arose from activities conducted by the business unit or corporate division of said Offeror which submitted a bid or proposal for the subject project. If so please explain.

Circle One: YES

☒ NO

2. Have you or any member of your firm or team to be assigned to this engagement ever been indicted or convicted of a criminal offense within the last five (5) years?

Circle One: YES

☒ NO

3. Have you or any member of your firm or team been terminated (for cause or otherwise) from any work being performed for Fulton County or any other Federal, State or Local Government?

Circle One: YES

☒ NO

4. Have you or any member of your firm or team been involved in any claim or litigation adverse to Fulton County or any other federal, state or local government, or private entity during the last three (3) years?

Circle One: YES

☒ NO

5. Has any Offeror, member of Offeror's team, or officer of any of them (with respect to any matter involving the business practices or activities of his or her employer), been notified within the five (5) years preceding the date of this offer that any of them are the target of a criminal investigation, grand jury investigation, or civil enforcement proceeding?

Circle One: YES

☒ NO

If you have answered "YES" to any of the above questions, please indicate the name(s) of the person(s), the nature, and the status and/or outcome of the information, indictment, conviction, termination, claim or litigation, the name of the court and the file or reference number of the case, as applicable. Any such information should be provided on a separate page, attached to this form and submitted with your proposal.

**NOTE:** If any response to any question set forth in this questionnaire has been disclosed in any other document, a response may be made by attaching a copy of such disclosure. (For example, said Offeror's most recent filings with the Securities and Exchange Commission ("SEC") may be provided if they are responsive to certain items within the questionnaire.) However, for purposes of clarity, Offeror should correlate its responses with the exhibits by identifying the exhibit and its relevant text.

Disclosures must specifically address, completely respond and comply with all information requested and fully answer all questions requested by Fulton County. Such disclosure must be submitted at the time of the bid or proposal submission and included as a part of the bid/proposal submitted for this project. Disclosure is required for Offerors, joint venture partners and first-tier subcontractors.

Failure to provide required disclosure, submit officially signed and notarized documents or respond to any and all information requested/required by Fulton County can result in the bid/proposal declared as non-responsive. This document must be completed and included as a part of the bid/proposal package along with other required documents.

[SIGNATURES ON NEXT PAGE]

Under penalty of perjury, I declare that I have examined this questionnaire and all attachments hereto, if applicable, to the best of my knowledge and belief, and all statements contained hereto are true, correct, and complete.

On this 26th day of March, 2024

R2T, Inc. 3/26/2024  
(Legal Name of Proponent) (Date)

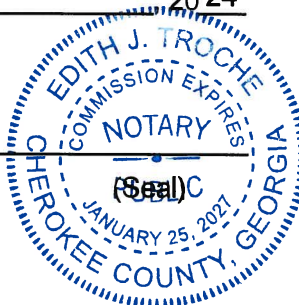
Kimberly Ajay 3/26/2024  
(Signature of Authorized Representative) (Date)

President  
(Title)

Sworn to and subscribed before me,

This 26th day of March, 2024

Edith J. Troche Edith Troche  
(Notary Public)



Commission Expires January 25, 2027  
(Date)

**FORM D: GEORGIA PROFESSIONAL LICENSE CERTIFICATION**

**NOTE: Please complete this form for the work your firm will perform on this project.**

Contractor's Name: R2T, Inc.

Performing work as: Prime Contractor ☒ Subcontractor/Sub-Consultant ☐

Professional License Type: Engineering Firm

Professional License Number: PEF004653

Expiration Date of License: 06/30/2024

I certify that the above information is true and correct and that the classification noted is applicable to the Bid for this Project.

Signed: 

Date: 3/26/2024

**(ATTACH COPY OF LICENSE)**



A pocket-sized license card is below. Above is an enlarged copy of your pocket card.

Please make note of the expiration date on your license. It is your responsibility to renew your license before it expires. Please notify the Board if you have a change of address.

Wall certificates suitable for framing are available at cost, see board fee schedule. To order a wall certificate, please order from the web site – [www.sos.state.ga.us/plb](http://www.sos.state.ga.us/plb).

Please refer to Board Rules for any continuing education requirements your profession may require.

Georgia State Board of Professional Licensing  
237 Coliseum Drive  
Macon GA 31217  
Phone: (844) 753-7825  
[www.sos.state.ga.us/plb](http://www.sos.state.ga.us/plb)

R2T, Inc.  
580 W. Crossville Road  
Suite 101  
Roswell GA 30075





**STATE OF GEORGIA  
COUNTY OF FULTON**

**form E: Local Preference AFFIDAVIT OF BIDDER/OFFEROR**

I hereby certify that pursuant to Fulton County Code Section 102-377, the Bidder/Offeror R2T, Inc. is eligible to receive local preference points and has a staffed, fixed, physical, place of business located within Fulton County and has had the same for at least one (1) year prior to the date of submission of its proposal or bid and has held a valid business license from Fulton County or a city within Fulton County boundaries for the business at a fixed, physical, place of business, for at least one (1) year prior to the date of submission of its proposal or bid.

Affiant further acknowledges and understands that pursuant to Fulton County Code Section 102-377, in the event this affidavit is determined to be false, the business named herein shall be deemed "non-responsive" and shall not be considered for award of the applicable contract.

R2T, Inc.

(BUSINESS NAME)

580 W Crossville Road, Suite 101, Roswell, GA 30075

(FULTON COUNTY BUSINESS ADDRESS)

President

(OFFICIAL TITLE OF AFFIANT)

Kimberly Ajy, MS, ENV SP

(NAME OF AFFIANT)

*Kimberly Ajy*

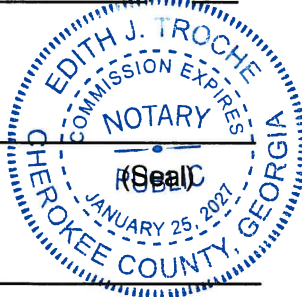
(SIGNATURE OF AFFIANT)

**Sworn to and subscribed before me,**

This 26th day of March 2024

Edith J. Troche *Edith Troche*

(Notary Public)



Commission Expires: January 25, 2027

(Date)

STATE OF GEORGIA

Not Applicable

COUNTY OF FULTON

**form F: SERVICE DISABLED VETERAN Preference AFFIDAVIT OF BIDDER/OFFEROR**

I hereby certify that pursuant to Fulton County Code Section 102-378, the Bidder/Offeror \_\_\_\_\_ is eligible to receive Service Disabled Veteran Business Enterprise preference points and is independent and continuing operation for profit, performing a commercially useful function, and is 51 percent owned and controlled by one or more individuals who are disabled as a result of military service who has been honorably discharged, designated as such by the United States Department of Veterans Affairs.

Affiant further acknowledges and understands that pursuant to Fulton County Code Section 102-378, in the event this affidavit is determined to be false, the business named herein shall be deemed "non-responsive" and shall not be considered for award of the applicable contract.

\_\_\_\_\_

(BUSINESS NAME)

\_\_\_\_\_

(FULTON COUNTY BUSINESS ADDRESS)

\_\_\_\_\_

(OFFICIAL TITLE OF AFFIANT)

\_\_\_\_\_

(NAME OF AFFIANT)

\_\_\_\_\_

(SIGNATURE OF AFFIANT)

Sworn to and subscribed before me,

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_

(Notary Public)

(Seal)

Commission Expires: \_\_\_\_\_

(Date)

## **EXHIBIT G**

# **OFFICE OF CONTRACT COMPLIANCE FORMS**



PHONE NUMBER: 770-569-7038 EMAIL: kim.ajy@r2tinc.com

### EXHIBIT B1 - SCHEDULE OF INTENDED SUBCONTRACTOR UTILIZATION

This form **must be** completed and **submitted with the bid/proposal**. All prime bidders/proposers **must** submit this form which lists all intended subcontractors/suppliers who will be utilized under the scope of work/services.

Prime Bidder/Proposer Company Name R2T, Inc.

ITB/RFP Name & Number: MS4 NPDES Permit Management Oversight and Administration  
(Solicitation #24RFP140569K-DB)

1. My firm, as Prime Bidder/Proposer on this scope of work/service(s) is **NOT** ☐, **is** ☒ a minority or female owned and controlled business enterprise. ☒ **African American (AABE)**; ☐ **Asian American (ABE)**; ☐ **Hispanic American (HBE)**; ☐ **Native American (NABE)**; ☐ **White Female American (WFBE)**; ☐ **Small Business (SBE)**; ☐ **Service Disable Veteran (SDVBE)** ☐ **Disadvantage Business (DBE)** **\*\*If yes, Prime must submit a copy of recent certification.**

☐ Male or ☒ Female (Check the appropriate boxes).

Indicate below the portion of work, including, percentage of bid/proposal amount that your firm will carry out directly as the Prime Contractor:

\$ \_\_\_\_\_ Or \_\_\_\_\_ %  
100% Self Perform

2. This information below must be completed and submitted with the bid/proposal if a **joint venture (JV)** approach is to be undertaken. Please provide JV breakdown information below and attach a copy of the executed Joint Venture Agreement.

JV Partner(s) information:

<u>Business Name</u>		<u>Business Name</u>	
(a.)		(b.)	
<b>% of JV</b>	N/A	<b>% of JV</b>	N/A
<b>Ethnicity</b>		<b>Ethnicity</b>	
<b>Gender</b>		<b>Gender</b>	
<b>Certified (Y or N)</b>		<b>Certified (Y or N)</b>	
<b>Agency</b>		<b>Agency</b>	
<b>Date Certified</b>		<b>Date Certified</b>	

3. Lists all Sub-Contractor/suppliers participating on the project. **(COMPLETE Exhibit B2 FORM)**

<b>Total Dollar Value of Certified Subcontractors: (\$)</b> \$0
---

<b>Total Percentage of Certified Subcontractors: (%)</b> 0%
---

**CERTIFICATION:** The undersigned certifies that he/she has read, understands and agrees to be bound by the Bid/Proposer provisions, including the accompanying Exhibits and other terms and conditions regarding sub-contractor utilization. The undersigned further certifies that he/she is legally authorized by the Bidder/Proposer to make the statement and representation in this Exhibit and that said statements and representations are true and correct to the best of his/her knowledge and belief. The undersigned understands and agrees that if any of the statements and representations are made by the Bidder/Proposer knowing them to be false, or if there is a failure of the intentions, objectives and commitments set forth herein, then in any such event the Contractor's acts

or failure to act, as the case may be, shall constitute a material breach of the contract, entitling the County to terminate the Contract for default. The right to so terminate shall be in addition to, and in lieu of, any other rights and remedies the County may have for other defaults under the contract.

By submitting this form, it is understood that every firm listed as a subcontractor has been properly notified and will participate.

Signature: Kimberly Ajy Title: President

Business or Corporate Name: R2T, Inc.

Address: 580 W Crossville Road, Suite 101, Roswell, GA 30075

Telephone: ( 770 ) 569-7038

Fax Number: ( 770 ) 993-5082

Email Address: kim.ajy@r2tinc.com

#### UTILIZATION REPORT – Post Award

The awarded vendor(s) are required to report all payments to the prime contractor, subcontractors and sub-consultants (if applicable) during the project using the B2GNow software program. This requirement will be further explained by the Office of Contract Compliance upon determination of all awarded contracts.



**Department of Purchasing & Contract Compliance**

Mario Avery, MBA, MCA  
Contract Compliance Administrator

Suite 1168  
130 Peachtree Street, S.W.  
Atlanta, GA 30303  
[www.fultoncountyga.gov](http://www.fultoncountyga.gov)

Main: (404) 612-6300

February 13, 2024

Mrs. Kimberly Ajy  
R2T, Inc. DBA RIVER TO TAP  
580 W. Crossville Road  
Suite 101  
Roswell, GA 30075

Dear Mrs. Ajy:

The Fulton County Office of Contract Compliance has reviewed your application for Minority/Female Business Enterprise ("MFBE") recertification. Based on our evaluation of the information submitted, your firm has met the requirements for certification renewal.

Your firm's certification will last for a period of two (2) years beginning with the effective date of this letter. You may apply for recertification as a MFBE three months prior to the certification expiration date. Failure to recertify your company within six (6) months after certification has expired will require your company to repeat the certification process in its entirety. If at any time during your certification period there is a change in management, ownership or control of your firm, you are required to update your firm's profile. If your firm relocates during the certification period please update your profile as well. Failure to maintain accurate information on your firm may result in removal of your firm from the Minority/Female Business Enterprise (MFBE) Directory.

If you have any questions or require further assistance, please feel free to contact our office at (404) 612-6300. We wish you continued success in your business endeavors.

Sincerely,

Mario Avery  
Contract Compliance Administrator



# EXHIBIT B2 FORM

**SUB-CONTRACTORS (INCLUDING SUPPLIERS) TO BE UTILIZED IN THE PERFORMANCE OF THE SCOPE OF WORK/SERVICES(S), IF AWARDED ARE LISTED BELOW**

**Certification Designation:** AABE – African American Business Enterprise, HBE – Hispanic American Business Enterprise, NABE – Native American Business Enterprise, ABE – Asian American Business Enterprise, FBE – Female Business Enterprise, MBE – Minority Business Enterprise, SDVBE – Service Disabled Veteran Business Enterprise, SBE – Small Business Enterprise, DBE – Disadvantage Business Enterprise

[illegible]

EXHIBIT C

**FORM SUBCONTRACTOR**

Certification Designation: AABE – African American Business Enterprise, HBE – Hispanic American Business Enterprise, NABE – Native American Business Enterprise, ABE – Asian American Business Enterprise, FBE – Female Business Enterprise, MBE – Minority Business Enterprise, SDVBE – Service Disabled Veteran Business Enterprise, SBE – Small Business Enterprise, DBE – Disadvantage Business Enterprise

[illegible]

## **EXHIBIT H**

# **INSURANCE AND RISK MANAGEMENT FORMS**

### **USE OF PREMISES**

Contractor/Vendor shall confine its apparatus, the storage of materials and the operations of its workers to limits/requirements indicated by law, ordinance, permits and any restrictions of Fulton County Government and shall not unreasonably encumber the premises with its materials (Where Applicable).

### **PROTECTION OF PROPERTY**

Contractor/Vendor will adequately protect its own work from damage, will protect Fulton County Government's property from damage or loss and will take all necessary precautions during the progress of the work to protect all persons and the property of others from damage or loss.

Contractor/Vendor shall take all necessary precautions for the safety of employees of the work and shall comply with all applicable provisions of the Federal, State and local safety laws and building codes to prevent accidents or injury to persons on, about, or adjacent to the premises where work is being performed.

Contractor/Vendor shall erect and properly maintain at all times as required by the conditions and progress of the work, all necessary safeguards for the protection of its employees, Fulton County Government employees and the public and shall post all applicable signage and other warning devices to protect against potential hazards for the work being performed (Where Applicable).

CONTRACTOR/VENDOR ACKNOWLEDGES HAVING READ, UNDERSTANDING, AND AGREEING TO COMPLY WITH THE AFOREMENTIONED STATEMENTS, AND THE REPRESENTATIVE OF THE CONTRACTOR/VENDOR IDENTIFIED BELOW IS AUTHORIZED TO SIGN CONTRACTS ON BEHALF OF THE RESPONDING CONTRACTOR/VENDOR.

COMPANY: R2T, Inc. SIGNATURE: 

NAME: Kimberly Ajy, MS, ENV SP TITLE: President

DATE: 3/26/2024

**ACORD**<sup>TM</sup>**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

06/05/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> <b>Marsh &amp; McLennan Agency LLC</b> <b>P. O. Box 71429</b> <b>47 Postal Parkway</b> <b>Newnan, GA 30271-1429</b>	<b>CONTACT NAME:</b> <b>La Tanya Wedlowe-Banks</b>	
	<b>PHONE (A/C, No, Ext):</b> <b>770-683-1000</b> <b>FAX (A/C, No):</b> <b>770-683-1010</b>	
	<b>E-MAIL ADDRESS:</b> <b>La-Tanya.Wedlowe-Banks@MarshMMA.com</b>	
<b>INSURED</b>  <b>R2T, Inc.</b> <b>580 W. Crossville Road</b> <b>Suites 101-102</b> <b>Roswell, GA 30075</b>	<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>
	<b>INSURER A : Transportation Insurance Company</b>	<b>20494</b>
	<b>INSURER B : The Continental Insurance Company</b>	<b>35289</b>
	<b>INSURER C : Continental Casualty Company</b>	<b>20443</b>
	<b>INSURER D : Columbia Casualty Company</b>	<b>31127</b>
	<b>INSURER E : Swiss Re Corporate Solutions America</b>	<b>29874</b>
	<b>INSURER F :</b>	

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
<b>A</b>	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b>  <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	<b>Y</b>		<b>5084059559</b>	<b>07/28/2023</b>	<b>07/28/2024</b>	EACH OCCURRENCE <b>\$1,000,000</b> DAMAGE TO RENTED PREMISES (Ea occurrence) <b>\$100,000</b> MED EXP (Any one person) <b>\$15,000</b> PERSONAL & ADV INJURY <b>\$1,000,000</b> GENERAL AGGREGATE <b>\$2,000,000</b> PRODUCTS - COMP/OP AGG <b>\$2,000,000</b> \$
<b>B</b>	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	<b>Y</b>		<b>2095995258</b>	<b>07/28/2023</b>	<b>07/28/2024</b>	COMBINED SINGLE LIMIT (Ea accident) <b>\$1,000,000</b> BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
<b>B</b>	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION <b>\$10000</b>			<b>5084059478</b>	<b>07/28/2023</b>	<b>07/28/2024</b>	EACH OCCURRENCE <b>\$6,000,000</b> AGGREGATE <b>\$6,000,000</b> \$
<b>C</b>	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/MEMBER EXCLUDED? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		<b>N/A</b>	<b>584059514</b>	<b>07/28/2023</b>	<b>07/28/2024</b>	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT <b>\$1,000,000</b> E.L. DISEASE - EA EMPLOYEE <b>\$1,000,000</b> E.L. DISEASE - POLICY LIMIT <b>\$1,000,000</b>
<b>B</b>	<b>Hired/Phys Damage</b>			<b>2095995258</b>	<b>07/28/2023</b>	<b>07/28/2024</b>	<b>\$1,000/Comp/Coil Ded</b>
<b>D</b>	<b>Professional/Poll</b>			<b>CZB591951191</b>	<b>07/28/2023</b>	<b>07/28/2024</b>	<b>\$2,000,000/\$2,000,000</b>
<b>E</b>	<b>Cyber Liability</b>			<b>C4MAD151401CYBER20</b>	<b>07/28/2023</b>	<b>07/28/2024</b>	<b>\$1,000,000/\$10K deduct</b>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

(GL) Additional Insured/Primary and Non-Contributory and Waiver of Subrogation per Forms CNA748580115 and CNA749870115.

(CAU) Additional Insured/Primary and Non-Contributory per Form CA20481013 and CNA63359GA0512.

(CAU) Waiver of Subrogation per Form CA04441013

(WC) Waiver of Subrogation per Form WC0003130484

(See Attached Descriptions)

**CERTIFICATE HOLDER****CANCELLATION**

**Fulton County Government -**  
**Purchasing and Contract**  
**Compliance Dept.**  
**130 Peachtree Street, S.W., Suite 1168**  
**Atlanta, GA 30303-3459**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*PETER J. KRAUSE*

DESCRIPTIONS (Continued from Page 1)

Rented/Leased Eqp 5084059559 07/28/2023 07/28/2024 \$250,000 Max Per Item  
Umbrella policy follows form to the GL, Auto and Employers Liability coverage.

RE: RFP #24RFP140569K-DB, MS4 NPDES Permit Management Oversight and Administration

# **EXHIBIT I**

- **Exhibit 1: 2019-2024 NPDES Permit**
- **Exhibit 2: FC Storm Water Management Program letter**
- **Exhibit 3: FC Phase I Large NPDES MS4 Permit Reapplication Form 2023**
- **Exhibit 4: Fulton County\_Phase I MS4 SWMP\_2021.05.07**

# **EXHIBIT 1**

## **Exhibit 1: 2019-2024 NPDES Permit**





**Richard E. Dunn, Director**

**EPD Director's Office**  
2 Martin Luther King, Jr. Drive  
Suite 1456, East Tower  
Atlanta, Georgia 30334  
404-656-4713

MAY 13 2019

Honorable Robb Pitts, Chairman  
Fulton County Board of Commissioners  
141 Pryor Street SW, 10th Floor  
Atlanta, Georgia 30303

RE: Municipal Separate Storm Sewer System  
Phase I Large MS4 Permit  
NPDES Permit No. GAS000117

Dear Chairman Pitts:

Pursuant to the Georgia Water Quality Control Act, as amended, the Federal Clean Water Act, as amended, and the Rules and Regulations promulgated thereunder, we have issued the attached National Pollutant Discharge Elimination System Permit (Permit) for your Municipal Separate Storm Sewer System.

On February 20, 2019, the Georgia Environmental Protection Division (EPD) transmitted a proposed draft Permit to you. The public comment period ended on April 3, 2019. We received some comments from three stakeholders. We have addressed the comments received and made minor Permit revisions. Attached please find EPD's response to comments.

Please be advised that on or after the effective date indicated in the attached NPDES Permit, the permittee must comply with all terms and conditions of this Permit.

Sincerely,

Richard E. Dunn  
Director

RED/mag

Attachments

Phase I Large MS4 NPDES Permit  
Public Comments and Response

Phase I Large MS4  
NPDES Permit No. GAS000117



**GEORGIA**  
DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**Discharges From The**

**Fulton County**

**Municipal Separate Storm Sewer System**

In compliance with the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p. 416, as amended), hereinafter called the "State Act", the Federal Clean Water Act, as amended (33 U.S.C. 1251 et seq.), hereinafter called the "Clean Water Act", and the Rules and Regulations promulgated pursuant to each of these Acts, all new and existing stormwater point sources covered under this permit are authorized to discharge stormwater from this municipal separate storm sewer system to the waters of the State of Georgia in accordance with the limitations, monitoring requirements and other conditions set forth in Parts I through 5 and Appendix B hereof.

This permit shall become effective on June 11, 2019.

This permit and the authorization to discharge shall expire at midnight, June 10, 2024.



Signed this 13<sup>th</sup> day of May, 2019.

*R. J. [Signature]*

Director,  
Environmental Protection Division

**STATE OF GEORGIA  
DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION DIVISION**

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**PART 1. COVERAGE UNDER THIS PERMIT**

**1.1 Coverage**

- 1.1.1 This permit covers all new and existing point source discharges of stormwater from the authorized municipal separate storm sewer system (MS4) to waters of the State of Georgia.
- 1.1.2 The permittee is liable for permit compliance and the implementation of the Storm Water Management Program (SWMP) for all point source discharges from the MS4 for which it is owner or operator.
- 1.1.3 Stormwater discharges regulated by other National Pollutant Discharge Elimination System (NPDES) permits that do not discharge to the MS4 are not covered by this permit (e.g., Publicly Owned Treatment Works and Combined Sewer Overflows).
- 1.1.4 Discharges which are subject to regulation by other NPDES permits that discharge to waters of the State through the MS4 are still subject to those other NPDES permit requirements.
- 1.1.5 In order to continue coverage, the permittee must submit a permit application at least 180 days prior to the expiration date of the existing permit on a form provided by the Georgia Environmental Protection Division (EPD).

**1.2 Definitions – See Appendix A**

All terms used in this permit shall be interpreted in accordance with the definitions as set forth in the Georgia Water Quality Control Act, as amended, and the Federal Clean Water Act (CWA), as amended, unless otherwise defined in Appendix A.

**PART 2. CRITERIA FOR RECEIVING WATERS**

**2.1 Receiving Water Standards**

The permittee shall implement controls to reduce pollutants to the maximum extent practicable (MEP) in discharges from the MS4 to the waters of the State so as to not cause the general criteria to be exceeded in the receiving waters per Rules 391-3-6-.03(5).

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**PART 3. STORM WATER MANAGEMENT PROGRAM**

The permittee shall update, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the MS4 to the MEP, in order to protect water quality and to satisfy the appropriate water quality requirements of the State Act and Rules (391-3-6-.16). The SWMP must include management practices, control techniques and system design and engineering methods, and other provisions appropriate for the control of such pollutants. Regardless if the permittee's SWMP has been approved by EPD, the permittee must comply with the requirements of this Permit. The SWMP shall be considered as a supplement to the Permit containing the standard operating procedures, schedules, inspection forms, and other documents needed to support the implementation of Permit requirements. EPD will review and approve the SWMP. The permittee must utilize the procedures and other supplemental documents contained in the SWMP during the activities performed to attain Permit compliance. The SWMP shall be submitted for approval to EPD within 180 days of the effective date of this permit. The SWMP and its amendments, upon approval by EPD, shall become a part of this permit.

**3.1 Legal Authority**

The permittee must have adequate legal authority to control pollutant discharges into and from its MS4, and to meet the legal requirements of this permit.

**3.2 Sharing Responsibility**

The permittee may share implementation of one or more of the SWMP components with another entity, or the entity may assume full responsibility for that component. However, the permittee may rely on another entity only if:

- 3.2.1 The other entity is either implementing or will be implementing the SWMP component;
- 3.2.2 The particular component is at least as stringent as the corresponding permit requirement; and
- 3.2.3 The other entity agrees to implement the component on the permittee's behalf through a written agreement, memorandum of understanding, memorandum of agreement, contract, or other signed document that establishes the obligations of each party.

Written acceptance of this obligation is mandatory and must be maintained as a part of the SWMP. Conducting maintenance on a structure does not imply that the entity conducting the maintenance is the owner or operator of that structure. Even though the permittee may contract with another entity for component implementation, it is the permittee's responsibility to submit all Permit Applications, Annual Reports, Certification Statements, or any other information requested by EPD.

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If the other entity fails to implement the component on the permittee's behalf, the permittee remains liable for any enforcement actions due to the failure to implement and/or report.

### 3.3 SWMP Components

The following information is to be used in developing and implementing the permittee's SWMP. The specific requirements can be found in Title 40 of the Code of Federal Regulations (CFR), Part 122.26. Each SWMP component must include a description of the activity, a measurable goal and how it will be measured and tracked, and a description of the documentation to be submitted in each annual report. A detailed description of the activities related to each requirement must be reported on the Annual Report form provided by EPD.

#### 3.3.1 Structural and Source Control Measures

The permittee must implement a program which incorporates structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the MS4 and includes a schedule for implementing the controls. At a minimum, the program must include the elements listed in Table 3.3.1 below and descriptions of how they are implemented:

**Table 3.3.1**

<b>SWMP Component</b>	<b>Measurable Goals</b>
1. MS4 Control Structure Inventory and Map	<p>1.a. Each reporting period, update the inventory and map of MS4 control structures. At a minimum, the inventory and map must include catch basins, ditches (miles or linear feet), detention/retention ponds, and storm drain lines (miles or linear feet).</p> <p>1.b. Provide the updated inventory and map, the number of MS4 structures added during the reporting period, and the total number of structures in the inventory, in each annual report.</p>
2. MS4 Inspection and Maintenance Program	<p>2.a. Conduct inspections of the MS4 structures so that 100% of the structures are inspected within the 5-year permit term. At a minimum, the permittee must conduct inspections on 5% of the total structures so that some inspections are performed during each reporting period, or if inspections are done by geographical area, then one entire area or sector must be inspected each reporting period. If a low percentage of inspections is conducted during one reporting period, then the permittee must increase the inspection frequency in subsequent reporting periods to ensure that 100% of the structures are inspected within a 5-year permit term. The</p>

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	<p>MS4 inspections shall be executed in accordance with the schedule contained in the SWMP. Provide the number and percentage of the total structures inspected during the reporting period and documentation in each annual report.</p> <p>2.b. Conduct maintenance on the MS4 structures as needed. Provide the number of the total structures maintained during the reporting period and documentation of the maintenance performed in each annual report.</p>
3. Planning Procedures	<p>3.a. Develop or update, as needed, a comprehensive planning document which addresses, in part, areas of new development and redevelopment to reduce pollutants in discharges from the MS4. Describe any changes made to the stormwater portion of the document during the reporting period in each annual report.</p>
4. Street Maintenance	<p>4. Conduct street cleaning using either of the following methods:</p> <p>4.a. Conduct street maintenance and cleaning at a frequency of at least one mile per reporting period. Develop procedures and include the procedures in the SWMP. Provide documentation of any street sweeping activities conducted during the reporting period in each annual report.</p> <p>4.b. If the permittee does not engage in street sweeping, then implement an alternate method of street cleaning, such as trash/litter removal. This activity must be conducted at least once each reporting period. Describe the procedures in the SWMP. Provide documentation of the litter removal activities conducted during the reporting period in each annual report.</p>
5. Flood Management Projects	<p>5.a. Ensure proposed flood management projects (e.g., detention and retention ponds) are assessed for water quality impacts during the design phase. Describe the assessment procedures in the SWMP. Provide the number of plans reviewed where flood management projects are assessed for water quality impacts during the reporting period in each annual report.</p> <p>5.b. Conduct an assessment, using the procedures described in the SWMP, of existing permittee-owned flood management projects (e.g., detention and retention ponds) for potential retrofitting to address water quality impacts and conduct any feasible retrofitting activities. If the permittee has more than five structures, then assess 100%</p>



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	<p>within a 5-year permit term, with at least one structure assessed annually. If the permittee has fewer than five structures, then assess 100% within a 5-year permit term. Provide information on any assessment and/or retrofitting activities conducted during the reporting period in each annual report.</p>
<p>6. Municipal Facilities  Excluding Any Facilities  Addressed in Section 3.3.3</p>	<p>6.a. Each reporting period, update the inventory of municipal facilities with the potential to cause pollution (e.g. drinking water treatment plants, wastewater plants &lt;1.0 MGD, recycling facilities, waste transfer facilities, materials recovery facilities (MRFs)) and provide in each annual report.</p> <p>6.b. Implement the program to control runoff from municipal facilities with the potential to cause pollution. The program shall include the facility inspection prioritization, inspection frequency, and inspection documentation protocol as described in the SWMP. Conduct an inspection on 100% of the inventoried facilities within the 5-year permit term. For permittees with five or more municipal facilities included on the inventory, at a minimum, the permittee must conduct inspections on 5% of the municipal facilities each reporting period, or if inspections are done by geographical area, then one entire area or sector must be inspected in each reporting period, so that inspections are conducted each reporting period. If a low percentage of inspections is conducted during one reporting period, then the permittee must increase the inspection frequency in subsequent reporting periods to ensure that 100% of the municipal facilities are inspected within the 5-year permit term. Provide documentation of inspections and documentation of follow-up actions taken to address noncompliance issues in each annual report.</p>
<p>7. Pesticide, Fertilizer, and  Herbicide Application</p>	<p>7.a. Utilize a program to reduce pollution by the application of pesticides, fertilizer, and herbicides by commercial applicators and distributors in accordance with the Georgia Department of Agriculture requirements.</p> <p>7.b. Implement the program to reduce pollution caused by the municipal use of pesticides, fertilizers, and herbicides, as described in the SWMP. If municipal staff performs the application of pesticides, fertilizers, and herbicides, ensure that they are certified by the Georgia Department of Agriculture. Provide documentation of program activities in each annual report.</p>

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**3.3.2 Illicit Discharge Detection and Elimination Program (IDDE)**

The permittee must implement and enforce a program to detect and eliminate illicit discharges and improper disposal of pollutants into the MS4. At a minimum, the program, described in the SWMP, must include the elements listed in Table 3.3.2 below and descriptions of how they are implemented:

**Table 3.3.2**

<b>SWMP Component</b>	<b>Measurable Goals</b>
1. Legal Authority	1.a. Re-evaluate and modify the existing IDDE ordinance when necessary for compliance with this permit. The permittee must ensure that the ordinance provides the authority to conduct inspections and monitoring, control illicit discharges and connections, and control illegal dumping and spills into the MS4. The ordinance must include the permittee's authority to take legal action to eliminate illicit discharges or connections. If the ordinance is revised during the reporting period, submit a copy of the adopted ordinance with the annual report.
2. Outfall Inventory and Map	2.a. Each reporting period, update the inventory and map showing the location of all outfalls from the MS4 and the names and location of all waters of the State that receive discharges from those outfalls with each annual report.  2.b. Provide the number of outfalls added during the reporting period, and the total number of outfalls in the inventory in each annual report.
3. IDDE Plan	3. Implement the IDDE Plan below, following procedures described in the SWMP, to detect and address non-stormwater discharges to the MS4. The components of the IDDE Plan are as follows:  3.a. Conduct dry weather screening (DWS) inspections on 100% of total outfalls within the 5-year permit term, or use an alternate method approved by EPD. At a minimum, the permittee must conduct DWS or approved alternate method inspections on 5% of the outfalls in each reporting period, or if inspections are done by a geographical area, then one area or sector must be inspected each reporting period so that some inspections are performed each reporting period. If a low percentage of inspections is conducted during one reporting period, then the permittee must increase the inspection frequency in subsequent reporting periods to ensure that 100% of the outfalls are inspected within a 5-

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	<p>year permit term.</p> <p>If the permittee conducts stream walks of intermittent and perennial streams in conjunction with the DWS inspection, then 100% of the stream miles containing or downstream of an MS4 outfall must be inspected within the 5-year permit term. At a minimum, the permittee must conduct stream walks on 5% of the stream miles in each reporting period, or if walks are done by a geographical area, then streams within one area or sector must be walked each reporting period so that some stream miles are walked during each reporting period. If the permittee conducts stream walks for a reason other than DWS, then the permittee does not need to walk a specific number of miles. The permittee must document and report the number of stream miles walked, as well as the number of outfalls screened using each method (i.e., DWS, stream walks, approved alternate method).</p> <p>In addition, the permittee may conduct both standard DWS of its outfalls and perform DWS of outfalls during stream walks. Provide the number and percentage of outfall inspections conducted during the reporting period and documentation of the inspections in each annual report.</p> <p>3.b. Implement investigative and follow-up procedures when the results of the screening indicate a potential illicit discharge, including the sampling and/or inspection procedures described in the SWMP. If the source of the illicit discharge is identified as deriving from an adjacent MS4, the permittee must notify that MS4. Provide information on illicit discharge detection activities performed to identify any illicit discharges identified during the reporting period in each annual report.</p> <p>3.c. Ensure any identified illicit discharges are eliminated. If necessary, implement the enforcement procedures described in the SWMP and in accordance with the Enforcement Response Plan (ERP) in Part 3.3.6 of this Permit. Provide information, using a spreadsheet or table, on any eliminated discharges or on any enforcement actions taken for illicit discharges during the reporting period in each annual report.</p>
4. Spill Response Procedures	<p>4.a. Implement the procedures described in the SWMP to prevent, contain, and respond to spills that may discharge to the MS4. Provide documentation on spill occurrences during the reporting period in each annual report.</p>

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5. Public Reporting Procedures	<p>5.a. Implement the procedures described in the SWMP to promote, publicize, and facilitate public reporting of illicit discharges. The permittee must perform at least one formal notification to the public of methods available to report an observed illicit discharge (e.g. website posting, newsletter, bill insert) at least once each reporting period. Provide documentation on any activities conducted during the reporting period in each annual report.</p> <p>5.b. Implement the procedures for receiving and responding to complaints related to illicit discharges described in the SWMP. Provide information on each complaint related to IDDE that was received and investigated during the reporting period in each annual report, including its status.</p>
6. Proper Management and Disposal of Used Oil and Toxic Materials	6.a. Implement the activities to facilitate the proper management and disposal of used oil and toxic materials, including educational activities, household waste collection programs, etc., described in the SWMP. The permittee must perform at least one activity to facilitate the proper management and disposal of used oil and toxic materials at least once each reporting period. Provide details on any activities performed during the reporting period in each annual report.
7. Sanitary Sewer Infiltration Controls	7.a. If the permittee owns or operates the sanitary sewer system within its jurisdiction, implement the activities to detect and eliminate seepage and spillage from municipal sanitary sewers to the MS4 described in the SWMP. The permittee must perform at least one activity to detect and eliminate seepage and spillage from municipal sanitary sewers to the MS4 at least once each reporting period. Provide details on any activities performed during the reporting period in each annual report.

The following categories of non-stormwater discharges or flows must be addressed only if they are identified as significant contributors of pollutants to the MS4:

- water line flushing;
- landscape irrigation;
- diverted stream flows;
- rising ground waters;
- uncontaminated ground water infiltration (as defined in 40 CFR Part 35.2005(20));
- uncontaminated pumped ground water;
- discharges from potable water sources;
- foundation drains;

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- air conditioning condensation;
- irrigation water;
- springs;
- water from crawl space pumps;
- footing drains;
- lawn watering;
- individual residential car washing;
- flows from riparian habitats and wetlands;
- swimming pool discharges;
- street wash water; and
- flows from fire fighting activities.

### 3.3.3 Industrial Facility Stormwater Discharge Control

The permittee must implement and enforce a program to monitor and control pollutants in stormwater discharges from industrial facilities into the MS4. At a minimum, the program must contain the elements listed in Table 3.3.3 below and descriptions of how they are implemented:

**Table 3.3.3**

<b>SWMP Component</b>	<b>Measurable Goals</b>
1. Industrial Facility Inventory	1.a. Each reporting period, update the inventory of facilities with industrial activities that potentially discharge to the MS4. At a minimum, this shall include facilities listed on EPD's Industrial Stormwater General Permit (IGP) Notice of Intent (NOI) and No Exposure Exclusion (NEE) online listings. Provide an updated inventory in each annual report.
2. Inspection Program	2.a. Implement the industrial facility inspection program which includes the facility inspection prioritization, inspection frequency, and inspection documentation protocol described in the SWMP. Conduct inspections on 100% of the inventoried facilities that discharge to the MS4 within the 5-year permit term. For permittees with five or more industrial facilities included on the inventory, at a minimum, the permittee must conduct inspections on 5% of the industrial facilities on the inventory each reporting period, or if inspections are done by geographical area, then one area or sector must be inspected each reporting period so that some inspections are performed during each reporting period. If a low percentage of inspections is conducted during one reporting period, then the permittee must increase the inspection frequency in subsequent reporting periods to ensure that 100% of the facilities are inspected within the 5-year permit term. Provide the total number of facilities, the number and percentage of

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	<p>inspections conducted during the reporting period, and documentation of the inspections in each annual report.</p> <p>2.b. Implement a monitoring program for stormwater runoff from industrial facilities, waste facilities and hazardous waste treatment, storage and disposal facilities, as defined in the SWMP. Provide the results of any monitoring conducted during the reporting period in each annual report. The permittee may use monitoring results provided by the industrial facility. This shall include all facilities that the permittee determines are contributing a substantial pollutant loading to the MS4.</p>
3. Enforcement Procedures	3.a. Implement enforcement procedures described in the SWMP and in accordance with the ERP in Part 3.3.6 of this permit if a stormwater violation is noted at an industrial facility that discharges to the MS4. Provide documentation on any enforcement actions taken during the reporting period in each annual report.
4. Educational Activities	4.a. Implement educational activities for industrial facilities (e.g., brochure distribution, website posting) during the reporting period. Conduct an educational activity related to industrial facilities at least once each reporting period. Provide documentation of any educational activities performed during the reporting period in each annual report.

### 3.3.4 Construction Site Management

The permittee must implement and enforce a program to maintain structural and/or non-structural BMPs to reduce pollutants in stormwater runoff from construction sites to the MS4 as defined in the SWMP. At a minimum, the program must contain the elements listed in Table 3.3.4 below and descriptions of how they are implemented:

**Table 3.3.4**

<b>SWMP Component</b>	<b>Measurable Goals</b>
1. Legal Authority	1.a. Re-evaluate and modify the existing Erosion and Sedimentation (E&S) ordinance when necessary for compliance with this permit. The permittee must ensure that the E&S ordinance provides the authority to issue land disturbing activity permits; require BMPs to prevent and minimize E&S; require erosion, sedimentation and pollution control plan submission and review prior to commencing construction, conduct inspections and enforcement, including stop work orders, bond forfeiture, and monetary penalties; and require education and certification for persons

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	involved in land development, design, review permitting, construction, monitoring, inspection and other land disturbing activities. If the E&S ordinance is revised during the reporting period, submit a copy of the adopted ordinance in the annual report.
2. Site Plan Review Procedures	<p>2.a. Ensure that 100% of the site plans are reviewed in accordance with the site plan review procedures described in the SWMP.</p> <p>2.b. Provide a list of the site plans received and the number of plans reviewed, approved, or denied during the reporting period in each annual report.</p> <p>2.c. Provide the number of Land Disturbance Activity (LDA) permits issued during the reporting period in each annual report.</p>
3. Inspection Program	<p>3.a. Implement the construction site inspection program. The purpose of the inspections is to ensure that structural and non-structural BMPs at construction sites are properly designed and maintained as specified in the Construction General Permits (CGPs).</p> <p>3.b. The construction site inspection program shall include the facility inspection prioritization, inspection frequency, and inspection documentation protocol described in the SWMP or in accordance with the Manual for Erosion and Sediment Control in Georgia. At a minimum, the permittee must conduct at least one inspection at each active construction site during the reporting period.</p> <p>3.c. Provide the number of active sites and the number of inspections conducted by the permittee during the previous reporting period in each annual report.</p>
4. Enforcement Procedures	4.a. Implement enforcement procedures for 100% of the E&S violations documented at construction sites as described in the SWMP and in accordance with the ERP in Part 3.3.6 of this permit. Provide documentation on any enforcement actions taken by the permittee during the reporting period in each annual report, including the number and type (Notice of Violation, Stop Work Order, etc.).
5. Certification	5.a. All builders, developers, contractors, and other entities involved in construction activities subject to the CGPs shall comply with the certification requirements of the Georgia Erosion and Sedimentation Act and the rules adopted by the GSWCC.

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	5.b. Ensure that MS4 staff involved in construction activities subject to the CGPs are trained and certified in accordance with the rules adopted by the Georgia Soil and Water Conservation Commission. Provide the number and type of current certifications in each annual report.
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### 3.3.5 Highly Visible Pollutant Sources (HVPS)

The permittee must implement and enforce a program to control pollutants in stormwater runoff from HVPS facilities into the MS4. At a minimum, the program must contain the elements listed in Table 3.3.5 below and descriptions of how they are implemented:

**Table 3.3.5**

<b>SWMP Component</b>	<b>Measurable Goals</b>
1. HVPS Facility Inventory	1.a. Each reporting period, update the inventory of HVPS facilities that discharge to the MS4. Provide an updated inventory in each annual report.
2. Inspection Program	2.a. Implement the HVPS facility inspection program which includes the facility inspection prioritization, inspection frequency, and inspection documentation protocol described in the SWMP. Conduct inspections on 100% of inventoried facilities that discharge to the MS4 during the 5-year permit term. For permittees with five or more HVPS facilities included on the inventory, at a minimum, the permittee must conduct inspections on 5% of the structures each reporting period, or if inspections are done by a geographical area, then one area or sector must be inspected each reporting period so that some HVPS facilities are inspected each reporting period. If a low percentage of inspections is conducted during one reporting period, then the permittee must increase the inspection frequency in subsequent reporting periods to ensure that 100% of the HVPS facilities are inspected within the 5-year permit term. Provide the total number of facilities, the number and percentage of inspections conducted during the reporting period, and documentation in each annual report.
3. Enforcement Procedures	3.a. Implement enforcement procedures to be utilized if a stormwater violation is noted at an HVPS facility that discharges to the MS4 as described in the SWMP and in accordance with the ERP in Part 3.3.6 of this permit. Provide documentation on any enforcement actions taken at HVPS facilities during the reporting period in each annual report.



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4. Educational Activities	4.a. Implement educational activities for HVPS facilities (e.g., brochure distribution, website posting) during the reporting period. Conduct an educational activity related to HVPS facilities at least once each reporting period. Provide documentation of any educational activities performed during the reporting period in each annual report.
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### 3.3.6 Enforcement Response Plan (ERP)

The permittee must develop and implement an ERP that describes the action to be taken for violations associated with the IDDE, construction, industrial, HVPS, and other SWMP programs. The ERP will detail the permittee's responses to any noted stormwater violations, including escalating enforcement responses to address repeat and continuing violations. The ERP must detail:

- Names of ordinances providing the legal authority to undertake enforcement, including citation of specific ordinance sections;
- Types of enforcement mechanisms available, for each area (IDDE, construction, industrial, HVPS, etc.). The ERP must list the enforcement actions that the permittee has the authority to use, including such actions as:
  - verbal warnings;
  - written notice of violations;
  - citations (with fines);
  - stop work orders;
  - withholding plan approval or other authorizations;
  - order of cessation or elimination of discharge;
  - referral for judicial action/enforcement; and
  - any other available enforcement mechanisms.
- Description of when each enforcement mechanism will be employed, including the path of escalation;
- Time frames for each step, including investigation of noncompliance, sequence and use of enforcement mechanisms, corrective action by responsible party, re-inspection of site, etc.
- Description of the methods to be used to track, either manually or electronically, instances of noncompliance, including such items as:
  - name of owner/operator of facility and/or the location or address;
  - type of site (IDDE, construction, industrial, HVPS, etc.);
  - description of noncompliance;
  - description of enforcement action(s) used;
  - time frames for each step (e.g. investigation, corrective action, re-inspection);
  - documentation of inspection and enforcement actions taken;
  - documentation of referral to other departments or agencies; and
  - date of violation resolution.

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The ERP must be reviewed each reporting period and revised as necessary. If revised during the reporting period, submit the ERP to EPD for review. The ERP must be implemented within six (6) months of EPD approval. Once approved, the ERP will become an addendum to the permittee's SWMP.

### 3.3.7 Impaired Waters

The permittee must identify any impaired waters located within its jurisdictional area, using the latest approved Georgia 305(b)/303(d) List of Waters ([http:// www.epd.georgia.gov/georgia-305b303d-list-documents](http://www.epd.georgia.gov/georgia-305b303d-list-documents)), which contain MS4 outfalls or are within one linear mile downstream of MS4 outfalls and within the same watershed. Also, the pollutant of concern must be identified. For those impaired waters, the permittee shall propose an Impaired Waters Plan (IWP) addressing each pollutant of concern. The permittee must check annually whether an impaired water, within its jurisdiction, has been added to the latest 305(b)/303(d) list. Newly listed waters must be addressed in the IWP and the SWMP must be revised accordingly. The permittee must report on all monitoring activities in subsequent annual reports. If a Total Maximum Daily Load (TMDL) containing a wasteload allocation specific to one or more of the permittee's outfalls is approved, then the wasteload allocation must be incorporated into the SWMP. All previous and newly approved TMDLs within the jurisdictional areas must be included in either the proposed IWP or a revision to the existing IWP. For those waters currently non-supporting for fecal coliform bacteria, in the event that EPA approves the *E. coli* standard, then the permittee will be required to revise the IWP and begin sampling for *E. coli* in place of fecal coliform bacteria.

The IWP shall include:

- Sample location, whether samples are collected instream (i.e., upstream and downstream), from outfalls during wet weather events, or a combination of both locations. Bacteriological samples must be collected instream. If the permittee chooses to conduct outfall sampling and there are multiple outfalls located on an impaired waterbody, then the permittee may choose representative outfalls for sampling in place of sampling all outfalls;
- Sample type, frequency, and any seasonal considerations;
- Implementation schedule to start monitoring for each pollutant of concern;
- Map showing the location of the impaired waters, the monitoring location, and all identified MS4 outfalls located on the impaired waters or occurring within one linear mile upstream of the waters, or a schedule for confirming the location of these outfalls; and
- Description of proposed BMPs to be used to control and reduce the pollutants of concern and a schedule for implementation of these BMPs.

Waters requiring bacteriological monitoring:

Permittees with a population less than 10,000 at the time of permit issuance are exempt from this requirement. For those permittees with a population equal to or exceeding 10,000 at the time of this permit issuance (see Appendix B), the permittee must comply with the following:

- For those waters impaired for fecal coliform bacteria, the permittee must collect four geometric means during the reporting period (16 samples total). Each geometric mean

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must consist of four grab samples collected during a 30-day period, without regards to weather. Two of the geometric means must be collected during May-October and two must be collected during November-April.

- The samples must be collected and the four geometric means calculated each year for the permit term. In the event that two years of data demonstrate that the level of fecal coliform bacteria is consistently below numeric criteria, then the permittee must prepare a Sampling Quality and Assurance Plan (SQAP). The SQAP must be submitted to EPD for approval.
- In the event the monitoring is performed in accordance with an EPD-approved SQAP, then the results must be submitted in the annual report, but also submitted separately to EPD's Watershed Monitoring Program. EPD will use the permittee's data, along with data obtained from other sources to evaluate the possible removal of the waterbody from the 303(d) list.

A permittee can voluntarily prepare a SQAP at any time, regardless of population. Sampling conducted in accordance with a SQAP may result in a water being removed from the 303(d) list of impaired waters. If the water is delisted, then monitoring conducted under the IWP may cease.

Following review and comment on the IWP by EPD, the permittee will incorporate necessary changes into the IWP. For those waters where the permittee is conducting monitoring, the data must be made available to other MS4 permittees upon request.

Each Annual Report shall include:

- All monitoring data collected during the reporting period;
- An assessment of the data trends over time for each pollutant of concern. The assessment shall initially include a characterization of baseline conditions. The data assessment shall include a written evaluation of whether water quality is improving, declining, fluctuating, or remaining constant. This assessment can be provided in the method chosen by the permittee (e.g., line graph, narrative). If monitoring identifies that an upstream MS4 is the source of the pollutant of concern, then the permittee must notify the adjacent MS4.
- An assessment to determine the effectiveness of the BMPs employed and what, if any, additional adaptive BMP measures may be necessary to return the water to compliance with State water quality standards. If BMP revisions and/or additional BMPs are necessary, then the revised IWP must be submitted to EPD for review.

### **3.3.8 Municipal Employee Training**

The permittee must obtain stormwater-related training for its employees at least once each reporting period. The training must address such stormwater topics as are necessary for the employee to do his/her job and may include topics such as the inspection and maintenance of the MS4, good housekeeping practices at municipal facilities, illicit discharge detection and elimination, industrial facility inspections, construction site inspections, highly visible pollutant source inspections, green infrastructure and low impact development (GI/LID) training, and

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runoff reduction/quality training. Documentation of the training activity, including the topic(s), date(s), and attendees must be provided in each annual report.

### 3.3.9 Public Education

Conduct a public education program that addresses water quality issues and the protection of water resources and encourages the use of GI/LID. The program shall consider such things as litter control, illicit discharges, household hazardous waste disposal, and residential pesticide, fertilizer and herbicide application, pet waste, fats, oils, and grease, and GI/LID techniques. If the permittee participates in an existing regional program in addition to its own program, then the annual report must summarize the specific activities performed during the reporting period.

For those permittees with a population less than 10,000 at the time of the permit issuance, the public education program must contain a minimum of **two** activities. For those permittees with a population greater than 10,000 at the time of this permit issuance, the public education program must contain a minimum of **four** activities.

SWMP Component	Measurable Goal
1. Public Education Program	<p>1.a. Evaluate your existing program to ensure that it meets the needs of your community. Implement, and revise, if necessary, the stormwater education program described in the SWMP. The Public Education Program must include activities chosen from the following list, or other activities proposed for EPD approval:</p> <ul style="list-style-type: none"> <li>• School presentations;</li> <li>• Brochures placed in public places;</li> <li>• Municipal website;</li> <li>• Presentations to government officials;</li> <li>• Newsletter;</li> <li>• Utility bill insert;</li> <li>• Ongoing social media program;</li> <li>• Promotional items/giveaways;</li> <li>• Booth at community event;</li> <li>• Local access channel educational postings.</li> </ul> <p>1.b. The measurable goal must be specified for each type of activity. Each type of activity must be executed at least once during the reporting period.</p> <p>1.c. Details and documentation of each type of</p>

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	activity implementation must be provided in each annual report.
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Public education materials are available on numerous websites, including these suggested sites: U.S. EPA ([www.epa.gov](http://www.epa.gov)), Clean Water Campaign ([www.cleanwatercampaign.org](http://www.cleanwatercampaign.org)) and Center for Watershed Protection ([www.cwp.org](http://www.cwp.org)).

### 3.3.10 Public Involvement

Conduct a public involvement program that creates opportunities for citizens to participate in the SWMP. This can include involving the public in planning and implementation of activities.

For those permittees with a population less than 10,000 at the time of the permit issuance, the public involvement program must contain a minimum of **two** activities. For those permittees with a population greater than 10,000 at the time of this permit issuance, the public involvement program must contain a minimum of **four** activities.

SWMP Component	Measurable Goals
1. Public Involvement Program	<p>1.a Evaluate your existing program to ensure that it meets the needs of your community. Implement, and revise, if necessary, the public involvement program described in the SWMP. The Public Involvement Program must include activities chosen from the following list, or other activities proposed for EPD approval:</p> <ul style="list-style-type: none"> <li>• Stream cleanup (e.g. Rivers Alive);</li> <li>• Great American Cleanup;</li> <li>• Citizen hotline;</li> <li>• Citizen science/volunteer monitoring (e.g. Adopt-A-Stream);</li> <li>• Adopt-A-Road;</li> <li>• Storm drain marking;</li> <li>• Household hazardous waste disposal event;</li> <li>• Recycling event;</li> <li>• Local stormwater management panel;</li> <li>• Comprehensive planning committees;</li> <li>• Stakeholder Advisory committees;</li> <li>• Pet waste stations.</li> </ul> <p>1.b. The measurable goal must be specified for each type of activity. Each type of activity must be executed at least once during the reporting period.</p>

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	1.c. Details and documentation of each type of activity implementation must be provided in each annual report.
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If the permittee has a website, the SWMP, as well as any updates, must be posted on the website.

### 3.3.11 Post-Construction

#### 3.3.11(a) Post-Construction Stormwater Controls

##### 3.3.11(a)(1) Ordinance Review

The permittee must adopt ordinances, or update existing ordinances, when necessary for compliance with this permit, to address development and redevelopment, and enforcement of post-construction controls. The ordinance must provide the authority to conduct plan reviews, conduct inspections, enter into inspection and maintenance agreements, and pursue enforcement. If the ordinance is revised during the reporting period, submit a copy of the adopted ordinance with the annual report.

The ordinance revisions must include the adoption and implementation of the appropriate parts of either the latest edition of the Georgia Stormwater Management Manual (GSMM) or an equivalent or more stringent local design manual, which must meet or exceed the performance standards listed in the GSMM. All permittees must implement the GSMM to the MEP.

##### 3.3.11(a)(2) Performance Standards

At a minimum, the permittee shall apply the standards for new development and redevelopment to any site that meets one or more of the following criteria:

- New development that creates or adds 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one acre of land or greater.
- Redevelopment that creates or adds or replaces 5,000 square feet or greater of impervious surface area, or that involves land disturbing activity of one acre or more, including projects less than one acre if they are part of a larger common plan of development or sale.

For sites meeting the above criteria, the permittee shall ensure that the following minimum performance standards are considered during the site plan preparation and/or review process. The performance standards must be implemented to the MEP.

The performance standards to be implemented are as follows:

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Stormwater Runoff Quality/Reduction

Stormwater runoff shall be retained onsite or adequately treated prior to discharge. From the effective date of the Permit until December 10, 2020, the permittee must address stormwater runoff using either Option (a) or Option (b) below:

- a) The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site, to the maximum extent practicable. The determination by the MS4 that it is infeasible to apply the stormwater runoff quality/reduction standard, on part or all of a project, must be documented with the site plan review documents. If the first 1.0 inch of rainfall can be retained onsite using runoff reduction methods, then additional water quality treatment is not required. If the 1.0 inch cannot be retained onsite, the remaining runoff from a 1.2 inch rainfall event must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM or in the equivalent manual.
- b) The stormwater management system shall be designed to remove 80% of the average annual post-development TSS load or equivalent as defined in the GSMM or in the equivalent manual. Compliance with this performance standard is presumed to be met if the stormwater management system is sized to capture and treat the water quality treatment volume, which is defined as the runoff volume resulting from the first 1.2 inches of rainfall from a site.

No later than December 10, 2020, all permittees must be using Option (a) to achieve compliance with this performance standard. This timeframe is to allow sufficient study, training, and planning on the part of the municipality. All site plan reviewers, construction site inspectors, and other personnel whose duties involve post-construction stormwater runoff are encouraged to receive training in the new GSMM and the runoff quality/reduction standard during the implementation phase. Pilot projects, advisory committees, and other programs intended to study and implement the runoff quality/reduction requirement are recommended.

Stream Channel/Aquatic Resource Protection

Stream channel and/or aquatic resource protection shall be provided by using the following approaches: 1) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event; 2) erosion prevention measures such as energy dissipation and velocity control; and 3) preservation of the applicable stream buffer.

Overbank Flood Protection

Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the predevelopment rate for the 25-year, 24-hour storm event.

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Extreme Flood Protection

Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

Trout Stream Protection

For receiving waters with trout stream designation, which contain outfalls from the permittee's MS4, the permittee's SWMP must address the protection of the trout waters from impacts from the MS4 outfalls due to elevated temperature.

**3.3.11(a)(3) Linear Transportation Projects**

The permittee must apply the performance standards listed in Part 3.3.11(a)(2) during the design of all construction projects. However, the performance standards may be infeasible to apply, all or in part, for linear transportation projects being constructed by the permittee, local governments, or authorities. The permittee may develop a feasibility program which sets reasonable criteria for determining when implementing the performance standards in linear projects is infeasible. The permittee may develop this feasibility program and submit it to EPD for review. Upon submittal to EPD, the permittee, local governments, and authorities may begin implementation of this feasibility program for linear transportation projects only.

**3.3.11 (b) Green Infrastructure/Low Impact Development (GI/LID)**

The permittee must implement a program to address post-construction runoff. At a minimum, the program must contain the elements listed in Table 3.3.11(b)(2) below and descriptions of how they are implemented:

**Table 3.3.11(b)(2)**

<b>GI/LID Program Elements</b>	<b>Measurable Goals</b>
1. Legal Authority	1.a. The permittee shall continue to review and revise, where necessary, building codes, ordinances, and other regulations to ensure they do not prohibit or impede the use of GI/LID practices, including infiltration, reuse, and evapotranspiration. At a minimum, the permittee shall assess those regulations governing residential and commercial development, road design, land use, and parking requirements. During the regulatory review, the permittee should consider the inclusion of incentives for use of GI/LID practices into the ordinance. If the ordinance(s) are revised during the reporting period, submit a copy of the adopted ordinance(s) with the annual report.
2. GI/LID Program	2.a. Implement the GI/LID program approved by EPD. The GI/LID program shall include procedures for evaluating the feasibility and site applicability of different GI/LID



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	techniques and practices, and various structures and practices to be considered. If the GI/LID Program is revised during the reporting period, submit the revised program to EPD for review with the annual report.
3. GI/LID Structure Inventory	<p>3.a. Each reporting period, update the inventory of water quality-related GI/LID structures located within the permittee's jurisdiction and at a minimum, constructed after June 11, 2014, (e.g., bioswales, pervious pavement, rain gardens, cisterns, and green roofs). The inventory must, at a minimum, include permittee-owned GI/LID structures, those publicly-owned GI/LID structures owned by other entities, and privately-owned non-residential GI/LID structures. Track the addition of new water quality-related GI/LID structures through the plan review process and ensure that the structures are added to the inventory.</p> <p>3.b. Provide an updated inventory, including the type and total number of structures, in each annual report.</p>
4. Inspection and Maintenance Program	<p>4.a. Conduct inspections on 100% of the total privately owned non-residential (e.g., mixed use development, commercial, etc.) and permittee-owned GI/LID structures, included in the inventory created in 3 above, within the 5-year permit term. For permittees with five or more GI/LID structures included on the inventory, at a minimum, the permittee must conduct inspections on 5% of the structures each reporting period, or if inspections are done by geographical area, then one entire area or sector must be inspected each reporting period. If a low percentage of inspections is conducted during one reporting period, then the permittee must increase the inspection frequency in subsequent reporting periods to ensure that 100% of the GI/LID structures are inspected within the 5-year permit term. Provide the number and/or percentage of the total structures inspected and documentation of the inspections conducted during the reporting period in each annual report.</p> <p>4.b. Conduct maintenance on the permittee owned GI/LID structures, as needed. Provide the number of the total structures maintained and documentation of the maintenance performed during the reporting period in each annual report.</p> <p>4.c. Implement procedures for ensuring privately-owned non-residential GI/LID structures are maintained as needed. Provide documentation of these activities in each annual report.</p>

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Design information on GI/LID practices can be found on the Atlanta Regional Commission's website (<http://www.atlantaregional.com>) for the GSMM and the CSS to the GSMM. Additional information on green infrastructure and better site design can be found on numerous websites, including these suggested sites: U.S. EPA ([www.epa.gov](http://www.epa.gov)), Center for Watershed Protection ([www.cwp.org](http://www.cwp.org)), Georgia Coastal Resource Division's "Georgia's Green Growth Guidelines" (<http://coastalgadnr.org/cm/green.guide>), and Green Infrastructure Center ([www.gicinc.org](http://www.gicinc.org)). In addition, you may want to consult the following webpage on EPA's website: [www.epa.gov/nps/lid](http://www.epa.gov/nps/lid).

### 3.4 Program Amendments

EPD may require a revision of the SWMP at any time it is deemed necessary by the Director to comply with the goals and requirements of the State Act, but specifically for any of the following reasons:

- 3.4.1 A change has occurred which will significantly impact the potential for the discharge of pollutants to the waters of the State of Georgia;
- 3.4.2 The permittee's program proves ineffective in controlling pollutants from the MS4 to the MEP;
- 3.4.3 An adverse impact to water quality has been documented as a result of discharges from the MS4; or
- 3.4.4 To include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements.

The Director shall notify the permittee of the required modifications in writing and set forth a schedule for the permittee to develop and implement the modified SWMP. The permittee may propose alternative SWMP modifications to EPD.

### 3.5 Program Approval

The SWMP may be modified by the permittee at any time. Written notification of proposed SWMP modifications must be submitted to EPD at least 30 days prior to implementation of the modification. EPD reserves the right to disapprove the SWMP modification.

## **PART 4. MONITORING AND REPORTING REQUIREMENTS**

### 4.1 Annual Report

The permittee shall prepare an annual system-wide report covering the reporting period May 1 through April 30. The report shall be submitted by June 15th following the reporting period. EPD is preparing an electronic method of reporting (eReporting), and EPD will notify the permittee when the system is available for use. Upon notification, the

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permittee will be required to submit the annual report electronically. The report shall be submitted using the form provided by EPD. The Phase I Large Annual Report form is available on EPD's website at [epd.georgia.gov](http://epd.georgia.gov). All applicable information required to complete the annual report shall be filled out and the certification statement shall be signed prior to submittal. A summary of the annual report requirements is as follows:

- 4.1.1 The status of implementing the components of the SWMP that are established as permit conditions;
- 4.1.2 Proposed changes to the SWMP;
- 4.1.3 Revisions, if necessary, to the assessments of controls;
- 4.1.4 A summary of data, including monitoring data that was accumulated throughout the reporting period;
- 4.1.5 Annual expenditures for the reporting period and the annual fiscal analysis for the upcoming reporting period. The permittee must submit its budget, including the necessary capital and operation and maintenance expenditures associated with MS4 permit compliance, including the funding source as supporting documentation with its annual report;
- 4.1.6 A summary describing the number and nature of enforcement actions, inspections, and public education programs; and
- 4.1.7 Identification of water quality improvements or degradation.

The permittee must conduct inspections on 100% of all MS4 structures and inventoried facilities within the 5-year permit term. In the final annual report prepared under this permit iteration, the permittee must demonstrate that they have complied with this measurable goal. The permittee shall be responsible for the content of the report or the failure to provide information for the report relating to the MS4 for which it is the owner or operator. The permittee shall sign and certify the annual report as required under Part 5.10 of this permit.

**4.2 Monitoring Procedures**

- 4.2.1 The permittee must perform all monitoring described in the SWMP per Table 3.3.2, Table 3.3.3, and Table 3.3.7. The purpose of the monitoring is to identify potential sources of pollution, determine the best method to address water quality issues, and allow evaluation of the effectiveness of the SWMP. Implement additional monitoring if needed to identify pollution sources. If monitoring is being conducted for another reason (e.g., watershed assessment, watershed protection plan), then the data may be used to conduct the evaluation described above.

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- 4.2.2 Monitoring must be conducted according to approved test procedures set forth in 40 CFR Part 136, unless other approved test procedures have been specified, excluding IDDE field screening procedures.
- 4.2.3 Parameters shall be analyzed to the detection limits specified by EPD. If a parameter is not detected at or above the detection limit, a value of "NOT DETECTED" will be reported for that sample and the detection limit will also be reported.
- 4.2.4 If the permittee monitors any parameter at the designated location(s) more frequently than required by this permit, the permittee shall analyze all samples using approved analytical methods specified in Part 4.2.2 of this permit. EPD may require more frequent monitoring or the monitoring of other parameters not specified in this permit or the SWMP by written notification to the permittee.
- 4.2.5 Laboratory and Analyst Accreditation. All monitoring data not prepared in situ shall be prepared by a laboratory accredited by the State of Georgia in accordance with EPD Rules for Commercial Environmental Laboratories 391-3-26, or, where the permittee does their own analysis with their own personnel, by a Laboratory Analyst certified in compliance with the Georgia State Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts Act. In situ means that the sample is analyzed at the point of collection and has not been transported any distance.
- 4.3 Retention of Records
- 4.3.1 The permittee shall retain copies of all reports required by this permit, all monitoring information and records of all other data required by or used to demonstrate compliance with this permit, including any additional monitoring performed which is not required by this permit, for a period of at least three years. After EPD's approval, the permittee will implement the latest revision of the SWMP, while retaining on file the previous version of the program for a period of at least three years. These periods may be modified by the Director by written notification at any time.
- 4.3.2 Records of monitoring information shall include:
- The date, exact place, time of sampling, or measurements;
  - The individual(s) who performed the sampling or measurements;
  - The date(s) analyses were performed;
  - The individual(s) who performed the analyses;
  - The analytical techniques or methods used; and
  - The results of the analyses.

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- 4.3.3 The permittee must submit its records to EPD upon written request. The permittee must make its records, including the SWMP, available to the public as required by open records requirements.

**PART 5. STANDARD PERMIT CONDITIONS**

**5.1 Duty to Comply**

- 5.1.1 The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and/or the State Act and is grounds for:
- Enforcement action;
  - Permit termination, revocation and reissuance, or modification; or
  - Denial of a permit renewal application.
- 5.1.2 The Clean Water Act and the State Act both provide that any person who falsifies or tampers with, or knowingly renders inaccurate any monitoring device or method required under this permit, or who makes any false statement, representation, or certification in any record submitted or required by this permit, including monitoring reports or reports of compliance or noncompliance, shall, if convicted, be punished by a fine or by imprisonment, or by both. Both Acts include procedures for imposing civil penalties for violations or for negligent or intentional failure or refusal to comply with any final or emergency order of the Director.
- 5.1.3 If, for any reason, the permittee does not comply with, or will be unable to comply with any condition specified in this permit, the permittee shall provide EPD with an oral report within 24 hours from the time the permittee becomes aware of the circumstances, followed by a written report within five days. The written submission shall contain:
- Description of the noncompliance and its cause;
  - Exact dates and times of noncompliance or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  - Steps being taken to reduce, eliminate and prevent recurrence of the noncompliance.
- 5.1.4 The permittee shall give written notice to EPD at least ten days before any planned changes in the permitted activity, which may result in noncompliance with permit requirements.

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**5.2 Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for the permittee, in an enforcement action, that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**5.3 Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.

**5.4 Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**5.5 Proper Operation and Maintenance**

The permittee shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), owned or operated by the permittee to achieve compliance with the terms and conditions of this permit and with the requirements of the SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of adequate backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

**5.6 Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for permit modification, revocation, reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**5.7 Property Rights**

The issuance of this permit does not convey any property rights of either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property, any invasion of personal rights, or any infringement of Federal, State, or local laws and regulations.

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**5.8 Duty to Provide Information**

The permittee shall provide to EPD, within a reasonable time frame, any information which the Director may request to determine compliance with this permit. The permittee shall also provide EPD with any requested copies of records required by this permit.

**5.9 Inspection and Entry**

The permittee shall allow the Director, the Regional Administrator of USEPA, and their authorized representatives, agents, or employees, after presentation of credentials to:

- 5.9.1 Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the terms and conditions of this permit;
- 5.9.2 Have access to and copy at reasonable times, any records required under the terms and conditions of this permit;
- 5.9.3 Inspect at reasonable times any facilities, equipment, (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
- 5.9.4 Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

**5.10 Signatory Requirements**

- 5.10.1 All information submitted to EPD or that this permit requires the permittee to maintain shall be signed by either a principal executive officer or ranking elected official, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 5.10.1(a) The authorization is made in writing by the official person described above and submitted to EPD.
  - 5.10.1(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the municipality's SWMP such as the position of manager, operator, superintendent, or position of equivalent responsibility.
  - 5.10.1(c) If an authorization is no longer accurate because of a different individual or position having been authorized, then a new authorization must be submitted to EPD prior to or together with

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any report, information, or application signed by the authorized representative.

5.10.2 Any person signing documents under this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

5.11 Other Information

If the permittee becomes aware of a failure to submit any relevant facts or of submission of incorrect information in the SWMP, Annual Report, or any report to EPD, the permittee shall promptly submit the relevant facts or information.

5.12 Availability of Reports

Except for data determined by EPD to be confidential under Section 16 of the State Act or by the Regional Administrator of the USEPA under 40 CFR Part 2, all reports prepared according to the terms of this permit shall be available for public inspection at an office of EPD under the Georgia Open Records Act. All monitoring data, permit applications, permittees' names and addresses, and permits shall not be considered confidential.

5.13 Severability

The provisions of this permit are severable. If any permit provision or the application of any permit provision to any circumstance is held invalid, the provision does not affect other circumstances or the remainder of this permit.

5.14 Contested Hearings

Any person who is aggrieved or adversely affected by any action of the Director shall petition the Director for a hearing within 30 days of notice of this action.



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**5.15 Civil and Criminal Liability**

The permittee is liable for civil and criminal penalties for noncompliance with this permit and must comply with applicable State and Federal laws. The permit cannot be interpreted to relieve the permittee of this liability even if it has not been modified to incorporate new requirements.

**5.16 Transfer of Ownership**

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

**5.17 Previous Permits**

All previous State water quality permits issued to this permittee are hereby revoked by the issuance of this permit. The permit governs discharges from this MS4 under the NPDES.

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**Appendix A  
Definitions**

**Annual Report** – the document submitted by the permittee on an annual basis summarizing the SWMP activities conducted during the previous reporting period, in accordance with Part 4.1 of this permit.

**Best Management Practice (BMP)** – both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

**Construction Activity** – the disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion.

**Construction General Permits (CGPs)** – the Georgia NPDES Permit for Stormwater Discharges Associated with Construction Activity Nos. GAR100001, GAR100002 and GAR100003, which identify the Manual for Erosion and Sediment Control in Georgia (Green Book) and stream buffer requirements.

**Clean Water Act (CWA)** – the Federal Clean Water Act (formerly known as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972), as amended.

**Director** – the Director of the Environmental Protection Division of the Department of Natural Resources, State of Georgia.

**EPA or USEPA** – the United States Environmental Protection Agency.

**EPD** – the Environmental Protection Division of the Department of Natural Resources, State of Georgia.

**Highly Visible Pollutant Source (HVPS)** – a land use or activity that produces higher than normally found levels of pollutants in stormwater runoff. These facilities may include, but are not limited to, gasoline stations, auto repair shops, commercial car washes, home improvement stores, nurseries, kennels, veterinarian offices, etc. These facilities may also include industries that are not required to be covered under the IGP.

**Illicit Connection** – any man-made conveyance connecting a non-stormwater discharge directly to an MS4.

**Illicit Discharge** – any direct or indirect non-stormwater discharge to the separate storm sewer system, including but not limited to, sewage, process wastewater, and washwater. The discharge may be continuous or intermittent in occurrence.

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**Industrial Activity** – the activities related to manufacturing, processing, or raw materials storage areas of an industrial plant.

**Industrial Facility** – a facility that is eligible to be permitted under the IGP because it has an industrial activity listed.

**Industrial Storm Water General Permit (IGP)** – the Georgia NPDES Permit(s) for Storm Water Discharges Associated with Industrial Activity.

**Linear Transportation Projects** – construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

**Maximum Extent Practicable (MEP)** – the controls necessary for the reduction of pollutants discharged from an MS4. These controls may consist of a combination of BMPs, control techniques, system design and engineering methods, and such other provisions for the reduction of pollutants discharged from a MS4 as described in the SWMP.

**Municipal Separate Storm Sewer System (MS4)** – a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains, owned or operated by a municipality or other public body, designed or used for collecting or conveying stormwater runoff and is not a combined sewer or part of a Publicly Owned Treatment Works.

**National Pollutant Discharge Elimination System (NPDES)** – the program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits under the CWA.

**New Development** – land disturbing activities, structural development (construction, installation, or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

**Operator** – the entity that has the primary day-to-day operational control of the activities necessary to ensure compliance with the SWMP requirements and the MS4 permit conditions.

**Outfall** – the most downstream point (i.e., final discharge point) on an MS4 where it discharges to the receiving waters of the State.

**Owner** – the legal title holder to the real property on which is located the facility or site where an SWMP activity takes place.

**Point Source** – any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged into the waters of the State of

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Georgia. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

**Pollutant** – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

**POTW** – Publicly Owned Treatment Works

**Redevelopment** – the structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surface not part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

**State Act** – the Georgia Water Quality Control Act, as amended.

**State Rules or Rules** – the Georgia Rules and Regulations for Water Quality Control.

**Stormwater** – stormwater runoff, snowmelt runoff, and surface runoff and drainage.

**SWMP or Program** – the Stormwater Management Program required to be developed and implemented under the terms and conditions of this permit and refers to a comprehensive program to manage the quality of stormwater discharged from a MS4.

**Waters of the State** – any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

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**Appendix B  
Phase I Large MS4s by Population**

**Population less than 10,000:**

Austell	Doraville	Lithonia	Pine Lake
Avondale Estates	Grayson	Lovejoy	Stone Mountain
Berkeley Lake	Hapeville	Morrow	
Clarkston	Jonesboro	Norcross	
Dacula	Lake City	Palmetto	

**Population greater than 10,000:**

Acworth	College Park	Fulton County	Riverdale
Alpharetta	Decatur	Gwinnett County	Roswell
Atlanta	DeKalb County	Kennesaw	Smyrna
Buford	Duluth	Lawrenceville	Snellville
Chamblee	East Point	Lilburn	Sugar Hill
Clayton County	Fairburn	Marietta	Suwanee
Cobb County	Forest Park	Powder Springs	Union City

Response to Public Notice Comments  
Draft NPDES Stormwater Permit No. GAS000XXX  
Phase I Large MS4

<b>Permit Section</b>	<b>Comment Received</b>	<b>EPD Response</b>
Table 3.3.3 (4)(a)	Commenter supports the addition of specific educational activities for industrial facilities that permittees can implement and the addition of frequency (i.e., once each reporting period).	Comment noted.
Part 3.3.7	Commenter requests clarification on what is needed for the Impaired Waters Plan (IWP) (i.e., Is one plan sufficient if it includes all pollutants and all streams or does it have to be a separate plan for each pollutant and each stream ?).	Per the Permit, the permittee must develop an IWP addressing each pollutant of concern (POC). If the permittee has several impaired waterbodies with the same POC (i.e., fecal coliform bacteria), the permittee may submit one IWP and list all of the impaired waterbodies. The permit may also choose to develop an IWP for each impaired stream segment.
Part 3.3.8	The consolidation of the annual municipal employee training requirements and the addition of training requirements specific to the runoff reduction methodology and GI/LID practices is welcomed and will assist in the implementation of the permit.	Comment noted.
Part 3.3.9 (1)(b)	Recommend changing "activity" to "type of activity" as measuring each individual activity may prove to be difficult.	The requested modification has been made in the measurable goals for 1.b and 1.c.
Part 3.3.11 (a)(2)	Commenter recommends the State provide the criteria/process for evaluating the feasibility or infeasibility of the onsite retention requirements in the permit so that it is uniformly applied across Georgia.	Feasibility must be evaluated on a project by project basis based on the project specifications, unique site conditions, and local zoning and development requirements. By providing MS4s with the flexibility to develop their own feasibility criteria, the permit allows the development of a program that is responsive to local development code and unique local conditions. Per Table 3.3.11(b)(2)2.a., EPD will review the permittee's feasibility analysis and site applicability of different GI/LID techniques and practices. EPD has developed a rubric as guidance to assist permittees with this process. No change made.
Part 3.3.11(b)(2)	Commenter states that the minimum inspection requirement included within	The permit includes an annual minimum inspection frequency. Permittees may benefit

Response to Public Notice Comments  
Draft NPDES Stormwater Permit No. GAS000XXX  
Phase I Large MS4

	<p>the Permit for permittees' green infrastructure/low impact development (GI/LID) structures could lead to the improper functioning of the structures.</p>	<p>from adhering to the recommended inspection and maintenance schedule for each specific GI/LID structure type as recommended in the GSMM or equivalent manual. Permittees may conduct inspections more frequently if preferred or as detailed for a specific GI/LID structure. Additional maintenance information for individual BMPs, including a schedule for specific maintenance activities, can be found in the GSMM, Appendix E, Operations &amp; Maintenance Guidance Document. No change made.</p>
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# **EXHIBIT 2**

## **Exhibit 2: FC Storm Water Management**





**Richard E. Dunn, Director**

**Watershed Protection Branch**

2 Martin Luther King, Jr. Drive  
Suite 1152, East Tower  
Atlanta, Georgia 30334  
404-463-1511

May 25, 2021

Mr. David Clark, P.E., Director  
Fulton County Department of Public Works  
Fulton County Government Center  
141 Pryor Street, SW, Suite 6001  
Atlanta, Georgia 30303

RE: Phase I MS4s  
NPDES Permit No. GAS000117  
Storm Water Management Program

Dear Mr. Clark:

In an April 7, 2021 letter, the Georgia Environmental Protection Division (Division) provided comments on Fulton County's proposed Storm Water Management Program (SWMP). The County's response was received on May 12, 2021. Our review indicates that the SWMP document is acceptable. As noted in the April 7, 2021 letter, the Green Infrastructure/Low Impact Development (GI/LID) program, the Enforcement Response Plan, and the Impaired Waters Plan are also acceptable.

Structural and Source Control Measures, SWMP Component #5, requires the County to evaluate 100% of the existing detention ponds within the five-year permit period to determine if they can be retrofitted for water quality improvement. In the Division's April 7, 2021 letter, we requested that the County provide any procedures or worksheets to be used to complete the evaluation. The County provided an inspection form with the May 12, 2021 submittal. This inspection form will allow the County to document maintenance needs on the detention pond. It will not allow the County to evaluate if the pond must be re-designed or retrofitted to comply with the runoff reduction standard of the 2016 Georgia Stormwater Management Manual (GSMM). When completing the pond assessment prior to the 2024 permit expiration date, the County must use the GSMM worksheet or another method to complete the evaluation.

Thank you for your cooperation in this matter. If you have any questions, please contact me at 404/651-8546 or [Lisa.perrett@dnr.ga.gov](mailto:Lisa.perrett@dnr.ga.gov).

Sincerely,

Lisa A. Perrett  
Environmental Specialist  
Stormwater Unit

cc: Nick Ammons, Deputy Director

# **EXHIBIT 3**

## **Exhibit 3: FulCo Phase I Large NPDES MS4 Permit Reapplication Form 2023**



**Jeffrey W. Cown, Director**

**Watershed Protection Branch**

2 Martin Luther King, Jr. Drive  
Suite 1470A, East Tower  
Atlanta, Georgia 30334  
404-463-1511

**Phase I Large Municipal Separate Storm Sewer System (MS4)**  
**NPDES Permit Reapplication Form**

**Part I. General Information**

- A. Name of Permittee: Fulton County
- B. Mailing Address (if providing a post office box, also provide a street address):  
Fulton County Board of Commissioners  
141 Pryor Street SW, 10th Floor  
Atlanta, Georgia 30303
- C. Name of responsible official: David Clark  
Title: Director, Department of Public Works  
Mailing Address: 141 PRYOR Street S.W. Suite 6000  
City: Atlanta State: Georgia Zip Code: 30303  
Telephone Number: (404) 612-7400
- D. Designated stormwater management program contact:  
Name: Nick Ammons  
Title: Deputy Director, Department of Public Works  
Mailing Address: 11575 Maxwell Road  
City: Atlanta State: Georgia Zip Code: 30303  
Telephone Number: (404) 612-7400  
Email Address: Nick.Ammons@FultonCountyGA.gov
- E. NPDES Phase I MS4 Permit Number: GAS000117
- F. Provide the river basin(s) to which your MS4 discharges: Chattahoochee
- G. Provide the latitude and longitude of the MS4 center (e.g. City Hall, County offices, MS4 mailing address) using Global Positioning System (GPS) - WGS 84:  
Latitude: -40.038038 Longitude: 65.309609

**Part II. Stormwater Management Program (SWMP) Changes**

- A. Are you proposing any significant changes to your SWMP? Yes ☒ No ☐  
If no, skip to Part III.

B. Please describe any proposed changes to your municipality's SWMP:

Due the incorporation of the City of South Fulton and the Annexation of a significant portion of Unincorporated Fulton County into the City of South Fulton, the overall size of Fulton County's MS4 has decreased from 9.7 square miles to 0.64 square miles and a proportional reduction in MS4 infrastructure. Permanent residential population of the MS4 area has been reduced from approximately 1,000 to zero.

**Part III. Sharing Responsibility**

A. Has another entity agreed to implement a SWMP activity on your behalf?

Yes \_\_\_\_ No ☒ (If No, skip to Part IV)

B. Describe any activities being performed by another entity on your behalf, including the activity and the name of the entity. Attach additional pages if necessary to list activities. **It is mandatory that you attach a copy of a written agreement (e.g. Memorandum of Understanding) between your MS4 and the other entity demonstrating acceptance of responsibility.** \_\_\_\_\_

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**Part IV. Certification Statement**

I certify under penalty of law that this document and all attachments were prepared with direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:  \_\_\_\_\_

Printed Name: David Clark

Title: Director of Public Works

Date: November 1, 2023

(Version 10/23)

# **EXHIBIT 4**

**Exhibit 4:**  
**Fulton County\_Phase I MS4**  
**SWMP\_2021.05.07**

**Fulton County Municipal Separate  
Storm Sewer System (MS4)**

**Phase I Large MS4**

**Storm Water Management Program**

**Phase I Large MS4 NPDES Permit #GAS 000117**

**2019 Permit Renewal**

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Phase I Large MS4 NPDES Permit #GAS 000117

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Appendix D – Definitions
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Appendix K – Fulton County Illicit Discharge Detection and Elimination Plan
Appendix L – Inventory, Industrial Facilities with Potential to Cause Pollution
Appendix M – Inspection Forms
Appendix N – Construction Site Management – Land Disturbance Activity Permits & Inspectors’ GSWCC Certifications
Appendix O – Inventory, Highly Visible Pollutant Sources
Appendix P – GI/LID Program

(Appendices D – P are submitted separately in electronic format on flash drive.)



Fulton County  
Phase I Large MS4 NPDES Permit #GAS 000117

**STATE OF GEORGIA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION DIVISION**

**Fulton County Storm Water Management Program (SWMP)**

**1. General Information**

- A. Name of large MS4: Fulton County Municipal Separate Storm Sewer System (MS4)
- B. NPDES Permit Number: #GAS 000117
- C. Mailing Address (if providing a post office box, also provide a street address):  
11575 Maxwell Road Alpharetta, Georgia 30009
- D. Name of responsible official: Mr. David Clarke, P.E.  
Title: Director – Department of Public Works  
Mailing Address: 11575 Maxwell Road  
City: Alpharetta State: GA Zip Code: 30009  
Telephone Number: 404-612-0194  
Email Address: david.clarke@fultoncountyga.gov
- E. Designated stormwater management program contact:  
Name: Sean Rhett  
Title: Project Manager  
Mailing Address: 141 Pryor Street SW, 5001  
City: Atlanta State: GA Zip Code: 30303  
Telephone Number: (770) 569-7038 x103  
Email Address: sean.rhett@fultoncountyga.gov
- F. Provide the river basin(s) to which your MS4 discharges: Chattahoochee River
- G. Provide the latitude and longitude of the MS4 center (e.g. City Hall, County offices, MS4 mailing address) using Global Positioning System (GPS) –WG 84:  
Latitude: 33.749805 Longitude: -84.555176

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2. **Sharing Responsibility**

- A. Has another entity agreed to implement a SWMP Component on your behalf?  
Yes\_\_\_\_\_ No\_\_\_X\_\_\_ (If no, skip to Part 3)
- B. Attach an additional page if necessary to list additional shared responsibilities. **It is mandatory that you submit a copy of a written agreement between your MS4 and the other entity demonstrating written acceptance of responsibility.**

3. **Certification Statement**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: \_David Clark\_\_\_\_\_ Date: 5/7/21

Signature: \_\_\_\_\_ Title: Director, Public Works

**Structural and Source Control Measures**  
**Table 3.3.1 of the Permit**

**1. MS4 Control Structure Inventory and Map**

1. Description of SWMP Component: An inventory of MS4 control structures (catch basins, detention/retention ponds, ditch lines and pipe ends) is maintained by the Fulton County within the Fulton Industrial Business District (FID). A map showing those structures is included in **Appendix E** – Stormwater Inventory Map, and a list of structures is included as **Appendix F** – Stormwater Inventory (Tabular Format). Fulton County owns and maintains 2 Detention Ponds (located on the Fulton County Executive Airport), 593 Catch Basins, and 21.11 miles of Stormwater Pipe of various sizes as depicted in Appendices E and F. There are approximately 3,200 feet of open channels / ditches within the FID on Cascade Road from Old Cascade Road to 5155 Cascade Road that are owned and maintained by Fulton County as part of the MS4.
2. Measurable goal(s): The county will update the inventory and the map at least once each reporting period to reflect the most recent number and locations of MS4 structures.
3. Documentation to be submitted with each Annual Report: The inventory and map will be updated each reporting period and the updated inventory and map will be provided in each annual report. The County will provide the number of MS4 structures added and the total number of structures in the inventory.

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## 2. MS4 Inspection and Maintenance Program

1. Description of SWMP Component (Ensure the text describes both the inspection and maintenance of the MS4 structures): The Fulton County Transportation Division is responsible for the inspection and maintenance of MS4 structures (catch basins, ponds, ditches and pipes) in the Fulton Industrial Business District (FID). For the purpose of inspection and maintenance, the roadways and MS4 area are divided into 4 Zones. Zones are identified by a list of Roadways on the Maintenance Summary forms. As roadways are inspected and maintenance issues are identified, they are input as work orders into the CityWorks Maintenance Management System. Uncompleted work is scheduled for completion by appropriate maintenance staff. The County will provide the number and percentage of the total structures inspected during the reporting period in each annual report.
  
2. Measurable goal(s): Fulton County will conduct inspections of a minimum of one zone (approximately 25 percent) of the MS4 structures per reporting period. In year 5 of the permit a minimum of 5 percent of the MS4 structures will be inspected. Since there are less than five detention ponds (Fulton County owns two), 100% of detention ponds will be inspected within the 5-year permit term. Maintenance will be completed on 100 percent of the MS4 structures identified for maintenance 30 or more days prior to the end of the reporting period in the inspected zone

<u>ITEM</u>	<u>CONDITIONS WHEN MAINTENANCE IS NEEDED</u>
<b>Catch Basin</b>	<p>Trash or debris which is located immediately in front of the catch basin opening or is blocking inletting capacity of the basin by more than 20%</p> <p>Sediment (in the basin) that exceeds 60-percent of the sump depth as measured from the bottom of basin to invert of the lowest pipe into or out of the basin</p>
<b>Detention Pond</b>	<p>Accumulated sediment is 20% of designed basin depth or affects inletting or outletting condition of the facility</p> <p>Trash or debris is plugging openings in the outlet structure</p>
<b>Ditches</b>	Accumulated sediment that exceeds 20% of the design ditch depth. Excessive vegetation that reduces free movement of water through the ditches
<b>Pipes</b>	Accumulated sediment exceeds 20% of the diameter of the pipe

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3. Documentation to be submitted with each Annual Report: Copies of the individual structure inspection forms as well as a summary report from the Computerized Maintenance Management System (CMMS) of the maintenance workorders initiated and completed during each reporting period, and the number and percentage of the total structures inspected, and the total number of structures maintained during the reporting period will be provided in each annual report. Copies of example inspection forms are included. Digital (tablet based) inspection documentation may be developed for entry into the CMMS system and, if so, documentation would be in the form of reports from the CMMS system.

### 3. Planning Procedures

1. Description of SWMP Component: The 2030 Fulton County Comprehensive Plan was adopted on December 7, 2011 and updated on October 31, 2016 (**Appendix H**). The plan is a management tool to guide the decision-making process for land use, housing, environment, and public facilities. The Resource Conservation Section encourages co-location of infrastructure and Development to limit the disturbance of land, preserve environmentally sensitive areas, including steep slopes, wetlands, rock outcropping and other unique topographical features.
2. Measurable goal(s): Update the Comprehensive Plan as needed.
3. Documentation to be submitted with each Annual Report: Describe any changes made to the stormwater portion of the document during the reporting period in each annual report.

**4. Street Maintenance**

1. Description of SWMP Component: As part of every 4 month roadway inspection program, grass mowing is accomplished May through October. Litter is removed from FID roadways prior to mowing. All litter is disposed of in a private landfill.
2. Measurable goal(s): The County will conduct litter removal on all roadways a minimum of once per permit period.
3. Documentation to be submitted with each Annual Report: Documentation of litter removal will be provided on the Transportation Litter Zone Maintenance Summary Forms.

## 5. Flood Management Projects

1. Description of SWMP Component (Ensure the text describes procedures for both proposed and existing detention/retention ponds): Fulton County contracts with a consultant to review design plans submitted to Fulton County for development and redevelopment for parcels within the FID. The consultant performs reviews of the design plans to ensure proposed flood management projects (detention and retention ponds) are assessed for water quality impacts consistent with the requirements of the Georgia Stormwater Management Manual (GSMM). All new stormwater management facilities including flood management detention and retention ponds will comply with the GSMM.

Fulton County owns and maintains two detention ponds located on the Fulton County Executive Airport.

2. Measurable goal(s): All (100%) new stormwater management facilities including flood management detention and retention ponds will comply with the GSMM and be assessed for water quality improvement opportunities. Since there are less than five detention ponds (Fulton County owns two within the FID), 100% of the existing (and any new) stormwater management facilities (detention ponds) will be assessed for retrofit for water quality improvements during the permit period ending April 30, 2024.
3. Documentation to be submitted with each Annual Report: The County will provide a list of plans reviewed which resulted in new flood management projects via an Excel Spreadsheet. A report discussing the assessment of the ponds for retrofit will be provided to document the achievement of the measurable goal. The report will include a discussion of the retrofit options considered and a feasibility evaluation and ranking of each along with a cost estimate of each option considered. The inspection form used to assess the detention ponds for retrofit will be included in the report. The form to be used is included in **Appendix M**.



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**6. Municipal Facilities Excluding Any Industrial Facilities** *(Addressed in Permit Section 3.3.3)*

1. Description of SWMP Component (Ensure the text addresses both the inventory and the inspection of the facilities): Fulton County currently does not have any open municipal or hazardous waste treatment, disposal, and recovery facilities. However, the Fulton County does operate a solid waste transfer station on the site of the closed Merk Miles facility. The transfer is listed on the Municipal Waste Facilities inventory provided below and will be inspected as part of the Municipal Inspection program annually.

Fulton County has developed an inventory of municipal facilities with the potential to cause pollution in the Fulton Industrial Boulevard area (FIB). That inventory is included as “Appendix G - Municipal Facilities with Potential to Cause Pollution.” Fulton County will inspect a minimum of 5% of these facilities each reporting period with 100% of the inventoried facilities inspected within the 5-year permit term.

2. Measurable goal(s): Fulton County will conduct an inspection on 100% of the inventoried facilities within the 5-year permit term, with a minimum of 5% inspected each reporting period. The County will update the inventory at least once each reporting period.
3. Documentation to be submitted with each Annual Report: Fulton County will provide the inspection results with the annual MS4 reports. The County will provide an updated inventory in each annual report.

**7. Pesticide, Fertilizer, and Herbicide Application**

1. Description of SWMP Component (Ensure the text addresses both commercial applicators and municipal use): Due to funding constraints Fulton County has ceased use of Pesticides, Fertilizer, and Herbicides for roadway maintenance. Should funding become available, Fulton County would contract for application of herbicide only in limited areas.
2. Measurable goal(s): If service is provided, Fulton County will require contractor to be certified by the Georgia Department of Agriculture.
3. Documentation to be submitted with each Annual Report: A copy of the scope of work for any contract application of Pesticides, Fertilizer, and Herbicides during the reporting period will be provided in the annual report.

**Illicit Discharge Detection and Elimination Program (IDDE)****Table 3.3.2 of the Permit****1. Legal Authority**

1. Description of SWMP Component: Fulton County will annually re-evaluate and modify the existing IDDE ordinance when necessary for compliance with this permit. The IDDE/Stormwater Ordinance is currently being revised and is proposed for adoption by the Board of Commissioners (BOC) on January 6, 2021. A copy of the Prohibitions and Illicit Connections Ordinance and proposed revisions are included in **Appendix H**. The ordinance includes the Fulton County's authority to take legal action to eliminate illicit discharges or connections.

Generally, the Prohibitions and Illicit Connections ordinance makes it unlawful for anyone or entity to throw, drain, run, or otherwise discharge to the county's stormwater system, including streets, highways, rights-of-way any organic or inorganic matter that causes pollution. In addition, the ordinance makes it unlawful to connect anything to the County's stormwater system except conveyance carrying uncontaminated storm water runoff, unless that discharge is identified as part of the County's stormwater management plan. Improper connections must be disconnected and redirected, if necessary, to the county sanitary system or other acceptable outfall upon approval by the Director of Public Works. The ordinance also mandates cooperation with the County in order for the County to comply with the conditions of its NPDES permit and requires access to records and information for the purpose of examination for compliance with the ordinance. Failure to comply can be subject to penalties including stop work orders and gives the County magistrate and state court jurisdiction to try offenses, and if necessary, impose fines of \$1,000 per violation or 60 days imprisonment for each violation.

Water line flushing, unpolluted pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and water from street washing and discharges or flows from firefighting are exempted.

2. Measurable goal(s): Fulton County will evaluate the ordinance each reporting period to ensure that the existing IDDE ordinance provides the authority to conduct inspections and monitoring, control illicit discharges and connections, and control illegal dumping and spills into the MS4.
3. Documentation to be submitted with each Annual Report: If the ordinance is revised during the reporting period, Fulton County will provide a copy of the revised ordinance with the annual report as it is adopted by the Fulton County Board of Commissioners.

## 2. **Outfall Inventory and Map**

1. Description of SWMP Component: An inventory and a map, based on Fulton County's GIS stormwater inventory, showing the location of all outfalls from the MS4 within the Fulton Industrial District (FID) area and the names and location of all waters of the State that receive discharges from those outfalls is provided in **Appendix I** – MS4 Inventory Outfall Map, and a tabular inventory is provided in **Appendix J** – MS4 Outfall Inventory (Tabular Format). Fulton County will provide an update to GIS department with the number and locations of any new outfalls during the reporting periods.
2. Measurable goal(s): Fulton County will update the inventory and map showing the location of all outfalls from the FID MS4 and the names and location of all waters of the State that receive discharges from those outfalls at least once each reporting period.
3. Documentation to be submitted with each Annual Report: Fulton County will follow the instruction of the NPDES Permit No. GAS000117. The number of outfalls added, the total number of outfalls, and the updated map and inventory will be submitted to EPD each reporting period.

### 3. **IDDE Plan**

1. Description of SWMP Component (Ensure the text discusses the outfall inspections, any stream walks activities, illicit discharge tracing, and illicit discharge elimination): Fulton County will conduct dry weather screening (DWS) inspections on 100% of total outfalls within the 5-year permit term, with a minimum of 5 percent inspected in any reporting period. Outfall inspections are completed by a contractor selected by the County. Outfalls are chosen for inspection based on location. An ArcGIS map of the outfall inventory is used to select which outfalls are to be inspected during the permit period. The locations are chosen upon review of the entire outfall inventory data, including location and date of last inspection. Upon completion of the inspection, the inspector updates the outfall inventory excel tracking worksheet and Arc GIS map, as applicable, where the completion percentage and changes in the inventory can be tracked.

Fulton County will not conduct stream walks as part of the SWMP IDDE Plan. If the Fulton County conducts stream walks of intermittent and perennial streams for other purposes the documented results and number of stream miles walked will be included in the annual report.

Fulton County's investigative and follow-up procedures include:

- i) Requiring the County's DWS contractor investigate the source when dry weather flows indicate a possible illicit discharge and prepare a report of any investigation. Any suspected violations shall be reported to Fulton County Code Enforcement for response
- ii) Fulton County's GIS stormwater inventory will be used to track potential sources of pollution.

Further details on the SOP for source tracing dry weather flow is provided in **Appendix K – IDDE SOP** – Section 6.0.

2. Measurable goal(s): Fulton County will conduct dry weather screening (DWS) inspections on 100% of total outfalls within the 5-year permit term, with a minimum of 5% of the outfalls inspected in each reporting period. The County will source trace 100% of dry weather flows discovered each reporting period. The County will ensure that 100% of illicit discharges are eliminated.
3. Documentation to be submitted with each Annual Report: Documentation of outfall inspections and source tracing will be provided by completed inspection forms and inspection reports of investigations of any suspected illicit discharge. Illicit Discharge Elimination activities shall be documented by an appendage to the investigation report indicating compliance results or adjudication by Code Enforcement. Copies of completed inspection forms, investigation reports and associated appendages shall be provided in the annual report.

**4. Spill Response Procedures**

1. Description of SWMP Component: The Stormwater Management Program Manager (SWMP PM) will establish liaison with the Transportation Division Manager, The Wastewater Collection System Manager, The Code Enforcement Manager, The Fulton County Fire and Rescue Spill Response unit manager, and the Fulton County Executive Airport Manager in order to receive notifications of all spill occurrences. In addition, a stormwater web page will be established that will allow for the public to report spills and other illicit discharges. The SWMP PM will either obtain from each of the entities a report of all spills they respond to or will generate a report on the spills as part of the SWMP responsibility.
2. Measurable goal(s): The SWMP PM will maintain records on 100 percent of reported spills.
3. Documentation to be submitted with each Annual Report: Fulton County will include copies of the spill reports provided for all spills in the Fulton Industrial District (FID) area within each reporting period in the annual MS4 reports.

## 5. Public Reporting Procedures

1. Description of SWMP Component: To facilitate the Public reporting of spills and illicit discharges, Fulton County will annually provide a public announcement / press release detailing the procedures that are available to the public for reporting illicit discharges and spills. The procedures will also be posted on a stormwater specific web page. The web site will have links to additional stormwater related information as well as a link to an email reporting form. The public can report illicit discharges on the County website under "Customer Service" or on the County's Customer Service Line (404) 612-4000. Information obtained from the hotline and website is forwarded to the appropriate department for resolution. In addition, the public can report complaints that pertain to Code Enforcement, erosion control, water bans, water quality, scrap tire and other environmental issues in unincorporated Fulton County. Code Enforcement's inspectors generate an illicit discharge investigation if they see evidence of an illicit discharge while investigating other code enforcement violations. All complaints to Code Enforcement are tracked in an electronic database and are assigned a case number as they are investigated. The concerned citizen may track the status of a complaint using the case number. The first inspection will occur between the day after the initial report and three days after the initial report, depending on the research required to support the inspection. Follow up investigations are performed between three and ten days after the first investigation. When a Code Enforcement officer determines that a violation has occurred the notice of violation may either be hand delivered at the end of the inspection or may be mailed at the end of the day the inspection occurs. In all cases the violator has three days to correct the violation before the citation is turned over to the court liaison, who assigns permitted cases to Magistrate Court and non-permitted cases to the Code Enforcement Board. If the magistrate judge or code enforcement board finds that County ordinance has been violated a fine of up to \$1,000 per day, per violation can be assessed. The SWMP PM will maintain records on 100 percent of reported spills, including those managed and responded to by other entities outside of the stormwater program.
2. Measurable goal(s): Fulton County will Investigate all reported complaints within 3 working days. Fulton County will develop a web site with written procedures for receiving and handling complaints associated with stormwater runoff including erosion, sewage and hazardous waste spills, visible pollution, and apparent illicit discharges by December 31, 2021. The links on the web site for reporting and to other information will be validated at least once per reporting period. The SWMP PM will maintain records on 100 percent of reported spills.
3. Documentation to be submitted with each Annual Report: Documentation will include a Screen shot of the complaint reporting website as well as a copy of the tracking spreadsheet maintained by Admin personnel.

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

1. Description of SWMP Component: The Public Education Division of the Department of Public Works maintains a continuous effort to educate the public about pollution and prevention, including the reduction, reuse and recycling of common household hazardous wastes (HHW) as paints, solvents, fuels, cleaners, and pesticides. This information is made available on the County's website at <http://www.fultoncountyga.gov/fcwr-education/5589-pollution-prevention>.

Additionally, our website contains a list of sites whereby to dispose of HHW. As part of the program, the Public Education and Outreach team leads school programs and public workshops where information is disseminated about how household products like paints, pesticides, chemical cleaners and automotive products contaminate ground water. In partnership with the Clean Water Campaign, all workshops participants receive a Household Hazardous Waste brochure, which help residents identify examples of hazardous waste products.

Additionally, each year in conjunction with our community partners, Fulton County provides opportunities for our residents to dispose of used HHW by hosting Bulk Waste Amnesty Day events at one our recycling center partner sites: Merk Miles Transfer Facility, Roswell Recycling Center, and the Center for Hard to Recycle Materials (CHaRM). Upon arrival, residents are educated on which products can be recycled and which must be disposed of via our waste partners.

2. Measurable goal(s): Fulton County will host a Bulk Waste Amnesty Day, or similar activity, at least once each reporting period.
3. Documentation to be submitted with each Annual Report: The County will include documentation of the event in the form of a brief report with photos.



**7. Sanitary Sewer Infiltration Controls**

1. Description of SWMP Component: The Fulton County Public Works Department has a robust inflow / infiltration program managed by Wastewater Collection System Maintenance Staff. The program involves Closed Circuit TV (CCTV) inspection of the wastewater collection by contractor. When defects are noted, repairs are scheduled according the severity of the defect. Additionally, Collection System Maintenance treats the wastewater system for root control annually. There also is an ongoing Capital Improvement Program that prioritizes the repairs to the sewer system based on the findings from the sewer inspections program. The County continues to conduct pipe lining and manhole restoration each year.
2. Measurable goal(s): Fulton County will CCTV a minimum of 15 miles of the 62-mile total wastewater collection system in the FID each reporting period and 100 percent of the 62 miles in the 5-year permit period.
3. Documentation to be submitted with each Annual Report: The County will include Pipeline assessment Certification Program (PACP) reports of the portions of collection system in FID that were CCTVd in each annual report.

**Industrial Facility Stormwater Discharge Control**  
**Table 3.3.3 of the Permit**

**1. Industrial Facility Inventory**

1. Description of SWMP Component: The Fulton County MS4 currently has 18 industrial facilities including four owned by Fulton County (3 of which are outside the FID MS4geographical area). Fulton County will update the industrial facility inventory (**Appendix L**) in Fulton Industrial District (FID) area on an annual basis, adding industrial facilities:
  - i) Listed on EPD's Industrial Storm Water General Permit (IGP) Notice of Intent (NOI) and No Exposure Exclusion (NEE) online listings,
  - ii) Any new industrial facilities as they are approved for land disturbance permits by Planning and Community Services, and
  - iii) Any new industrial facilities found during the Highly Visible Pollutant Sources inventory update
2. Measurable goal(s): Update the inventory once each reporting period.
3. Documentation to be submitted with each Annual Report: The updated industrial inventory will be provided with each annual report.

## 2. Inspection Program

1. Description of SWMP Component: Fulton County will conduct inspections on 100% of the industrial inventoried facilities that discharge to the Fulton Industrial District (FID) area MS4 within the 5-year permit term, with a minimum of 5% inspected during a permit year. The Fulton County MS4 currently has 18 industrial facilities. Industrial site inspections are scheduled based on the previous dates of inspection so as to perform any previously uninspected (new facilities) and repeat the oldest inspections in priority order. A copy of the Industrial Facility Inspection Form is included in **Appendix M**. If an industry is suspected of contributing a substantial pollutant level to the MS4, they will be requested to provide monitoring information for assessment. Fulton County will not sample or monitor industrial discharges.
2. Measurable goal(s): Fulton County will conduct inspections on 100% of the industrial inventoried facilities that discharge to the FID MS4 within the 5-year permit term with a minimum of 5% inspections per year.
3. Documentation to be submitted with each Annual Report: Completed inspection reports along with a current updated spreadsheet inventory with most recent inspection dates. The County will provide the total number of facilities and the total number and percentage inspected in each annual report.

### 3. Enforcement Procedures

1. Description of SWMP Component: Fulton County has developed an Enforcement Response Plan (ERP) (**Appendix A**) and will follow this protocol when minor problems are noted during industrial facility inspections:

- On-site personnel will be informed of the problem.
- The problem will be described on the inspection form.
- A re-inspection will be scheduled.
- Upon return to the office the inspector will perform research to determine the name and address of the property owner, and write a letter notifying the property owner, describing the problem(s), and inform the property owner the site will be re-inspected to ensure compliance. The notification letter will be sent no later than 5 working days after the inspection, and re-inspection will occur no later than 21 working days after the original inspection.

If the re-inspection does not indicate substantial progress to remediate the problem(s) originally identified, or there is indication that site conditions have deteriorated, a site visit will be coordinated with a Code Enforcement officer so that enforcement action can be taken under the County's illicit discharge ordinance.

If Fulton County has reason to believe that any of the site's NPDES permit conditions are being violated, Fulton County will copy Georgia EPD with any correspondence sent to the owner.

2. Measurable goal(s): Enforcement will be taken on 100% of identified violations.
3. Documentation to be submitted with each Annual Report: Copies of Notices, Citations etc. requiring violators to cease, along with reports presenting follow-up enforcement actions and status will be provided in the County's annual MS4 report.

**4. Educational Activities**

1. Description of SWMP Component: Fulton County will develop an educational brochure for presentation to managers of industrial sites to explain the roles and responsibilities of the Industrial Facility Stormwater Discharge Control component of the Fulton county Stormwater Management Program.
2. Measurable goal(s): Fulton County will mail a copy of the educational brochure to each industry listed in the inventory once each reporting period.
3. Documentation to be submitted with each Annual Report: Fulton County will include copies of the developed educational brochure and a list of parties it was mailed to in each annual report.

**Construction Site Management**  
**Table 3.3.4 of the Permit**

**1. Legal Authority**

1. Description of SWMP Component: Fulton County has been certified by the Director of EPD as a Local Issuing Authority for the purposes of the Erosion and Sedimentation Act of 1975 as amended. A Memo of Agreement was adopted by the Fulton County Commission and the State Soil and Water Commission on January 20, 2014. The County Board of Commissioners adopted the revised Fulton County Soil Erosion, Sediment and Pollution Control (ES&PC) Ordinance of 2020 on February 5, 2020. This ordinance gives the County Authority to issue Land Disturbance Permits; require BMPs to prevent and minimize erosion and sediment discharge, ES&PC Plan Submission and review prior to commencing construction, conduct inspections and enforcement, including Stop Work Orders, bond forfeiture, and monetary penalties, and require education and certification for persons involved in land development, design, review permitting, construction, monitoring, inspection and other land disturbing activities. A copy of the updated ES&PC is included in **Appendix H**. Fulton County is preparing an update to the local Erosion and Sedimentation Control, with a goal of adoption by the end of 2020 along with the updated Stormwater Ordinance.
2. Measurable goal(s): Re-evaluate the Soil Erosion, Sediment and Pollution Control Ordinance) ordinance once per reporting period and revise when necessary for compliance with this permit. The permittee must ensure that the ES&PC ordinance provides the authority to issue land disturbing activity permits; require BMPs to prevent and minimize E&S; require erosion, sedimentation and pollution control plan submission and review prior to commencing construction, conduct inspections and enforcement, including stop work orders, bond forfeiture, and monetary penalties; and require education and certification for persons involved in land development, design, review permitting, construction, monitoring, inspection and other land disturbing activities.
3. Documentation to be submitted with each Annual Report: A statement will be provided in the annual report as to the need for updates to the ES&PC ordinance. If the ES&PC ordinance is revised during the reporting period, the County will submit a copy of the adopted ordinance in the annual report. A copy of the most recent (2020) ordinance is included in **Appendix H**.

**2. Site Plan Review Procedures**

1. Description of SWMP Component: Fulton County contracts with a consultant to review the Land Disturbance Plans per the Georgia Stormwater Manual 2016 Revision (Blue Book), The Manual for Erosion and Sediment Control in Georgia (Green Book) and the ES & PC checklist of requirements under the State Permit GAR 100001- 3 authorizing discharge under the NPDES associated construction activity.
2. Measurable goal(s): Ensure that 100% of the site plans are reviewed in accordance with the site plan review procedures.
3. Documentation to be submitted with each Annual Report: Fulton County will provide the number and list of the site plans received and the number of site plans reviewed, approved, or denied, and the number of Land Disturbance Activity permits issued during the reporting period in each annual report (**Appendix N**).

**3. Inspection Program**

1. Description of SWMP Component: Fulton County contracts with a consultant to continue to make site inspections to ensure that structural and non-structural BMP's are designed and maintained as required by the Georgia Stormwater Management Manual. The consultant is required to maintain Certified Erosion inspectors to ensure that structural and nonstructural BMPs at construction sites are properly designed and maintained.
2. Measurable goal(s): Fulton County will conduct at least one inspection at each active construction site during the reporting period.
3. Documentation to be submitted with each Annual Report: Fulton County will provide the number of active sites and the number of inspections conducted during the reporting period in each annual report in the form of a report with tables detailing the active sites and inspection tallies, along with logbook pages.



#### **4. Enforcement Procedures**

1. Description of SWMP Component: Fulton County engages a consultant to provide the full range of land disturbance control activities, from construction plan review and permitting to Enforcement of the Code and Regulations. The consultant provides construction site inspection for compliance with erosion control and sedimentation code and ordinance. Sites are inspected based on zone coverage, and deficiencies, if any noted. If deficiencies are noted, code enforcement procedures in the ERP as required by Section 3.3.6 of the permit, are implemented.

The primary goal of enforcement is to bring swift and effective site compliance. Verbal Warnings, Written Warnings and/or Stop Work Orders are regularly issued as a part of the enforcement process. Stop Work Orders are particularly effective in bringing compliance as they impact project schedule and result in the most significant impact on the overall project. Given the high dollar value of project construction budgets, past experience has been that court issued fines are not as effective as Stop Work Orders in bringing site compliance.

However, there are instances where issuance of a Citation to appear in Court is warranted. For issuance of citations the Field Inspector compiles the evidence in coordination with the County's Code Enforcement Division. The Code Enforcement Division is housed within the Fulton County Police Department and takes the lead on this aspect of the enforcement process. A Code Enforcement Officer issues the Citation and works with the County Solicitor's Office in presenting the evidence in Court. The Solicitor acts as the County's representative arguing the case in Court. The Code Enforcement Officer and the Field Inspector are available and present evidence to the Court. These cases are bench trials with the judge ultimately determining the outcome of the case.

2. Measurable goal(s): Fulton County will implement enforcement procedures for 100% of the ES&PC violations documented at construction sites.
3. Documentation to be submitted with each Annual Report: Fulton County will provide documentation of any enforcement actions taken during the reporting period in each annual report, including the number and type of enforcement.

## 5. Certification

1. Description of SWMP Component: Fulton County inspectors will check that all personnel and entities involved in construction activities comply with the certification requirements of the Georgia Erosion and Sedimentation Act. They will ensure that all staff involved in construction subject to Construction General Permits (CGP) are trained and certified by GSWCC.
2. Measurable goal(s): Fulton County will ensure that MS4 staff involved in construction activities subject to the CGPs are trained and certified in accordance with the rules adopted by the Georgia Soil and Water Conservation Commission.
3. Documentation to be submitted with each Annual Report: Fulton County will provide the number and type of current certifications held by County inspection personnel in each annual report and include printouts from the GSWCC website (**Appendix N**).

**Highly Visible Pollutant Sources (HVPS)**  
**Table 3.3.5 of the Permit**

**1. HVPS Facility Inventory**

1. Description of SWMP Component: Fulton County established a Highly Visible Pollutant Sources (HVPS) inventory and updates the inventory annually. The HVPS inventory was developed and is updated based on Standard Industrial Classification (SIC) codes from the County's business license data using as a basis for determination, Appendix D, Activities Covered Table, of Georgia's NPDES General Storm Water Permit (GAR050000) for discharges of stormwater associated with industrial activity. The HVPS inventory includes 42 facilities (Appendix O).
2. Measurable goal(s): Each reporting period, Fulton County will update the inventory of HVPS facilities that discharge to the Fulton Industrial Boulevard area (FIB) MS4.
3. Documentation to be submitted with each Annual Report: Fulton County will continue updating the current HVPS inventory based on an annual review of County business license data and provide the updated inventory with each annual report.

**2. Inspection Program**

1. Description of SWMP Component:
  - a) Fulton County HVPS facility inspection program for the 2020 – 2024 MS4 Permit, and includes:
    - i) Conducting inspections on 100% of inventoried facilities that discharge to the MS4 during the 5-year permit term. Fulton County will conduct inspections on 5% of the structures each reporting period, or if inspections are done by a geographical area, then one area or sector must be inspected each reporting period so that some HVPS facilities are inspected each reporting period. If a low percentage of inspections is conducted during one reporting period, then Fulton County will increase the inspection frequency in subsequent reporting periods to ensure that 100% of the HVPS facilities are inspected within the 5-year permit term.
    - ii) Using the MS4 Facility Inspection form to ensure consistent inspection procedures.
    - iii) Maintaining a database of inspections completed, based on the updated inventory as the inventory is updated each year.
    - iv) Reporting the HVPS inspections performed in each annual report.
  - b) The procedure for HVPS inspections will be performed in the sequence provided below.

**Office Preparation & Research**

- 1) Determine if commercial facility is in Fulton County's jurisdiction by:
  - a) Locating the facility's street address in the most current Aero Atlas map and
  - b) Obtaining property tax parcel data as provided in the County's geographical information system (GIS). Only sites within County's MS4 jurisdictional area will be inspected for stormwater issues by County personnel.
- 2) Review aerial photos of the specific commercial facility for general information such as the size and location of buildings, storage areas and topography using the web link <https://www.gis.fc>. Determine the overall drainage pattern in the site area, evidence of pollutant discharge, such as oil streaking in paved areas, areas of impacted or dead vegetation, etc. and/or improper disposal of debris or materials.
- 3) Print or photocopy all appropriate maps such as topographic map, property tax maps, as-builts, site construction plans and aerial photographs. The map(s) should be scaled so as to show the area(s) of interest on the site, but generally should be no more than 11" x 17", (The County's geographic information system (GIS) should be used to the maximum extent practicable.)

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- 4) Using all of the information found from the above steps, estimate where stormwater discharges from the site.
- 5) Review Georgia's current 305(b)/303(d) list to see if the site discharges to an impaired segment and if so what the pollutants of concern are.
- 6) Based on research of the commercial facility's principal activity and what chemicals and/or materials may be present.
- 7) Determine the appropriate Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes.
- 8) Check weather forecast for day of anticipated site visit/inspection. If the forecast indicates that there will be less than 0.1" of rainfall in the 72 hours prior to the site visit, plan to perform a dry weather screen on all outfalls from the site.
- 9) MS4 Facility Inspection forms:
  - a) Create an electronic copy of MS4 Facility Inspection forms.
  - b) Fill out the "Facility/Site Information" section of the MS4 Facility Inspection form.
  - c) Save the form(s) on the County's network in the location as designated by the Environmental Compliance Manager to and/or his/her designee(s).
- 10) Map directions to commercial facility and estimate the travel time along with a fifteen-minute early arrival time.
- 11) Using best available commercial facility contact information, schedule site visit/inspection with appropriate onsite personnel, if possible.

Site Visit

- 1) Complete a vehicle inspection checklist.
- 2) Upon arrival at the site, notify appropriate commercial facility official that Fulton County personnel are onsite to perform commercial facility stormwater inspection.
- 3) Before inspecting the site, verify that the Commercial facility has:
- 4) Previous HVPS inspection data.
- 5) Spill Prevention Control Countermeasure (SPCC) Plan.
- 6) Current Business License.
- 7) Conduct visual outdoor inspection of the business if a potential pollutant exposure impacts on the MS4 system.
- 8) Collect water samples for field or laboratory analyses, when deemed necessary, by using nitrile sampling gloves, an amber 500ml glass sample bottle for light sensitive samples, Polyethylene (P) bottle for grab sample, Polypropylene (PP) bottle 100ml for Fecal grab sample, ice and a cooler to help preserve the water sample. If water samples are taken to an accredited laboratory, arrangements must be made for the relinquishing and receiving of the samples by incorporating a proper chain of custody and sample bottle labels provided by the laboratory designated for analyses.
- 9) If a stormwater violation is identified, inform onsite commercial facility officials of findings and detail and record any violations.

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- 10) Offer any appropriate educational literature to assist industry to apply best management practices.
- 11) Leave a copy of site visit findings or obtain Commercial facility's contact's e-mail address to forward inspection results.
- 12) Schedule a re-inspection if violations were observed and establish a schedule for rectifying violations with responsible personnel.

Post Site Visit

- 1) Upon completion of MS4 Facility Inspection and return to the office, the inspector will update the inventory and forward the findings in electronic format and submit completed electronic form(s) and findings to Environmental Compliance Manager or his/her designee within forty-eight hours of inspection.
  - 2) If a re-inspection is scheduled, perform the re-inspection and resubmit a revised MS4 Facility Inspection Form to Environmental Compliance Manager or his/her designee within forty-eight of re-inspection.
  - 3) If the site has not been brought into compliance within the agreed upon time, begin appropriate enforcement action including but not limited to issuing Notices of Violations or informing the Georgia Environmental Protection Division and the U.S. Environmental Protection Agency (EPA) of the problems on the site.
- 
2. Measurable goal(s): Fulton County will conduct HVPS inspections on 100% of inventoried facilities that discharge to the Fulton Industrial Boulevard area (FIB) MS4 during the 5-year permit term. Fulton County will conduct inspections on a minimum of 5% of the HVPS sites each reporting period.
  3. Documentation to be submitted with each Annual Report: Fulton County will provide the total number of HVPS facilities, the number and percentage of HVPS inspections conducted during the reporting period, and copies of the inspection forms for each inspection in each annual report.

### 3. Enforcement Procedures

1. Description of SWMP Component: Fulton County will follow this protocol when problems are noted during HVPS inspections:
  - i) On-site personnel will be informed of the problem.
  - ii) The problem will be described on the inspection form.
  - iii) Upon return to the office the inspector will schedule a re-inspection, to occur within 10 working days of the original inspection and write a letter to the property owner. The letter will include:
    - (1) A description of the problem
    - (2) inform the property owner that a re-inspection is scheduled
    - (3) offer appropriate educational materials to help the property owner understand the problem and how to rectify it

If upon re-inspection no progress is being made the inspector will schedule a third site visit, to occur within 10 working days of the first reinspection and will coordinate this visit with a Code Enforcement officer so that enforcement action can be taken, if necessary.
2. Measurable Goal(s): Fulton County will implement enforcement procedures for 100% of the violations documented at HVPS facilities.
3. Documentation to be submitted with each Annual Report: Fulton County will provide documentation of any enforcement actions taken during the reporting period in each annual report, including the number and type of enforcement.

**4. Educational Activities**

1. Description of SWMP Component: Fulton County will develop an educational brochure for presentation to managers of sites on the inventory of Highly Visible Pollutant Sources to explain the roles and responsibilities of the Highly Visible Pollutant Sources component of the Fulton county Stormwater Management Program. Brochures will be mailed to each facility once each reporting period.
2. Measurable goal(s): Fulton County will mail a copy of the educational brochure to each site owner / manager in the HVPS inventory once each reporting period.
3. Documentation to be submitted with each Annual Report: Fulton County will mail a copy of the educational brochure to each HVPS Facility once each reporting period and include copies of the developed educational brochure and a list of parties it was mailed to in each annual report.



## **Public Education**

### **Table 3.3.9 of the Permit**

Fulton County uses a variety of outreach tools to reach our citizens including, but not limited to, websites, literature, school presentations, community events, and presentations to civic organizations. The main focus of these programs is to encourage individual and community stewardship. Our target audience is first and foremost our customers (both residential and commercial), and then the general public. The County reaches our audiences through many avenues, including school groups, library programs, a speakers' bureau for adult groups, senior citizen groups, and many more.

Fulton County's Education and Outreach Program includes Water Quality, Water Conservation, and Pollution Prevention education. These program areas include components that are ongoing throughout the year. Each activity will occur at least quarterly, but in most cases much more frequently. For example, school programs occur on a weekly basis during the school year.

#### **The Water Conservation Program includes:**

- Composting
- Rain Barrel Workshops
- Fix-a-Leak Week
- Smart Irrigation Month
- Water Efficient Landscaping education
- Water Use Restrictions
- Rain Gardens

These components of the Water Conservation Program are aimed at protecting water quality through proper landscape maintenance.

Public Education also includes

- General watershed education, including special events (Earth Day, Clean Water Week, etc.), children's presentations (school programs, summer camps, after school programs, etc.), and several unique outreach tools (Enviroscape, traveling water library, etc.)
- Fulton County's (<https://fultoncountyga.gov/inside-fulton-county/fulton-county-departments/public-works>) website is kept current with useful information for our customers about special events and opportunities. Social media is utilized by our Communications Department through Twitter and Facebook for breaking news and updates. In addition, the Fulton Government Television (FGTV) cable station airs reports and public service announcements about current issues.

**1. Public Education - Educational Activity #1: Composting**

1. Description of SWMP Component: Composting workshops provide citizens with an efficient and convenient method of disposing of yard debris and lawn clippings while at the same time producing a natural source of nutrients for their landscapes, thereby reducing the use of commercial fertilizers. Public Education staff has worked with Garden clubs, HOAs, and senior groups to offer Water Efficient Landscaping and Smart Irrigation workshops, in which composting is discussed.
2. Measurable goal(s): Fulton County will host a Composting Workshop, or similar activity, at least once each reporting period.
3. Documentation to be submitted with each Annual Report: The program activities will be documented in the Annual Report in the form of a brief report with photos, website and/or social media postings.

**2. Public Education - Educational Activity #2: Integrated Pest Management Workshops**

1. Description of SWMP Component: In the past, Fulton County Public Education staff has partnered with the UGA/Cooperative Extension to offer workshops to County residents, Garden clubs, HOAs, and senior groups about the proper use of pesticides to protect water quality. The County did not conduct any integrated pest during this audit cycle. Fulton County will partner with Cooperative Extension to host workshops for future reporting periods
2. Measurable goal(s): Fulton County will host an Integrated Pest Management Workshop, or similar activity, at least once each reporting period.
3. Documentation to be submitted with each Annual Report: The program activities will be documented in the Annual Report in the form of a brief report with photos, website and/or social media postings.

**3. Public Education - Educational Activity #3: Rain Garden Demonstrations**

1. Description of SWMP Component: A demonstration Rain Garden was installed at a county facility and workshops were conducted to help homeowners, HVSP and Industrial sites learn how to install this type of landscape feature which retains stormwater runoff on site to allow for infiltration into the ground. In addition, since the site also contains a pollinator garden and other water-efficient landscaping, Public Education hosts tours/workshops with schools, Garden clubs, senior groups and civic organizations.
2. Measurable goal(s): Fulton County will host a Rain Barrel Workshop, or similar activity, at least once each reporting period.
3. Documentation to be submitted with each Annual Report: The program activities will be documented in the Annual Report in the form of a brief report with photos, website and/or social media postings.

**4. Public Education - Educational Activity #4: The Pollution Prevention Program – FROG Program**

1. Description of SWMP Component: The Pollution Prevention program includes a Fats, Roots, Rags, Oils and Grease (FROG) element.

This information is made available on the County's website at <https://fultoncountyga.gov/inside-fulton-county/fulton-county-departments/public-works/pollution-prevention>. The FROG Program is designed to provide citizens with the tools and knowledge they need to help prevent sewer clogs and backups in homes, businesses, and communities through the proper disposal and cleanup of fats, oils, and grease. Emphasis is also placed on keeping landscaping away from sewer lines to avoid root intrusion. Staff has also developed displays and educational tools to remind our customers not to use their toilets as a trash can. We encourage citizens to not flush disposable cleaning cloths or personal/baby wipes down the toilet.

Public Education works with schools, apartment complexes and HOAs to host workshops on the effect of FROG in water system. Educational brochures and promotional materials, such as scrapers and collection cans are distributed to participants. We work with the community to host the "Mysteries of the Sewer Truck or Treat" event, a Halloween fall festival which is held at two of our Wastewater Treatment Facilities. The event includes plant tours, crafts, and activities promoting FROG education.

2. Measurable goal(s): Fulton County will host a Pollution Prevention Program, or similar activity, at least once each reporting period.
3. Documentation to be submitted with each Annual Report: The program activities will be documented in the Annual Report in the form of a brief report with photos, website and/or social media postings.

**Public Involvement**  
**Table 3.3.10 of the Permit**

**1. Public Involvement - Activity #1: Adopt-A-Stream**

1. Description of SWMP Component: The Adopt-A-Stream Program is a citizen's volunteer stream monitoring program that assesses the health of local waterways through routine chemical and macroinvertebrate monitoring, and through visual and watershed assessments. Volunteers are trained and certified to monitor waterways for several parameters, including pH, dissolved oxygen, temperature, and macroinvertebrate surveys. Emphasis is placed on nonpoint source education and the collection of quality baseline data for Fulton County's streams. The observations section of the data form corresponds to the basics of IDDE monitoring, including odor, color, clarity, foam, oily sheen, and water flow.

Public Education staff supports the Adopt –A- Stream (AAS) Program by working with and introducing the program to schools, colleges, students and citizens who want to volunteer. We provide Water Quality Workshops for citizens and provides replacement chemicals and kits, at no charge to any certified AAS volunteers. Public Education facilitated 5 Adopt-A-Stream (AAS) workshops for citizens within our service area. As part of the macroinvertebrate workshops, participants must demonstrate their knowledge by identifying macroinvertebrates collected during sampling procedures. All data is entered into Georgia AAS database, managed by the State of Georgia. Macroinvertebrate monitoring is performed 4 times per year, once per season. Chemical monitoring is performed once per month. Two volunteers are present at both the macroinvertebrate and chemical monitoring. Fulton County has 1 group of active volunteers, with more than 20 certified volunteers. As part of our program we monitored 2 sites in 2019. Additionally, Public Education staff has picked up eight sampling locations in South Fulton from the Upper Chattahoochee Riverkeepers' Bacterial Monitoring Program.

In order to provide AAS workshops throughout the county, PEO relies on fostering and maintaining strong relationships with our partners. All promotional materials about each workshop are shared and disseminated to volunteers via the site websites and social media pages. In an effort to solicit new volunteers, information about the AAS program is shared at each of our community workshops and on the website: <https://www.fultoncountyga.gov/inside-fulton-county/fulton-county-departments/public-works/public-education-and-outreach/volunteer-opportunities>

2. Measurable goal(s): Fulton County will work with Adopt-A-Stream volunteers to ensure that at least 2 sites are monitored according to monitoring guidelines during each reporting period.

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3. Documentation to be submitted with each Annual Report: The program activities will be documented in the Annual Report in the form of a brief report with photos, website and/or social media postings.

**2. Public Involvement - Activity #2: Storm Drain Marking**

1. Description of SWMP Component: Storm Drain Marking provides a method for informing the public that everything that enters a storm drain flows untreated into a nearby water body. By gluing colorful disks with the message “Keep It Clean – Drains To River” onto the storm drain inlets we can remind neighborhood residents that storm drains are not the place to dispose of trash, yard clippings, motor oil, or any other debris. Fulton County conducts stream and river cleanups year-round, helping citizens with organization and providing the supplies and support needed to make the events successful.
2. Measurable goal(s): Fulton County will host a Storm Drain Marking, or similar activity, at least once each reporting period.
3. Documentation to be submitted with each Annual Report: The program activities will be documented in the Annual Report in the form of a brief report with photos, website and/or social media postings.



**3. Public Involvement - Activity #3: Household Hazardous Waste Program**

1. Description of SWMP Component: The Household Hazardous Waste program promotes the reduction, reuse, and recycling of common household products and provides Fulton County residents with advice about environmentally safe, convenient ways to dispose of unwanted household products, such as paint, solvents, fuels, cleaners, and pesticides. The County holds periodic amnesty drop-off days, usually one time per year. This information is made available on the County's website at <http://www.fultoncountyga.gov/fcwr-education/5589-pollution-prevention>.
2. Measurable goal(s): Fulton County will host a Household Hazardous Waste, or similar activity, at least once each reporting period.
3. Documentation to be submitted with each Annual Report: The program activities will be documented in the Annual Report in the form of a brief report with photos, website and/or social media postings.

**4. Public Involvement - Activity #4: Pharmaceutical Drop-Off Program**

1. Description of SWMP Component: Fulton County Sherriff's Department has partnered with a non-profit organization to offer free pharmaceutical disposal through 10 drop-off locations around the County. These drop boxes help keep unused medications from falling into the wrong hands or from being flushed down the toilet. The information is available at: <https://www.fultoncountyga.gov/inside-fulton-county/fulton-county-initiatives/end-opioid-abuse/drug-disposal-locations>.

Additionally, Public Education staff address pharmaceutical disposal as part of the Household Hazardous Waste workshops and events. Public Education staff will work with the Sherriff's Department to track the quantities collected, along with participation levels. This information is made available on the County's website at <https://fultoncountyga.gov/inside-fulton-county/fulton-county-departments/public-works/pollution-prevention>.

2. Measurable goal(s): Fulton County will conduct at least one Pharmaceutical Drop-off event during the reporting period.
3. Documentation to be submitted with each Annual Report: The program activities will be documented in the Annual Report in the form of a brief report with photos, website and/or social media postings.

**Post-Construction**  
**Section 3.3.11 of the Permit**

**1. Ordinance Review (Section 3.3.11(a)(1) of the Permit):**

- A. Provide the date of the adoption of the Post-Construction ordinance:  
February 20, 2008. The Post Construction Ordinance is currently being revised and is proposed for adoption by the Board of Commissioners (BOC) on January 6, 2021. A copy of the proposed revised ordinance is included in **Appendix H**.
- B. Provide the date of the adoption of the Georgia Stormwater Management Manual:  
Projected December 10, 2020; Currently in use however not yet formally adopted.
- C. Ensure a copy of the Post-Construction ordinance is attached to the SWMP.  
A copy of the Post-Construction Ordinance is attached to the SWMP in **Appendix H**.
- D. Describe the status of implementing the stormwater runoff quality/reduction performance standard (Section 3.3.11(a)(2) of the Permit), including the implementation of Option (a) by the deadline date of December 10, 2020:

The County is in process of revising the Comprehensive Stormwater Ordinance to be consistent with the Metro District's Model Ordinance for Post-Construction Stormwater Management for New Development and Redevelopment and is currently using the Georgia Stormwater Manual 2016 Revision as the basis for review and permitting the design of stormwater management systems for new development and redevelopment with the intent to have the new ordinance in place prior to the deadline of December 10, 2020. In addition, effective with the adoption of the new ordinance, the County intends to require the following performance standards as required by the MS4 Permit.

**Performance Standards**

Fulton County shall apply the standards for new development and redevelopment to any site that meets one or more of the following criteria:

- New development that creates or adds 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one acre of land or greater.
- Redevelopment that creates or adds or replaces 5,000 square feet or greater of impervious surface area, or that involves land disturbing activity of one acre or more, including projects less than one acre if they are part of a larger common plan of development or sale.

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For sites meeting the above criteria, the review shall ensure that the following minimum performance standards are considered during the site plan preparation and/or review process. The performance standards must be implemented to the Maximum Extent Practicable (MEP). The performance standards to be implemented are as follows:

**Stormwater Runoff Quality/Reduction**

Land Disturbance plans shall be reviewed to ensure Stormwater runoff will be retained onsite or adequately treated prior to discharge meeting the following performance standards. Review shall require the stormwater management system to be designed to retain the first 1.0 inch of rainfall on the site, to the maximum extent practicable. If the review determines that it is infeasible to apply the stormwater runoff quality/reduction standard, on part or all of a project, it will be documented with the site plan review documents. If the first 1.0 inch of rainfall can be retained onsite using runoff reduction methods, then additional water quality treatment will not be required. If the 1.0 inch cannot be retained onsite, the remaining runoff from a 1.2-inch rainfall event shall be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

**Stream Channel/Aquatic Resource Protection**

Stream channel and/or aquatic resource protection shall be provided by using the following approaches: 1) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event; 2) erosion prevention measures such as energy dissipation and velocity control; and 3) preservation of the applicable stream buffer.

**Overbank Flood Protection**

Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the predevelopment rate for the 25-year, 24-hour storm event.

**Extreme Flood Protection**

Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

**Trout Stream Protection**

There are no receiving waters with trout stream designation, however, should there be some designated in the future, which contain outfalls from Fulton County's MS4, the SWMP will be revised to address the protection of the trout waters from impacts from the MS4 outfalls due to elevated temperature.

**2. Linear Transportation Project**

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- A. The linear transportation feasibility program is voluntary. Have you developed or are you planning to develop a linear transportation feasibility program?  
Yes \_\_\_\_ No X
- B. If yes, is the linear transportation feasibility program attached to the SWMP?  
Yes \_\_\_\_ No \_\_\_\_ NA
- C. If you plan to develop a linear transportation feasibility program, provide the schedule for submitting the program: NA

**Green Infrastructure/Low Impact Development (GI/LID)**  
**Table 3.3.11(b)(2) of the Permit****1. Legal Authority**

1. Description of SWMP Component (the text must describe the method used to conduct the review of the ordinances and building codes): Fulton County will continue to review and revise, where necessary, building codes, ordinances, and other regulations to ensure they do not prohibit or impede the use of GI/LID practices, including infiltration, reuse, and evapotranspiration. Fulton County will assess those regulations governing residential and commercial development, road design, land use, and parking requirements within the Fulton Industrial Boulevard area (FIB). During the regulatory review, Fulton County will consider the inclusion of incentives for use of GI/LID practices into the ordinance. Ordinances are provided in **Appendix H**.

Fulton County completed a Center for Watershed Protection (CWP) Code and Ordinance Worksheet in 2016, which scored the community's local development rules at 83 out of 100. A score of 83 indicates that the community's "local development rules are pretty good but could use some tweaking in some areas." Fulton County scored 32 out of 40 on the first ten principles, which focus on the codes, ordinances, and standards that determine the size, shape, and construction of parking lots, roadways, and driveways in the suburban landscape. The codes and ordinances are line with all principles except parking, and parking ratios are shown to be a potential impediment to better development. It scored 29 out of 36 on principles 11 – 16, which focus on the regulations which determine lot size, lot shape, housing density, and the overall design and appearance of our neighborhoods; and demonstrated that sidewalks, setbacks, frontages, and driveways are potential impediments to better development. On the final six principles, which address the codes and ordinances that promote (or impede) protection of existing natural resources and incorporation of open spaces into new development, Fulton County scored very well at 22 out of 24 with all codes and ordinances being in line with the principles except developer incentives.

2. Measurable goal(s): Fulton County will conduct a review and revise, where necessary, building codes, ordinances, and other regulations to ensure they do not prohibit or impede the use of GI/LID practices, including infiltration, reuse, and evapotranspiration within the FIB at least once during the reporting period.

Fulton County will complete by January 1, 2022 The Center for Watershed Protection 2017 version of the Code and Ordinance Worksheet and it will be included with the Annual Report for the reporting period ending April 30, 2022 and will be referenced in each following annual report.

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3. Documentation to be submitted with each Annual Report: If the ordinance(s) are revised during the reporting period, a copy of the adopted ordinance(s) will be submitted with the annual report. A copy of The Center for Watershed Protection 2017 version of the Code and Ordinance Worksheet will be provided with the Annual Report for the reporting period ending April 30, 2022 and will be referenced in each following annual report.

**Note:** A copy of the worksheet used to conduct the code and ordinance evaluation (Center for Watershed Protection's Code and Ordinance Worksheet, EPA's Scorecard) must be included as an attachment to the SWMP. The worksheet can be from a previous permit period.

## 2. **GI/LID Program**

1. Description of SWMP Component: Fulton County has drafted a proposed GI/LID Program document that is included in **Appendix P**. Upon concurrence by EPD as to adequacy, this program will be utilized as a guidance document for review of development with respect to GI/LID considerations including types of GI/LID structures, which structures are most appropriate based on feasibility/site applicability, and to understand and follow the outlined inspection and maintenance practices. Fulton County contracts with a consultant to review site development plans. The consultant will review GI/LID site design plans according to the Georgia Stormwater Management Manual and Fulton County ordinances.
2. Measurable goal(s): Fulton County will evaluate the GI/LID program once each reporting period.
3. Documentation to be submitted with each Annual Report: If the GI/LID Program is revised during the reporting period, submit the revised program to EPD for review with the annual report. A copy of the proposed GI/LID program is included in **Appendix P**.



**3. GI/LID Structure Inventory**

1. Description of SWMP Component: The County will develop an inventory of GI/LID BMPs constructed after June 11, 2014, (e.g., bioretention basins, bioswales, grass channels) and update it each reporting period. The inventory will, at a minimum, include Fulton County owned GI/LID structures, those publicly-owned GI/LID structures owned by other entities, and privately-owned non-residential GI/LID structures. The County will track the addition of new water quality-related GI/LID structures through the plan review process and ensure that the structures are added to the inventory.
2. Measurable goal(s): Annually update the inventory GI/LID structures within the FID MS4.
3. Documentation to be submitted with each Annual Report: The County will provide an updated GI/LID inventory in each annual report.

**4. Inspection and Maintenance Program**

1. Description of SWMP Component: Fulton County will conduct inspections on all of the GI/LID structures in the inventory, perform necessary maintenance on County owned GI/LID Integrated Management Practices (IMPs) and require maintenance of non-County owned (public and private) GI/LID IMPs.
2. Measurable goal(s): Fulton County will conduct inspections on 100% of the GI/LID structures included in the inventory created in 3 above, within the 5-year permit term. Fulton County will conduct inspections on a minimum of 5% of the structures each reporting period. Fulton County will provide maintenance on Fulton County owned GI/LID structures, as needed. Fulton County will require privately-owned non-residential GI/LID structures to be maintained as determined by the inspections. All non-County owned GI/LID IMPs will be required to have maintenance agreements running with the land. Example of inspection forms and a maintenance agreement are included in the GI/LID Program documents.
3. Documentation to be submitted with each Annual Report: Fulton County will provide copies of completed inspection forms as well as copies of work orders for maintenance of County owned GI/LID structures and copies notices of inspection findings and any maintenance requirements to owners of privately owned GI/LID structures and any required enforcement actions will be provided with the annual report. No GI/LID IMPs currently exist in the FID and hence no inventory of IMPs exists. The Annual Report will provide an inventory of any IMPs added during the reporting period or a statement to the effect that there are no public or private IMPs in the FID and hence no inventory is provided.

**Appendix A – Enforcement Response Plan (ERP)**  
**Section 3.3.6 of the Permit**

**Appendix A – Enforcement Response Plan (ERP)**  
**Section 3.3.6 of the Permit**

1. The MS4 was required to develop an Enforcement Response Plan (ERP) that describes the action to be taken for violations of the Storm Water Management Program.
  - A. Provide the date the ERP was approved by EPD: March 2016
  - B. If the ERP has not yet been approved, provide the date submitted to EPD: N/A
2. A copy of the ERP must be attached to this Appendix.

# **FULTON COUNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) ENFORCEMENT RESPONSE PLAN**

## **Phase I Large MS4 NPDES Permit #GAS 000117**

Revised March 2016

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## 1 Introduction and Purpose

The purpose of the Enforcement Response plan is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of nonpoint source pollutants in stormwater.

Fulton County's stormwater enforcement response program is divided into three sections:

- Illicit Discharge Detection and Elimination (IDDE)
- Industrial Facility Stormwater Discharge Control and Highly Visible Pollutant Sources (HVPS)
- Construction, and Associated Soil Erosion and Sediment Control

The IDDE, Industrial Facility Stormwater Discharge Control and HVPS programs are managed by the Fulton County Stormwater unit. The Construction, and Associated Soil Erosion and Sediment Control program is managed by the Fulton County Planning & Community Services Department.

The Fulton County Stormwater unit utilizes Code Enforcement, a unit of the Fulton County Police Department, for serious and / or repetitive violations. Through the issuance of Notices of Violations (NOV) Code Enforcement can, when necessary route serious and / or repetitive violations of County ordinance to the County's Environmental Court. Environmental Court is held every third and fourth Tuesday in the Fulton County Courthouse. The assigned Court Officer reviews the criminal history records with the Judge to assist in determining fine amounts and or other court ordered requirements.

The ordinances quoted in this document are not included in the printed version, but are included in the electronic copy, available on the provided flash drive in Appendix H - Ordinances - "Stormwater Enforcement Ordinance".

## **2 Illicit Discharge Detection and Elimination**

### **2.1 Violations and Enforcement Mechanisms**

According to Division 6, Prohibitions and Illicit Connections, Section 26-316 of Fulton County Code of Ordinances “it is unlawful for any person, company, corporation, etc., to throw, drain, run, or otherwise discharge to any component of the county's stormwater system, including streets, highways, rights-of-way; or to cause, permit, or suffer to be thrown, drain, run, or allow to seep or otherwise discharge into such system, any organic or inorganic matter that shall cause or tend to cause pollution to such waters, as provided for in this article.”

When poor housekeeping, accumulation of litter or other minor issues that don't rise to the level of a violation of Division 6, Section 26-316 are discovered or reported the County will issue a verbal warning, and track and report verbal warnings along with violations in the Annual MS4 Report.

Violations of Division 6, Section 26-316 will result in an issuance of a NOV, and / or trial by the County magistrate or state court.

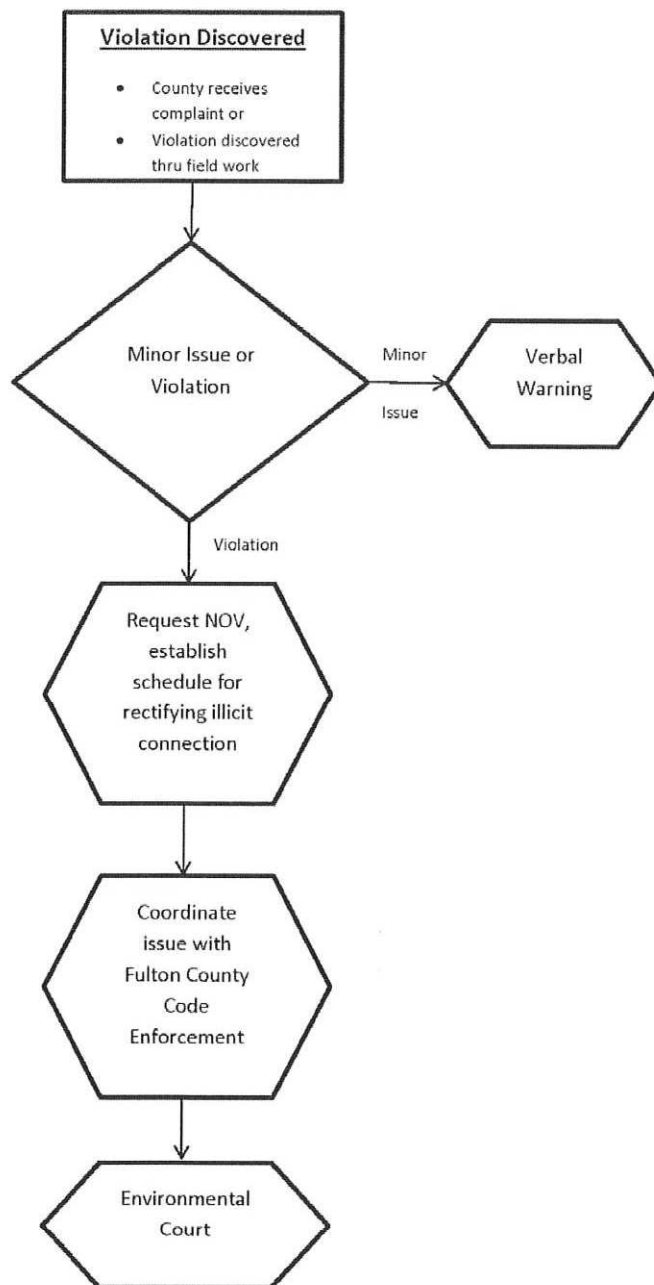
Each day of violation is considered a separate offense, and is punishable by \$1,000 per violation or imprisonment in the county jail for not more than 60 days, or both fine and imprisonment for each offense.

In addition the county attorney on behalf of the county may institute injunctive, or other appropriate action or proceedings at law or equity for the enforcement of this article or to correct violations of this article, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

Enforcement will follow the procedure on the following page.



## Section 2



## 2.2 Tracking

Tracking is initiated when the County finds a dry weather flow at a municipal separate storm sewer system (MS4) outfall, when a potential illicit discharge is reported, or poor housekeeping or other minor issues are discovered. A log will be maintained that includes:

- Dates
  - Dry weather flow, violation or minor issue discovered
  - Inspections and re-inspections
  - Notice of violation issued, if applicable
- Property address and owner(s)
- Type of enforcement action (notice of violation, verbal warning or other action taken by the County)
- Required timeframe to correct violation, if a violation has been determined to have occurred
- Final resolution, including date and verification

The log will be maintained in an Excel spreadsheet, and the results reported in the Annual MS4 Report.

## 2.3 Summary of Enforcement Measures and Time Frames

Enforcement of the County's Prohibitions and Illicit Connections ordinance will occur in accordance with the table below.

Violation	Enforcement Measure	Time Frame
Poor housekeeping or other minor issue	Verbal Warning - inform offender that discharge of pollutants is a violation of County ordinance, provide educational materials, log the incident for reporting and future reference.	Same day as discovery
Illegal connection or violation (one time or repetitive dumping)	Inform offender that discharge of pollutants is a violation of County ordinance, establish schedule to rectify the problem, cite the offender under County illicit discharge ordinance if the schedule is not adhered to.	<p>A schedule for rectifying the illicit connection will be developed upon discovery. Failure to conform to the schedule will result in enforcement action, issuance of a Notice of Violation and / or initiation of legal proceedings, as appropriate.</p> <p>Generally 10 business days will be allowed to rectify an illicit connection.</p>

### **3 Industrial Facility Stormwater Discharge Control and Highly Visible Pollutant Sources**

#### **3.1 Introduction, Violations and Enforcement Mechanisms**

Fulton County, in accordance with the County (Municipal Separate Storm Sewer System) MS4 Permit and Stormwater Management Plan (SWMP) conducts stormwater related inspections of industrial facilities and highly visible pollutant sources (HVPS) within the County's MS4 jurisdictional areas. Those program activities are fully described in the County's 2014 – 2019 Stormwater Management Plan.

Discharge of pollutants from an industrial or HVPS site, whether discovered as part of the County's inspection program, or due to complaints and / or stream walks is a violation of the County's Prohibitions and Illicit Connections ordinance. Minor violations will result in informal warning and / or education. Major violations and persistent minor violations may result in issuance of a Notice to Comply, reporting to Fulton County Code Enforcement and / or referral to State and or Federal agencies.

Minor violations include, but are not limited to:

- Failure to effectively apply Best Management Practices to minimize potential exposure, poor housekeeping and / or material handling, etc.
- Evidence of discharges (stains, sludge, eroded concrete)
- Observed discharge of wash waters to the storm drain system that have not reached a creek, river or stream
- Illicit connection to storm drainage system, such as a floor drain

Major violations include, but are not limited to:

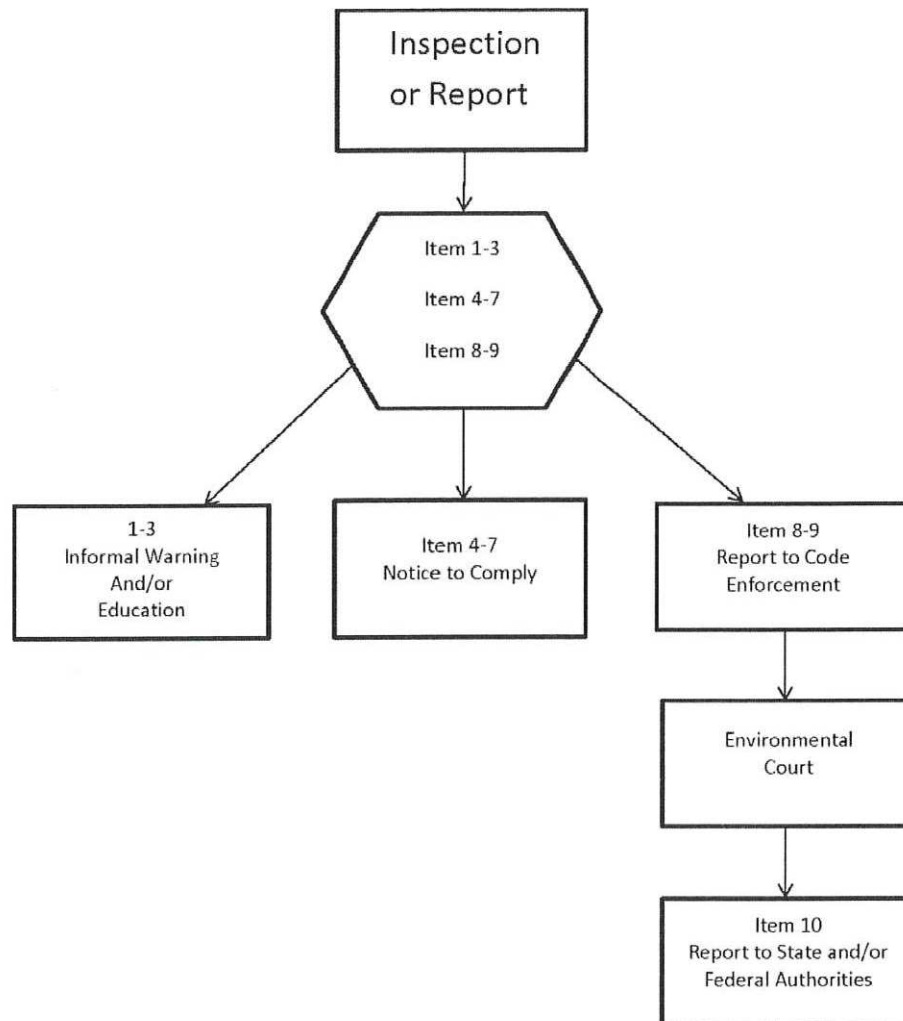
- Discharge of pollutants that have reached a creek, river or stream
- Visible pollutants present in stormwater runoff (during wet weather) such as oil sheen or litter
- Failure to correct previous violations

Enforcement actions can consist of, but are not limited to:

- Informal warning and / or education
- Issuance of a Notice to Comply
- Report to Fulton County Code Enforcement
- Referral to State and / or Federal Agencies

Enforcement will follow the procedure shown below.

### Section 3



### 3.2 Tracking

Tracking is initiated when a potential illicit discharge is reported or found during routine inspections. A log will be maintained that includes:

- Dates
  - Discharge of pollutants, or other potential violation is discovered
  - Inspections and re-inspections
  - Notice of violation issued, if applicable
- Property address and owner(s)
- Type of enforcement action (notice of violation or other action taken by the County)
- Required timeframe to correct violation, if a violation has been determined to have occurred
- Final resolution, including date and verification

The log will be maintained in an Excel spreadsheet, and the results reported in the Annual MS4 Report.



### 3.3 Time Frame for Enforcement Measures

Minimum enforcement procedures will occur in accordance with the table below.

<b>Violation</b>	<b>I: Informal warning and / or education</b>	<b>II: Notice to Comply</b>	<b>III: Report to Fulton County Code Enforcement</b>	<b>IV: Referral to State and / or Federal Agencies</b>
1. Failure to effectively apply Best Management Practices to minimize potential exposure, poor housekeeping and / or material handling, etc	X			
2. Evidence of discharges (stains, sludge, eroded concrete)	X			
3. Observed discharge of wash waters to the storm drain system	X			
4. Illicit connection to storm drainage system, such as a floor drain		X		
5. Failure to correct violation		X		
6. Discharge of small quantities of pollutants that have reached a creek, river or stream		X		
7. Visible pollutants present in stormwater runoff (during wet weather) such as oil sheen or litter		X		
8. Discharge of large quantities of pollutants that have reached a creek, river or stream			X	
9. Third failure to correct violations 1 -7			X	
10. Failure to correct violations 8 – 9				X

All actions in the above table will occur upon discovery, except Item 5, which will be upon re-inspection.

## **4 Construction, Associated Soil Erosion and Sediment Control and Stream Buffers**

### **4.1 Preventative Measures**

1. Fulton County provides education and materials regarding Best Management Practices and/or prohibitions to educate the Development Community/Contractor.
2. Fulton County recommends a preconstruction site visit on all construction projects to inspect and insure that BMPs are properly installed and functioning and to identify any potential onsite problems, or hazards.
3. All Fulton County Construction and Erosion Inspectors and Storm Water Plan Reviewers are GSWCC certified.
4. Fulton County Construction and Erosion Inspectors perform daily and / or as needed construction site inspections to ensure and promote enforcement.

### **4.2 Violations and Enforcement Mechanisms**

Any construction related activity found to be in violation of any regulation or guideline set forth in the Fulton County Storm Water Management Program shall be subject to a response as outlined in this Construction Enforcement Response Plan (CERP). Fulton County's response to a violation of the Plan may include, but is not limited to the following:

1. Site violations may be issued a Verbal Warning requiring a 24-hour compliance timeline with subsequent reinvestigation.
2. Failure to comply with the Verbal Warning in the 24-hour period results in a written Notice to Comply (NTC). The NTC will identify the source(s) of violation, corrective action(s) to restore the site to an acceptable and lawful condition and a required compliance date.
3. In an emergency situation or failure to comply with the NTC, the Issuance of Stop Work Order (SWO) is utilized. The SWO is a cease and desist order posted onsite until all noncompliant items and corrective measures have been taken. Violations where a Stop Work Order is required immediately, without warning:
  - a. Land disturbance without a permit
  - b. Excessive sediment leaving the site
  - c. Violation of the Stream Buffer Ordinance
  - d. Land disturbance with no GSWCC certified personnel on site.
4. Failure to remedy a SWO will result in the Citation to Environmental Court (CTEC)); corrective measures and timeline are specified in the CTEC, no work is allowed onsite unless it is corrective in nature.
5. Judicial enforcement action including injunctive relief and criminal prosecution is to be utilized to achieve compliance should all other efforts fail to address violations. Working with the Environmental Court Solicitor, Fulton County Inspectors, Lead Engineer and Director will formulate a recommendation for fines and mitigation measures.

Ordinances and regulation for this part of the Enforcement Response Plan are provided in:



- Chapter 26, Article II, Erosion, Sedimentation and Pollution Control of 2010.
- Article VII, Fulton County Unified Stream Buffer Protection Ordinance

#### 4.3 Time Frame for Enforcement Measures

1. Enforcement responses to initial construction related storm water violations will be initiated within 5 days of discovery, or at the discretion of Fulton County. In cases where a NTC is issued, immediate action is required.
2. If necessary, follow-up inspections or site visits will occur within 1 day of the compliance date specified in the NTC.
3. Follow-up action for repeat or recurring offenses will occur within 5 days of discovery of the offense, and may include additional enforcement actions including Administrative Orders, Fines, and Judicial Enforcement.
4. In the event of an emergency situation caused by storm water violations and presenting imminent danger to the public health or safety, or danger to County personnel, or the environment, the County may initiate enforcement responses including:
  - i. Issuance of Stop Work Order (SWO); or
  - ii. A freeze on the issuance all of Land Disturbance Permits to the entity in violation.

#### 4.4 Administrative Fine Schedule

As a result of significant non-compliance, an owner may be assessed an administrative fine with a maximum penalty of \$2,500, per day, per violation. Each day during which violation or failure or refusal to comply continues shall be a considered a separate violation.

Minimum administrative penalties shall be as follows:

1. Conducting land disturbance activities without a land disturbance permit or building permit (first offense) - \$250.00 for each violation and/or each day on which a violation exists.
2. Conducting land disturbance activities without a land disturbance permit or building permit (second or subsequent offense) - \$1,000.00 per violation and/or each day on which a violation exists.
3. Lack of proper installation or maintenance of best management practices - \$250.00 per violation.
4. Working under a Stop Work Order (first offense) - \$500.00 per violation and/or each day on which a violation exists.
5. Working under a Stop Work Order (second or subsequent offense) - \$1,500.00 per violation and/or each day on which a violation exists.

#### 4.5 Reconsideration of Penalties, Administrative Appeal and Judicial Review

***Reconsideration Appeal*** If a property owner wishes to dispute an assessed administrative penalty, the owner must file a written appeal to the Director seeking reconsideration of the County's action. The appeal must clearly define the nature of the disagreement, the specific reference to the code or ordinance referenced in the action and the appellant's arguments supporting their appeal.



*Administrative Appeal.* The appeal shall entitle the person submitting the plan or holding the permit to a hearing before the Fulton County Board of Commissioners, within 30 days after receipt by the Director of written notice of appeal.

*Judicial review.* Any person aggrieved by a decision or order of Fulton County, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Fulton County.

#### 4.6 Construction Related Stormwater Violation Enforcement Schedule

<b>E &amp; S Violation Enforcement</b>	<b>VW</b>	<b>DTR</b>	<b>NTC</b>	<b>DTR</b>	<b>SWO</b>	<b>DTR</b>	<b>CTEC</b>
Failure to post permit / no permit issued					X	1	X
Violation of stop work order							X
Proper BMP's not in place	X	2	X	1	X	1	X
BMP's not maintained (minor)	X	3	X	1	X	1	X
BMP's not maintained (major)			X	1	X	0	X
Buffer violations					X	0	X
Excessive sediment leaving site					X	0	X
Failure to maintain stormwater ponds (minor)	X	3	X	3	X	0	X
Failure to maintain stormwater ponds (major)			X	2	X	0	X
Failure to have certified staff member on site during land disturbing activity					X	0	X

VW: verbal warning

NTC: notice to comply

SWO: stop work order

CTEC: citation to Environmental Court

DTR: Days to remediate

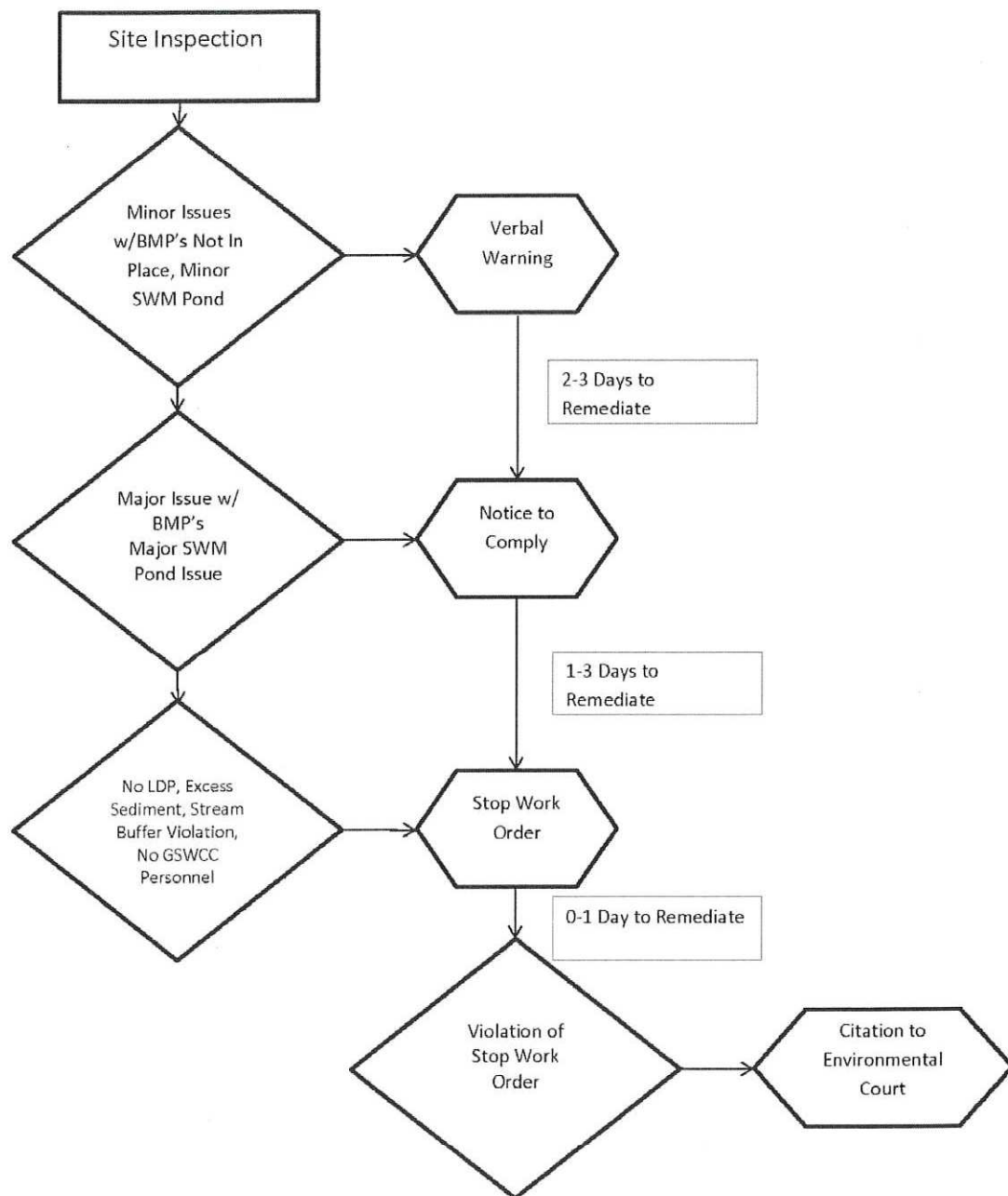
The SWM Pond major violation would be if Public Safety or Water Quality is in danger.

The SWM Pond minor violation would be if BMP's or permanent stabilization lack proper maintenance.

Fulton County keeps a log of all the Erosion, Sedimentation and Pollution Control and Stream Buffer Protection Ordinance violations and gives a summary to the GSWCC District at each Bi-monthly Meeting.

Enforcement will follow the procedure shown on the following page.

## Section 4



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**Appendix B – Impaired Waters**  
**Section 3.3.7 of the Permit**

**Appendix B – Impaired Waters**  
**Section 3.3.7 of the Permit**

1. Population at the time of designation: 760,000 (approx., 1994)
2. The Impaired Waters Plan (see Part 3.3.7 of the NPDES Permit) must, at a minimum, include:
  - A list of impaired waters and the pollutant(s) of concern, including the date of the 303(d) list used;
  - A map showing the location of the impaired waters, the monitoring location, and all identified MS4 outfalls located on the impaired waters or occurring within one linear mile upstream of the waters;
  - The sample location (instream or at the outfalls);
  - Information on the sample type, frequency, and any seasonal considerations;
  - Schedule for starting monitoring for any newly identified pollutants
  - BMPs that will be implemented to address each pollutant of concern; and
  - A schedule for implementing the BMPs;
  - The information to be included in each annual report, including the monitoring data, as assessment of data trends, and an assessment of the effectiveness of the BMPs.
3. If the population exceeds 10,000, and a water is impaired for fecal coliform bacteria, then the MS4 must also address the following in the Impaired Water Plan:
  - Sample frequency for fecal coliform bacteria to include four geometric means per reporting period (16 samples);
  - A description of the development of a Sampling Quality and Assurance Plan if the fecal coliform data is below water quality standards for two years.

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Attachments

Attachment 1 – Zinc Source Inventory Inspection Form and MS4 Facility Inspection Report for MetalPlate Galvanizing Inc.

(Appendix B Attachments submitted separately in electronic format on flash drive)

## Introduction

This document constitutes Fulton County's Impaired Waterbodies Monitoring and Implementation Plan (MIP). The Plan is based on guidance offered by 3.3.7, *Phase I MS4 (Medium and Large) Storm Water Management Program (SWP) Guidance*, as provided by the Georgia Environmental Protection Division's (EPD). The Plan is based on EPD's 2018 305(b)/303(d) list of impaired stream segments, and will be updated as necessary as the 305(b)/303(d) list of impaired stream segments is updated by EPD. The Fulton County MIP covers the MS4 area located in the Fulton Industrial Business District (FIB).

## Impaired Waters & Maps

The impaired waters, 12 place hydraulic unit code (HUC 12) and reach violation for stream within Fulton County's municipal separate storm sewer system (MS4) jurisdictional area, based on 2018 Georgia 305(b)/303(d) List of impaired streams are shown in **Table 1** below.

**Table 1 - 2018 Georgia 305(b)/303(d) List of Impaired Streams**

Reach Name <sup>1</sup>	Reach ID	Reach Violation	TMDL Status
Sandy Creek (AKA Cooper Sandy Creek)	R031300020104	FC	TMDL completed FC 2003 (revised 2008).
Utoy Creek	R031300020106	FC, Zn	TMDLs completed FC 2003 (revised 2008), Cu 2003, Zn 2003.

As shown on the map on the following pages Fulton County currently has water quality monitoring stations on Utoy and Sandy Creek (**Figure 1**). These stations are monitored in accordance with the County Watershed Protection Plan (WPP) requirements. The WPP monitoring requirements exceed the MIP requirements, and therefore Fulton County will report results from those stations as part of this MIP. Monitoring results for fecal coliform, and zinc monitored as part of the WPP will be reported annual as part of the MS4 annual report. The county will use graphs and a narrative to demonstrate water quality trends in the data. Utoy and Sandy Creeks are currently listed due to fecal coliforms, and monitoring will be implemented on these basins in accordance with EPD's requirements under the County's MS4 permit.

<sup>1</sup> Information in this table is based on a review of the list of TMDL Implementation Plans with TMDLs organized by Basin and HUC10 can be found here, last updated June 2011, available from [https://epd.georgia.gov/sites/epd.georgia.gov/files/TMDL\\_TMDLPlan\\_List\\_2011\\_updated\\_0.pdf](https://epd.georgia.gov/sites/epd.georgia.gov/files/TMDL_TMDLPlan_List_2011_updated_0.pdf)

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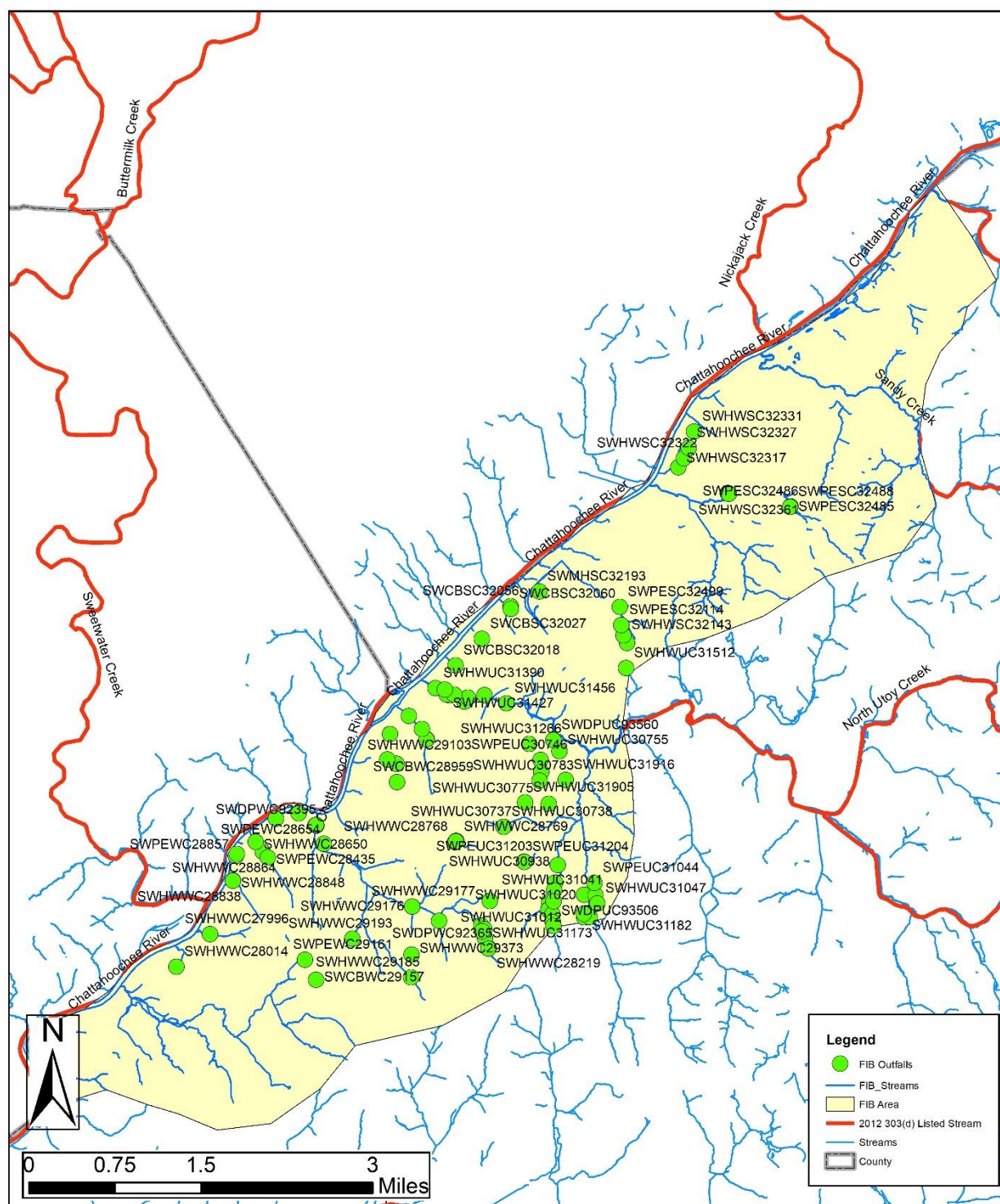
The Permit requires the County to submit maps showing the impaired water and the outfalls on the receiving stream. The following **Figure 2** identifies outfalls to impaired waters or one mile upstream of impaired waters.





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## Fulton County Outfall Location Map

Figure 2 – Sandy Creek and Utoy Creek Outfall Location Map

**Monitoring Plan - Utoy Creek and Sandy Creek**

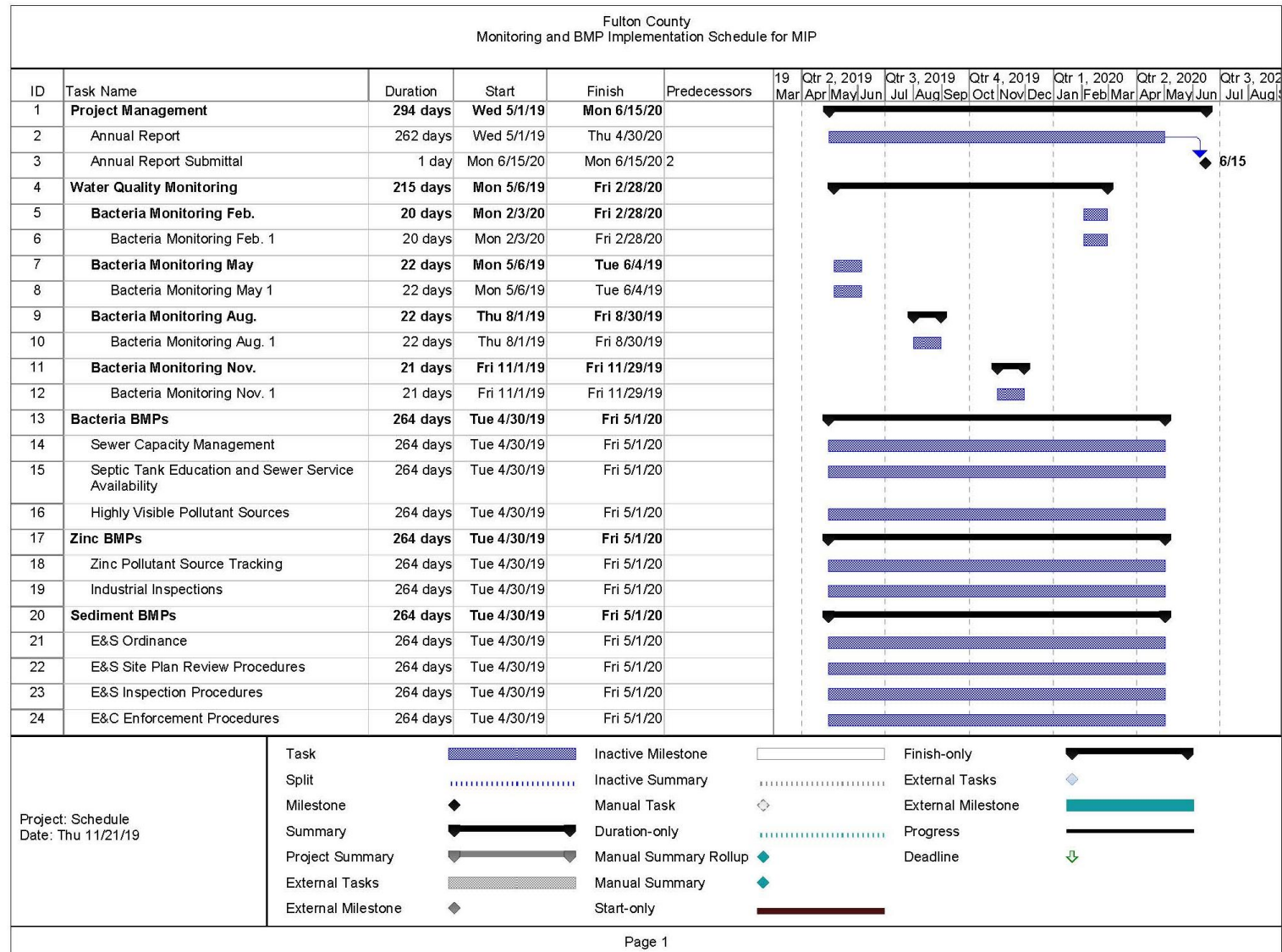
In general, sampling in Sandy Creek and Utoy Creeks will be performed as part of the County's watershed protection plan sampling activities, in accordance with the following **Table 2**.

**Table 2 – Existing Monitoring Plan**

<b>Reach Name</b>	<b>Reach Violation</b>	<b>Sampling Program</b>
Utoy Creek	Fecal coliforms	<ul style="list-style-type: none"> <li>4 grab samples will be acquired within a 30 day period at sampling station UT-1, with no two samples being taken within 24 hours of each other, and preferentially on the same day of the week               <ul style="list-style-type: none"> <li>The samples will be analyzed for fecal coliforms.</li> <li>One geometric mean will be calculated from the 4 samples collected within 30 days.</li> <li>The County must collect 16 samples to calculate 4 geometric means.</li> <li>Raw data and the geometric means will be reported.</li> </ul> </li> </ul>
	Zinc	<ul style="list-style-type: none"> <li>4 grab samples will be acquired at sampling station UT-1 every quarter               <ul style="list-style-type: none"> <li>The samples will be analyzed for zinc.</li> <li>Raw data and mean value will be reported.</li> </ul> </li> </ul>
Sandy Creek	Fecal Coliforms	<ul style="list-style-type: none"> <li>4 grab samples will be acquired within a 30 day period at sampling station SA-1, with no two samples being taken within 24 hours of each other, and preferentially on the same day of the week               <ul style="list-style-type: none"> <li>The samples will be analyzed for fecal coliforms.</li> <li>One geometric mean will be calculated from the 4 samples collected within 30 days.</li> <li>The County must collect 16 samples to calculate 4 geometric means.</li> <li>Raw data and the geometric means will be reported.</li> </ul> </li> </ul>

The schedule for fecal coliform, and zinc included in **Figure 3**. The schedule also highlights the beginning, and frequency of implementation measures to address the pollutants of concern (POC). In most cases the implementation measures will be performed the duration of the permit.

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**Figure 3 – Monitoring and Implementation Schedule**

## Implementation Plan

In general, the pollutants of concern in the streams within Fulton County's municipal separate storm sewer (MS4) jurisdictional area are fecal coliforms, and zinc.

These pollutants require different strategies to reduce or eliminate pollution sources that cause violations of water quality standards and will therefore be discussed separately.

### Fecal coliforms

Fecal coliform bacteria contamination is a result of human and/or animal sources. Potential sources include sanitary sewer overflows (SSOs), failed sanitary sewers, leaking or overflowing septic tanks, livestock, domestic pets and wildlife. Fulton County's primary focus will be on addressing fecal coliform from human sources, particularly from sanitary sewer system discharges due to blockages or inadequate capacity caused by inflow and infiltration.

#### Sewer Capacity Management

SSOs and failed sanitary sewers will be addressed by a combination of a capacity management operations and maintenance program (CMOM), flow monitoring and inspecting sanitary sewers where they cross stream or rivers. The CMOM program includes the following elements: proactive system maintenance, capital improvements, public education, collection system modeling, industrial monitoring, commercial pretreatment, safety training, flow monitoring and emergency response plan. The CMOM program is currently ongoing and will continue during the duration of the MS4 permit.

**Measurable Goal(s):** The effectiveness of the CMOM program can be measured by the reduction in frequency and volume of SSOs. The effectiveness of the CMOM program to reduce fecal coliform in state waters will be tracked by monitoring fecal coliform according to the monitoring program outlined in this Plan.

#### Septic Tank Education and Sewer Service Availability

Leaking or overflowing septic tanks will be addressed by a combination of educational efforts and providing sewer service to developed areas by 2030. Septic tank maintenance education and maintenance logs are available on the County website. The education brochure includes tips to avoid septic tank issues. The Fulton County Health Department issues permits for septic tanks. The Health Department also provides education for septic tank maintenance. In existing areas where sewer is currently unavailable and failed septic tanks are beginning to show up, homeowners can petition the County to extend sanitary sewer to their homes. Upon receipt of a petition, staff review the area to determine if sanitary sewer can reach the petitioners and will contact the homeowners.

If the conditions are favorable, a preliminary design will be completed for the sewer extension and a package will be submitted to the Fulton County Board of Commissioners for approval of the petition. Upon approval, final design and installation can occur. During the process, a homeowners



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meeting is set up to explain the petition process, design impacts and construction process. Any easements that may be required from the petitioners are to be donations as part of the petition process. Septic tank education is currently available on the Fulton County website. The education materials will continue to be available during the duration of the MS4 permit.

**Measurable Goal(s):** It is the goal of Fulton County to provide sewer service to developed areas by 2030. The effectiveness of septic tank education and sewer availability to reduce fecal coliform in state waters will be tracked by monitoring fecal coliform according to the monitoring program outlined in this Plan.

## Zinc

### Zinc Pollutant Source Tracking

Zinc has been a persistent POC in the Utoy Creek basin. Chemical sampling is conducted at Utoy Creek for Zinc during each quarter of the permit period. The criteria limit for total zinc for aquatic life in freshwater is 120 µg/L according to the United States Environmental Protection Agency. The criteria limit for dissolved zinc for aquatic life is dependent on hardness. The formula to calculate the criteria limit for dissolved zinc based on hardness is  $e(0.8473 * (\ln(\text{hardness})) + 0.884) * 0.978$ . The following is the most recent data on zinc levels in Utoy Creek from the 2019-2020 reporting period. Total zinc in Utoy Creek was above the criteria limit in March 2020 (122 µg/L). The criteria limit for dissolved zinc in May 2019 is 59.6 µg/L, September 2019 is 58.0 µg/L, November 2019 is 49.1 µg/L, and March 2020 is 58.4 µg/L. Dissolved zinc exceeded criteria limits in May 2019 (60.5 µg/L), November 2019 (83.4 µg/L), and March 2020 (129 µg/L). One site, Metalplate Galvanizing, has been identified by EPD as a significant source of zinc, and is under a consent order, and is in the process of developing a stormwater pollution prevention plan (SWPPP). The most recent zinc source and facility inspection forms for the site are provided in **Attachment 1**.

**Measurable Goal(s):** Fulton County, through its' industrial stormwater inspections, will continue to monitor zinc levels in Utoy Creek and will ensure strict compliance with the SWPPP, and will immediately notify EPD of any deviations from the SWPPP.

### Industrial Inspections

As part of the industrial stormwater inspections Fulton County will focus the inspections and pollution prevention practices on potential sources of zinc, such as galvanized metal surfaces, motor oil, hydraulic fluid and tire dust.

Fulton County will identify all industrial sites in the Utoy Creek basin and complete a Zinc Source Inventory Worksheet.

**Measurable Goal(s):** A copy of the worksheet is included in Appendix J – Inspection Forms. All activities related to zinc loading, with the exception of sediment sampling and analysis, will be performed continuously throughout the life of the County's MS4 Permit. Zinc levels will be tracked by monitoring zinc in Utoy Creek according to the monitoring program outlined in this Plan.

## BMP Assessment

BMP will be assessed for effectiveness annually using line graphs depicting data gathered over the year on the applicable POC. It will be decided if each stream's water quality is degrading or improving at which point the county will decide if the existing BMP are sufficient. If it is decided that they are not sufficient the existing BMPs need to be revised, replaced, or additional BMPs need to be added.

## Optional Tasks

In addition to the above BMP's the County will:

- Actively look for opportunities to apply for 319(h) grants
- Evaluate a cost-share program on cleaning out detention ponds
- Consider enhancing current stormwater programs to look for fecal coliform "hot spots," such as veterinarian clinics and kennels, and educating them on the proper disposal of pet wastes

## Documentation

Each annual report will include the following for documentation of data collection and assessment:

- Monitoring Data – GA EPD Water Quality Data Excel Spreadsheets and Lab Reports
  - This section will present water quality data collected during the permit year.
- Geometric Means – Tables in PDF documents
  - This section will include tables included in the PDF of Appendix K of the annual report displaying the geometric mean values for bacteria identified during the permit year.
- Data Assessment – PDF Document
  - This section will be the PDF of Appendix K of the annual report and will assess the monitoring data collected and the geometric means calculated, compare it to historical bacteria levels, and make assessments on the health of each stream.
- BMP Assessment – PDF Document
  - This section will be presented in PDF form assessing the impact of the best management practices (BMP) on pollutants of concern (POC) – fecal coliform and zinc.

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**Appendix C – Municipal Employee Training**  
**Section 3.3.8 of the Permit**

**Appendix C – Municipal Employee Training**  
**Section 3.3.8 of the Permit**

1. Description of the Employee Training Program: Public Works will have staff trained in NPDES land disturbance inspections (GWSCC certifications) and provide a summary of training conducted during the reporting period.

Employees of the Public Works Division are trained on the proper application and handling of chemicals and how to reduce pollution on a quarterly basis. The training is given by each crew supervisor during mandatory safety meetings. Employees also attend yearly training courses given by Cooperative Extension on the proper handling and usage of herbicides and ways to reduce pollution.

Fulton County will conduct regular training of employees on proper stormwater pollution prevention practices and protocols, as well as proper safety methods to reduce the potential that materials or equipment will be mishandled or misused. The training will be focused on the reduction of injury, loss of materials, release of contaminants, and the impact that pollutants have on receiving waters. The training sessions will be based on Volume 3, Pollution Prevention Guidebook of the Georgia Stormwater Management Manual. Aside from a general stormwater awareness theme the training sessions will focus on:

- Pollution prevention/good housekeeping measures
- Spill Response and Prevention
- Information about the operation and maintenance of structural best management practices (BMPs)
- Stormwater pollution prevention plans (SWPPPs) for municipal facilities
- BMPs recommended for use in the field to prevent contaminated discharges
- Training to recognize, track, and report illicit discharges.

In addition, the County will:

- Integrate information sessions on stormwater pollution prevention into other employee training programs.
- Discuss stormwater pollution prevention at employee meetings.
- Promote stormwater pollution prevention concepts through posters, brochures, newsletters, etc.
- Post bulletin boards with updated stormwater pollution prevention procedures, tips and reminders.

Link to Training Presentation and Quiz: [https://river2tap-my.sharepoint.com/:f/g/personal/amanda\\_lester\\_r2tinc\\_com/Emzkg7EJp45IhsK0I9QW0mEBfQFIKy4RQc4eW9SUx1VXQQ?e=IJr2XK](https://river2tap-my.sharepoint.com/:f/g/personal/amanda_lester_r2tinc_com/Emzkg7EJp45IhsK0I9QW0mEBfQFIKy4RQc4eW9SUx1VXQQ?e=IJr2XK)



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Erosion Training Video: <https://vimeo.com/261165636>

Spill Prevention Training Video: <https://vimeo.com/262233913>

Illicit Detection Training Video: <https://vimeo.com/268448027>

2. Measurable goal(s): Fulton County will hold one training event each reporting period.
3. Documentation to be submitted with each Annual Report: A summary of training conducted during the reporting period will be included with every annual report.

County will report the dates, locations and number of employees trained and include sign-in sheets as attachments in each annual MS4 report.

The remaining appendices are submitted on the provided flash drive:

**Appendix D – Definitions**

**Appendix E – Stormwater Inventory Map – Section 3.3.1 of the Permit**

**Appendix F – Stormwater Inventory (Tabular Format) – Section 3.3.1 of the Permit**

**Appendix G – Inventory, Municipal Facilities with Potential to Cause Pollution – Section 3.3.1 of the Permit**

**Appendix H – Ordinances**

**Appendix I – MS4 Inventory Outfall Map – Section 3.3.2 of the Permit**

**Appendix J – MS4 Outfall Inventory (Tabular Format) – Section 3.3.2 of the Permit**

**Appendix K – Fulton County Illicit Discharge Detection and Elimination Plan – Section 3.3.2 of the Permit**

**Appendix L – Inventory, Industrial Facilities with Potential to Cause Pollution – Section 3.3.3 of the Permit**

**Appendix M – Inspection Forms**

**Appendix N – Construction Site Management – Land Disturbance Activity Permits & Inspectors' GSWCC Certifications – Section 3.3.4 of the Permit**

**Appendix O – Inventory, Highly Visible Pollutant Sources – Section 3.3.5 of the Permit**

**Appendix P – GI/LID Program – Section 3.3.11(b)(2) of the Permit**