



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL 10 2019

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RETURN RECEIPT REQUESTED



The Honorable Robert Reichert
Mayor of Macon-Bibb County
700 Poplar Street, 2nd Floor
Macon, Georgia 31201-3282

Re: Administrative Order on Consent
Macon-Bibb County MS4
Docket No. CWA-04-2019-4752
National Pollutant Discharge Elimination System Permit No.: GAS000301

Dear Mayor Reichert:

Pursuant to Section 309(a) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a), as amended, the Director of the Water Protection Division, United States Environmental Protection Agency Region 4, has determined that the above named facility is in violation of Section 301 of the CWA, 33 U.S.C. § 1311. As a result, the Director has issued the enclosed Administrative Order on Consent (AOC).

This AOC does not replace, modify or eliminate any other requirements of the CWA or National Pollutant Discharge Elimination System (NPDES) permit. Notwithstanding the issuance of this AOC, the EPA retains the right to bring further enforcement action under Sections 309(d) or 309(g) of the CWA, 33 U.S.C. §§ 1319(d) or 1319(g), for the violations cited therein or for any other violation of the CWA. Violations of the CWA, including requirements contained in a NPDES permit or an AOC issued under Section 309(a) of the CWA, remain subject to a civil penalty of up to \$54,833 per day for each violation, pursuant to Sections 309(d) or 309(g) of the CWA, 33 U.S.C. §§ 1319(d) or 1319(g), as amended by the *Civil Monetary Penalty Inflation Adjustment Rule*, 73 Fed. Reg. 75340 (February 25, 2019). Such violations may also be subject to criminal penalties pursuant to Section 309(c) of the CWA.

If you have any questions concerning the enclosed AOC, please contact Mr. Kenneth Kwan, P.E., at (404) 562-9752, by email at kwan.ken@epa.gov, or at the address on the letterhead.

Sincerely,

Mary Jo Bragan, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosure

cc: See Attached List

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:) **ADMINISTRATIVE ORDER**
) **ON CONSENT**
MACON-BIBB COUNTY)
) **DOCKET No. CWA-04-2019-4752**
PROCEEDING UNDER SECTION)
309(a) OF THE CLEAN WATER ACT,)
33 U.S.C. § 1319(a))

ADMINISTRATIVE ORDER ON CONSENT

I. STATUTORY AUTHORITY

1. Section 309(a) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a), provides that, whenever the U.S. Environmental Protection Agency (EPA) finds that any person is in violation of any condition or limitation which implements, *inter alia*, Section 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, EPA may issue an order requiring such person to comply with such condition or limitation, and shall specify a time for compliance that EPA determines to be reasonable.

2. The following Findings of Fact and Determinations of Law are made and Administrative Order on Consent (AOC) issued pursuant to the authority vested in EPA by Sections 308 and 309(a) of the CWA, 33 U.S.C. §§ 1318 and 1319(a), as amended. This authority has been delegated to the Regional Administrator of EPA, Region 4, and further delegated by the Regional Administrator to the Director of the Enforcement and Compliance Assurance Division, EPA, Region 4.

II. EPA'S FINDINGS OF FACT AND DETERMINATIONS OF LAW

3. The Macon-Bibb County (Respondent or Permittee) is a "municipality" and is a "person" within the meaning of Sections 502(4) and (5) of the CWA, 33 U.S.C. §§ 1362(4) and (5).

4. At all times relevant to this action Permittee owned and/or operated a municipal separate storm sewer system (MS4).

5. To accomplish the objective of the CWA, defined in Section 101(a) of the CWA, 33 U.S.C. § 1251(a), to restore and maintain the chemical, physical, and biological integrity of the nation's waters, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into waters of the United States except in compliance with a National

Pollutant Discharge Elimination System (NPDES) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

6. Section 402(a) of the CWA, 33 U.S.C. § 1342, establishes a NPDES Permit Program authorizing the EPA or authorized states to administer the NPDES Permit Program, including the issuance of NPDES permits allowing for the discharge of pollutants, including stormwater, into navigable waters subject to specific terms and conditions. The EPA has granted the State of Georgia Department of Natural Resources Environmental Protection Division (GEPD), approval to issue NPDES permits pursuant to Section 402(b) of the CWA.

7. Pursuant to 40 C.F.R. § 122.26(a)(3) NPDES permits must be obtained for all discharges from large and medium MS4s.

8. GEPD issued *Authorization to Discharge Under the National Pollutant Discharge Elimination System Discharges from Municipal Separate Storm Sewer Systems Permit No. GAS000301* (the 2017 Permit) to the Respondent, to cover discharges from the Respondent's MS4, with an effective date of April 12, 2017, and an expiration date of April 11, 2022. Prior to April 12, 2017, the Respondent was covered under the 2014 version of the permit with an effective date of October 20, 2014, and an expiration date of April 11, 2017 (the 2014 Permit). Citations to Permit Sections in this Order are citations to both the 2014 and 2017 Permits unless otherwise noted.

9. Permit Part 5.1 states that the Permittee must comply with all conditions of this Permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for an enforcement action.

10. Permit Part 3.3.1 requires that the Permittee's stormwater management program include the elements listed in Table 3.3.1.

11. Table 3.3.1.1.a. of the Permit states that the Permittee must "[p]rovide an inventory and map of MS4 control structures as defined in the SWMP [Stormwater Management Program] with each annual report. 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)."

12. Table 3.3.1.2.a. of the Permit states that the Permittee must "[c]onduct inspections of the MS4 structures so that 100 percent of the structures are inspected within the 5-year period. The permittee must conduct a percentage of the inspections each year. The 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 in each annual report."

13. Table 3.3.1.3.a. of the Permit states that the Permittee must "[d]evelop a comprehensive planning document which addresses, in part, areas of new development and redevelopment to reduce pollutants in discharges from the MS4."

14. Table 3.3.1.4.a. of the Permit states that the Permittee must “[i]mplement street maintenance and cleaning procedures specified in the SWMP. Documentation on activities conducted during the reporting period, such as litter removal, street sweeping, de-icing material removal, road repair, etc., must be submitted in each annual report. Report details such as the amount of litter removed, miles of street swept, final disposal of waste, etc., and provide documentation in each annual report.”

15. Table 3.3.1.5.b. of the Permit states that the Permittee must “[i]mplement the procedures specified in the SWMP to ensure existing structural flood control devices are evaluated during each reporting period to determine if retrofitting the devices for additional pollutant removal is feasible. Provide details in each annual report.”

16. Table 3.3.1.6.a. of the Permit states that the Permittee must “[m]aintain and/or update an inventory of municipal facilities with the potential to cause pollution (e.g., water treatment plants, wastewater plants <1.0 MGD, waste transfer facilities) and provide in each annual report.”

17. Table 3.3.1.6.b. of the Permit states that the Permittee must “[i]mplement the program to control runoff from municipal waste 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 percent of the inventoried facilities within the 5-year permit term.”

18. Table 3.3.1.7.b. of the Permit states that the Permittee must “[i]mplement the program to reduce pollution caused by the municipal use of pesticides, fertilizer, and herbicides as described in the SWMP. If municipal staff performs application of pesticides, fertilizers, and herbicides, ensure they are properly trained by the Georgia Department of Agriculture. Provide documentation of program activities in each annual report.”

19. Table 3.3.2.2.a. of the Permit states that the Permittee must “[p]rovide an 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.”

20. Table 3.3.2.3.b. of the Permit states that the Permittee must “[i]mplement 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.”

21. Table 3.3.2.3.c. of the Permit states that the Permittee must “[e]nsure 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 on any enforcement actions taken for illicit discharges....”

22. Table 3.3.2.5.b. of the Permit states that the Permittee must “[i]mplement the procedures for receiving and responding to complaints related to illicit discharges described in the SWMP.

Provide information on each complaint related to IDDE [Illicit Discharge Detection and Elimination] that was received and investigated during the reporting period in each annual report, including its status.”

23. Table 3.3.3.2.b. of the Permit states that the Permittee must “[i]mplement a monitoring program for stormwater runoff from industrial facilities, waste facilities, 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. This shall include all facilities that the permittee determines are contributing a substantial pollutant loading to the MS4.”

24. Table 3.3.3.3.a. of the Permit states that the Permittee must “[i]mplement the 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.”

25. Table 3.3.3.4.a. of the Permit states that the Permittee must “[i]mplement educational activities for industrial facilities. Provide details of any educational activities performed during the reporting period in each annual report.”

26. Table 3.3.4.2.a. of the Permit states that the Permittee must “[i]mplement the site plan review procedures described in the SWMP.”

27. Table 3.3.4.3.a. of the Permit states that the Permittee must “[i]mplement the construction site inspection program to ensure that the structural and non-structural BMPs at construction sites are properly designed and maintained as specified in the Construction General Permits (CGPs).”

28. Table 3.3.4.3.c. of the Permit states that the Permittee must “[p]rovide the number of active sites and the number of inspections conducted during the previous reporting period in each annual report.”

29. Table 3.3.4.4.a. of the Permit states that the Permittee must “[i]mplement enforcement procedures for E&S [erosion and sediment] violations documented at construction sites during the reporting period 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 during the reporting period in each annual report, including the number and type (Notice of Violation, Stop Work Order, etc.).”

30. Table 3.3.5.1. of the Permit states that the Permittee must “[m]aintain and/or update an inventory for Highly Visible Sources (HVPS) facilities that discharge to the MS4.”

31. Permit 3.3.6. that the Permittee must “[d]evelop and implement an ERP that describes the actions to be taken for violations associated with....HVPS....” The ERP must detail when enforcement mechanisms will be employed, the path of escalation, and the time frame for each step.

32. Permit Part 3.3.7. states that the Permittee must “[i]dentify any impaired waterbodies located within its jurisdictional area, using the latest approved Georgia 305(b)/303(d) List of Waters...which contain MS4 outfalls or are within one linear mile downstream of MS4 outfalls. Also, the pollutant of concern must be identified. The permittee shall propose a monitoring and implementation plan (Plan) addressing each pollutant of concern. The permittee must check annually whether an impaired waterbody within its jurisdiction has been added to the latest 305(b)/303(d) list. Newly listed waterbodies must be addressed in the Plan 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 Plan or a revision to the existing Plan.

33. Permit Part 3.3.8. states that the Permittee must “[o]btain stormwater-related training for its employees at least annually.”

34. Permit Part 3.3.9. states that the Permittee must [i]mplement its own public education program, with a minimum of three separate public education activities.”

35. Permit Part 3.3.10. states that the Permittee must [c]onduct a public involvement program.....that must consist of a minimum of three separate public involvement activities.”

36. On February 27 – March 1, 2018, PG Environmental, contractor for the EPA, along with representatives from EPA Region 4 and GEPD, conducted an inspection of the Respondent’s MS4 Program to evaluate the Respondent’s compliance with Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p); the regulations promulgated thereunder at 40 C.F.R. § 122.26; and the Permit.

37. On September 27, 2018, the EPA sent a Notice of Violation (NOV) to the Permittee for violations of the CWA and the Permit observed by the EPA during the February 27 – March 1, 2018, inspection (January Inspection) and requested that the Permittee contact the EPA to schedule a Show Cause Meeting.

38. On November 27, 2018, Respondent submitted written responses to the EPA’s NOV.

* 39. On November 29, 2018, a show cause meeting was held between the EPA and Respondent to discuss the alleged violations in the NOV.

* 40. Based on the inspection observations, the review of the information provided to the EPA by the Respondent, the review of the April 2017 MS4 Annual Report, the ERP, and the show cause meeting, the EPA has determined that the Permittee has failed to comply with the CWA, its implementing regulations, and the Permit as follows:

A. The Permittee’s GIS-based inventory/map of MS4 control structures did not identify all storm sewer system structures located in the MS4 service area. The City of Macon and Bibb

County consolidated governments in 2014. During the EPA inspection, representatives from the Engineering Department explained that approximately 30 percent of the City of Macon's geographic area from before the City of Macon consolidated with Bibb County had not been inventoried or mapped in violation of the Table 3.3.1.1.a. of the Permit.

- B. At the time of the EPA inspection, the Permittee had not inventoried or mapped approximately 30 percent of the City of Macon's geographic area before consolidation; therefore, the number of total MS4 structures in the Permittee's entire MS4 was unknown. As a result, the Permittee could not have been conducting inspections so that 100 percent of the structures are inspected within the 5-year period in violation of Table 3.3.1.2.a. of the Permit.
- C. The Permittee's April 2017 MS4 Annual Report states that no existing flood management projects were evaluated during the reporting period. During the inspection, Permittee representatives stated that they had evaluated approximately half of the 14 County-owned detention ponds for potential retrofits during the current reporting year (2017-2018). However, Permittee representatives stated that the evaluations focused solely on determining if the ponds could be feasibly increased in size. The evaluations did not include assessing the feasibility of retrofitting the ponds for additional pollutant removal by means other than increasing the size (e.g., installing steel grates at the outlet structures for trash/debris removal). Furthermore, the Permittee had not documented these detention pond evaluations in violation of Table 3.3.1.5.b. of the Permit.
- D. Through discussions with the Permittee during the EPA inspection, EPA identified the Parks and Beautification/Solid Waste facility, Bowden Golf Course, and Central City Park as Permittee-owned facilities with the potential to cause pollution that had not been inventoried or assessed for inclusion in the inventory. Permittee representatives stated that the Macon-Bibb Fire Department operates a training facility but it was unclear what types of activities occur at the facility. Therefore, Permittee's inventory of facilities with the potential to cause pollution was incomplete in violation of Table 3.3.1.7.a. of the 2014 Permit, and Table 3.3.1.6.a. of the 2017 Permit.
- E. During the EPA inspection, the Permittee stated that inspections of Permittee facilities with the potential to cause pollution were not documented. As such, the Inspection Team was unable to assess whether inspections were adequately evaluating the facilities for the potential to pollute stormwater, or whether the inspections were occurring at all. The Permittee's 2016-2017 Annual Report does not include any documentation related to inspections of County facilities with the potential to cause pollution in violation of Table 3.3.1.7.b. of the 2014 Permit, and Table 3.3.1.6.b. of the 2017 Permit.
- * * F. During the EPA inspection, the Permittee stated that pesticide application training had not been provided to Public Works employees or otherwise ensured that they were trained in accordance with Georgia Department of Agriculture requirements. Therefore, Permittee had not developed or implemented a program to reduce pollution by the application of

pesticides, fertilizer, and herbicides in violation of Table 3.3.1.8.b. of the 2014 Permit, and Table 3.3.1.7.b. of the 2017 Permit.

- G. During the EPA inspection, the Permittee explained that MS4 structures (including outfalls) in approximately 30 percent of the City of Macon's geographic area had not been inventoried or mapped. These outfalls remained unmapped from when the County's and City's MS4 programs were consolidated in 2014 and the two inventories had to be merged into the same format. Therefore, Permittee's inventory of MS4 outfalls did not identify all outfalls which discharged stormwater from Respondent's MS4 to waters of the State in violation of Table 3.3.2.2.a. of the 2014 and 2017 Permit.
- H. The Permittee's IDDE investigative and follow-up procedures did not include immediate sampling and/or inspection procedures and therefore are not consistent with the SWMP in violation of Table 3.3.2.3.b of the 2014 and 2017 Permit.
- I. During the EPA inspection, the Permittee stated that they had not performed any monitoring activities identified as necessary from industrial facility inspections. The Permittee's 2016-2017 Annual Report states that no monitoring of stormwater runoff from industrial facilities was conducted during the reporting period. Further, the Permittee did not have any procedures for what types of monitoring activities would be implemented in response to various issues identified during inspections in violation of Table 3.3.3.2.b. of the 2014 and 2017 Permit.
- J. The Permittee was not issuing Land Disturbing Activity (LDA) permits or regularly inspecting tertiary construction sites. According to representatives from the Engineering Department during the EPA inspection, the Permittee required tertiary permittees to sign a soil erosion plan agreement but was not issuing them LDA permits in violation of Tables 3.3.4.2.a. and 3.3.4.3.a. of the 2014 and 2017 Permit.
- K. During the EPA inspection, the EPA discovered that the Permittee's inspection program: (a) did not routinely conduct comprehensive construction inspections, (b) had not developed or implemented construction site inspection documentation protocol, and (c) did not document the number of construction site inspections. The construction site inspector did not use an inspection report, checklist, or other form to document construction site inspections. Therefore, Permittee had not fully developed or implemented a construction site program to ensure that structural and non-structural BMPs at construction sites are properly installed and/or maintained in violation of Table 3.3.4.3.a. of the 2014 and 2017 Permit.
- * L. During the EPA inspection, the Permittee stated that they did not track the number of construction site inspections conducted. The representatives explained that the 578 * inspections included in the 2016-2017 Annual Report was estimated based on the County inspector's labor hours for the reporting period in violation of Table 3.3.4.3.c. of the 2014 and 2017 Permit.

- M. During the EPA inspection, the Permittee stated that for construction site inspections and enforcement they use “verbal stop work orders” to gain compliance from construction site operators. ~~The Permittee also stated that these verbal enforcement actions were not documented.~~ Additionally, the Permittee does not maintain a tracking mechanism for enforcement actions. The County’s 2016-2017 Annual Report states the no enforcement actions were taken against construction sites during the reporting period therefore, enforcement procedures were not implemented and documented in violation of Table 3.3.4.4.a. of the 2014 and 2017 Permit.
- * N. Based on the review of the April 2017 MS4 Annual Report, the Permittee’s HVPS facility inventory consists of only car wash facilities and quick lube/minor maintenance facilities, without justification given for not evaluating other sources, such as restaurants, gas stations, pet boarding, etc., as part of an updated inventory in violation of Table 3.3.5.1 of the 2017 Permit.
- O. In the Permittee’s ERP, the action to be taken for violations associated with the HVPS program failed to detail when enforcement mechanisms will be employed, the path of escalation, and the time frame for each step, in violation of Permit Part 3.3.6 of the 2017 Permit.
- P. The Permittee had not assessed whether the sampling locations for monitoring impaired waterbodies were representative locations of the current MS4 area, or whether each impaired waterbody segment that receives discharges from the MS4 was being sampled in violation of Permit Part 3.3.7 of the 2014 and 2017 Permit.
- Q. The Monitoring Plan did not include a description of proposed BMPs to be used to control and reduce the pollutants of concern (POCs) or a schedule for implementation of those BMPs in violation of Permit Part 3.3.7 of the 2014 and 2017 Permit.
- R. The Monitoring Plan did not address each POC for all impaired waterbodies in violation of Permit Part 3.3.7 of the 2014 and 2017 Permit.
- S. The Permittee was not sampling at the locations and frequency described in the Monitoring Plan in violation of Permit Part 3.3.7 of the 2014 and 2017 Permit.
- T. The Permittee was not collecting bacteriological samples instream at sample locations named OR-1 and OR-2 in violation of Permit Part 3.3.7 of the 2014 and 2017 Permit.
- U. The Permittee was not documenting the analytical methods used for water quality sampling in violation of Permit Part 3.3.7 and Permit Part 4.2.2 of the 2014 and 2017 Permit.
- V. The Permittee did not document stormwater pollution prevention training to Public Works employees nor provide pesticide application training to Public Works employees by the Georgia Department of Agriculture in violation of Permit Part 3.3.1.9 of the 2014 Permit, and Permit Part 3.3.8 of the 2017 Permit.

- *
- W. The industrial facility inspector had not received any industrial stormwater training in violation of Permit Part 3.3.3.5 of the 2014 Permit, and Permit Part 3.3.8 of the 2017 Permit.
 - X. Based on the review of the April 2017 MS4 Annual Report, the Permittee conducted one separate public education activity by placing education flyers at colleges in the County. The Permittee failed to conduct a minimum of three public education activities in violation of permit Part 3.3.9 of the 2017 Permit.
 - Y. Based on the review of the April 2017 MS4 Annual Report, the Permittee failed to conduct a minimum of three public involvement activities in violation of permit Part 3.3.10 of the 2017 Permit.

* 41. Therefore, the Permittee has violated Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p), by failing to comply with the conditions of the Permits. *

III. AGREEMENT ON CONSENT

42. Based on the foregoing Findings of Fact and Determinations of Law and pursuant to the authority of Sections 308 and 309(a) of the CWA, 33 U.S.C. §§ 1318 and 1319(a), THE DIRECTOR HEREBY ORDERS AND THE RESPONDENT HEREBY AGREES AND CONSENTS TO THE PROVISIONS OF THE PARAGRAPHS BELOW:

A. STRUCTURAL AND SOURCE CONTROL MEASURES:

1. Within 90 days of the Effective Date, develop and implement a schedule for collecting a complete inventory of the MS4 control structures to be completed by December 31, 2021.
2. Within 90 days of the effective date of this AOC, develop and implement procedures to ensure new and existing structural flood control devices are evaluated and assessed within the permit cycle to determine the feasibility of retrofitting for additional water quality improvements and pollutant removal.
3. Within 150 days of the effective date of this AOC, develop a complete inventory of County facilities or facility complexes with the potential to cause pollution, to the extent that such facilities can be identified from County records or other known, publicly available information.
4. Within 150 days of the effective date of this AOC, develop a program to document inspections at all applicable County facilities identifiable under the inventory process, and to verify their industrial general stormwater permit status where possible.
5. Within 120 days of the effective date of this AOC, develop and implement a schedule to be completed by July 31, 2022 for mapping all catch basins, ditches (miles or linear feet), detention/retention ponds, and storm drain lines (miles or linear feet) within the MS4 system into a GIS-based inventory/map. The inventory and map must include the total number of each type of control structure.
6. Within 120 days of the effective date of this AOC, develop and implement a schedule to be completed by April 11, 2022 to ensure inspection of 100% of the control structures.

Inspections shall include all catch basins, ditches, detention/retention ponds, and storm drain lines within the MS4 system. In evaluating the foregoing, any inspections that the County has completed on or after April 12, 2017, in compliance with the inspection requirements of the Georgia Department of Natural Resources, Environmental Protection Division, prior to the effective date of this AOC, shall be deemed acceptable, notwithstanding any inspection requirements imposed by the EPA under this AOC that are more restrictive or require additional efforts or documentation; and nothing in this AOC shall be construed as requiring the re-inspection of any such previously-inspected catch basins, ditches, ponds, storm drain lines, control structures, or other assets.

B. IDDE PROGRAM:

1. Within 120 days of the effective date of this AOC, develop and implement a schedule to complete an inventory of all MS4 outfalls by December 31, 2021.
2. Within 90 days of the effective date of this AOC, update the SWMP to reflect an adequate protocol for dry weather screening, to also include the title of the person (including seasonal interns if applicable) responsible for: dry weather screening, sampling, and the follow-up from the County.
3. Within 120 days of the effective date of this AOC, develop and implement a schedule to complete mapping of all MS4 outfalls in a GIS-based inventory/map by December 31, 2021.
4. Within 120 days of the effective date of this AOC, develop a procedure to ensure proper documentation of dry weather screening. Any identified illicit discharges must be addressed and eliminated in accordance with the County's Enforcement Response Plan.
5. Within 120 days of the effective date of this AOC, develop and implement a schedule to be completed by April 11, 2022 to conduct dry weather screening inspections on 100% of total outfalls.

C. INDUSTRIAL PROGRAM:

1. Within 90 days of the effective date of this AOC, implement a monitoring and reporting program for stormwater runoff from industrial facilities, waste facilities, and hazardous waste treatment, storage and disposal facilities.
2. Within 120 days of the effective date of this AOC, develop a protocol for annually updating the industrial facilities inventory using GEPD's list of NOIs, business licenses, and SIC codes, to be implemented by June 30, 2020. If facilities are identified that are not on the GEPD list, notify those facilities of their duty to apply for a permit with the state.

D. CONSTRUCTION PROGRAM:

1. Within 60 days of the effective date of this AOC, develop a checklist for construction sites that is consistent with the Manual for Erosion and Sediment Control in Georgia. The inspection checklist shall include, at a minimum, documentation of times in and out of the site, and the condition of BMPs, soil stabilization, outfalls, and downstream towards receiving waters (where accessible).

2. Within 90 days of the effective date of this AOC, implement enforcement procedures in accordance with the County's Enforcement Response Plan, and develop a tracking system for construction site enforcement actions.
3. Within 120 days of the effective date of this AOC, implement site plan review and permitting procedures for issuing Land Disturbing Activity permits to tertiary construction sites.
4. Within 120 days of the effective date of this AOC, implement an inspection program for conducting inspections on tertiary construction sites.
5. Within 180 days of the effective date of this AOC, provide EPA documentation of all construction inspection reports and any enforcement actions taken as a result of these inspections for a three-month period.

E. HVPS FACILITIES:

1. Within 120 days of the effective date of this AOC, Permittee shall update the SWMP to include a protocol for identifying businesses that will be included on the HVPS updated inventory. The protocol must address the following:
 - a. Justification for selecting sectors of interest and individual businesses;
 - b. How the business license inventory will be utilized;
 - c. Consideration of pollutant sources that may contribute to waterbody impairments, business sectors likely to pollute, business sectors that receive repeat citizen complaints, and employee observations; and,
 - d. Evaluation of, at a minimum, the following categories of HVPS facilities: car washes, veterinary offices, quick lube repair shops, pet boarding facilities, and plant nurseries. Permittee shall select one category from the foregoing list each permit year, and shall inspect all known businesses of that category within the jurisdiction. Permittee shall rotate between categories each year, and shall not repeat categories during any permit term. Permittee may inspect additional HVPS facilities as needed, including in response to public complaints.
2. Within 120 days of the effective date of this AOC, Permittee shall update the ERP providing details of when enforcement mechanisms will be employed, the path of escalation, and the time frame for each step.

F. MONITORING FOR DISCHARGE TO IMPAIRED WATERBODIES:

1. Within 30 days of the effective date of this AOC, conduct water quality sampling at the locations and frequency as described in the County's Monitoring Plan.
2. Within 30 days of the effective date of this AOC, conduct all bacteriological samples instream at mid-depth level at sample locations RC-1, WLM-1, OR-1 and OR-2.
3. Within 30 days of the effective date of this AOC, update the laboratory bench sheet to document the analytical methods used for each water quality sampling.
4. Within 120 days of the effective date of this AOC, assess whether the sampling locations for monitoring impaired waterbodies are representative of the current MS4 area, and whether each impaired waterbody segment that receives discharges from the MS4 is being sampled.
5. Within 120 days of the effective date of this AOC, update the Monitoring Plan to include a

description of proposed BMPs to be used to control and reduce the POCs and a schedule for implementation of those BMPs. The Plan should also address each POC for all impaired waterbodies.

G. TRAINING:

1. Within 150 days of the effective date of this AOC, the Permittee shall develop and implement a written Training Program that specifies annual or periodic employee technical training requirements (curriculum) that ensure each County employee receives the training necessary to complete his or her duties related to the MS4 program. The Training Program shall be implemented within 180 days of the effective date of this AOC and shall include the following elements:
 - a. Identification of positions requiring training, by program and job title. The Internal Training shall, at a minimum, be provided to all inspectors, public works employees, college interns, and appropriate general staff.
 - b. A description of the common data management system to be used for tracking personnel participation in, and completion of all related training.
 - c. Internal Training: This element shall, at a minimum, be provided to all inspectors, public works supervisors and key technical and operational employees, college interns, and appropriate general staff and include the following:
 - i. Appropriate training that ensures staff are familiar with the Permittee's NPDES MS4 permit and overall MS4 program; responsibilities of all positions within the MS4 program; standard forms used; the Permittee's ERP; proper inspection documentation; pesticide and herbicide application procedures, sampling techniques, and the dry weather screening protocol.
 - d. External Training: This element shall describe outside skills training opportunities that include, but are not limited to, manufacturers' training, Georgia Soil and Water Conservation Commission (GSWCC) training, Georgia Department of Agriculture training, and professional conferences that are made available to employees.
 - i. Formalized training from stormwater professional sources to ensure all applicable inspectors, public employees, and college interns are knowledgeable with regard to their responsibilities (e.g., industrial, construction, dry weather, and IDDE).
 - ii. If Permittee employees apply pesticides and herbicides they must do so under the supervision or direction of a licensed herbicide and pesticide applicator. County employees who apply fertilizer must be under the supervision or direction of a person trained in how to apply fertilizer.

H. PUBLIC EDUCATION AND PUBLIC INVOLVEMENT:

1. Within 120 days of the effective date of this AOC, develop and implement a schedule to be completed by April 11, 2022 to conduct 14 separate public education programs.
2. Within 120 days of the effective date of this AOC, develop and implement a schedule to be completed by April 11, 2022 to conduct 15 separate public involvement programs.

3. The Permittee may provide documentation of additional public education and public involvement programs already completed on or after April 12, 2017, by the Permittee or by the Macon Water Authority and may count those activities towards the requirements of this AOC.

I. REPORTING:

1. Within 120 days of the effective date, submit to the EPA a progress report of all the above requirements that are required within 30, 60, and 90 days of the effective date.
2. Within 180 days of the effective date, submit to the EPA a revised SWMP that incorporates all the submittals identified within Section III (Agreement on Consent) of this AOC.
 - a. If the EPA determines, after review of the revised SWMP, that all appropriate revisions have been completed in accordance with this AOC, the EPA will provide notice to the Permittee.
 - b. If the EPA determines that any revisions to the SWMP have not been completed in accordance with this AOC, the EPA will notify the Permittee, provide a list of deficiencies, and may require the Permittee to modify the SWMP as appropriate to correct such deficiencies. If so required, the Permittee shall modify the SWMP and submit a modified SWMP in accordance with the EPA notice. Failure by the Permittee to revise the SWMP shall be a violation of this AOC.
3. Within 270 days of the effective date, submit to the EPA a second progress report of all the above requirements that are required within 120 and 180 days of the effective date, and any required modifications to prior requirements that were required within 30, 60, and 90 days of the effective date.
4. By July 31, 2021, submit to the EPA a third progress report on implementation of all of the above requirements.

43. The Permittee may submit a request, in writing, for an extension of time to comply with the requirements of this AOC at least seven (7) calendar days in advance of the required completion date. Such request must include the reason(s) for the extension request and a date when compliance will be achieved. Any extension must be granted by the EPA in writing to be effective.

44. All reports, notifications, documentation, and submittals required by this AOC shall be signed by a duly authorized representative of the Permittee as specified by 40 C.F.R. § 122.22 and shall include the following statement:

"I certify under the 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 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."

All reports, notifications, documentation, and submittals required by this AOC shall be sent by certified mail or its equivalent to the following addresses:

Kenneth Kwan
NPDES Permitting and Enforcement Branch
Water Protection Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

and

Ania Truszczynski, Branch Chief
Watershed Protection Branch
Georgia Environmental Protection Division
2 Martin Luther King Jr. Drive
Suite 1152 East
Atlanta, Georgia 30334

IV. FINAL REPORT AND TERMINATION OF AOC

45. Within thirty (30) calendar days after July 31, 2022, when the Respondent has fully completed and implemented the actions required by Section III (Agreement on Consent) of this AOC, the Respondent shall **submit for the EPA's review and approval** a final report ("Final Report") that includes: (a) a description of all of the actions which have been taken toward achieving compliance with this AOC and the associated dates of completion; (b) an assessment of the effectiveness of such actions; (c) an analysis of whether additional actions beyond the scope of this AOC are necessary to further comply with the CWA and the Permit; and (d) a request for termination of the AOC.

46. If the EPA determines that any requirement has not been completed and implemented in accordance with this AOC, the EPA will notify the Permittee, provide a list of deficiencies, and may require the Permittee to modify its actions as appropriate in order to correct such deficiencies. If so required, the Permittee shall implement the modified and approved requirement(s) and submit a modified Final Report in accordance with the EPA notice. Failure by the Permittee to implement any of the approved modified requirement(s) shall be a violation of this AOC.

47. If the EPA determines, after review of the Final Report or modified Final Report, that all the requirements of this AOC have been completed and implemented in accordance with this AOC, the EPA will provide notice to the Permittee and shall deem this AOC terminated.



V. GENERAL PROVISIONS

48. The Respondent's compliance with this AOC does not necessarily constitute compliance with the provisions of the CWA, 33 U.S.C. § 1251 et seq., and its implementing regulations, or with the Permit. The Respondent shall remain solely responsible for compliance with the terms of the CWA, its implementing regulations, this AOC and the Permit.

49. Nothing in this AOC shall constitute a waiver, suspension, or modification of the terms and conditions of the Permit, which remain in full force and effect.

50. Failure to comply with the requirements herein shall constitute a violation of this AOC and the CWA, and may subject the Respondent to penalties as provided in Section 309(d) of the CWA, 33 U.S.C. § 1319(d).

51. This AOC shall not relieve the Respondent of its obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any other federal, state, or local permit. Compliance with this AOC shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by the EPA.

52. Issuance of this AOC shall not be deemed as prohibiting, altering, or in any way limiting the ability of the EPA to pursue any other enforcement actions available to it under law. Such actions may include, without limitation, any administrative, civil, or criminal action to seek penalties, fines, injunctive, or other appropriate relief, or to initiate an action for imminent and substantial endangerment under the CWA or any other federal or state statute, regulation, or permit.

53. The EPA reserves all rights and remedies, legal and equitable, available to enforce any violation cited in this AOC and to enforce this AOC.

54. Nothing in this AOC is intended to nor shall be construed to operate in any way to resolve any criminal liability of the Respondent, or other liability resulting from violations that were not alleged in this AOC.

55. This AOC applies to and is binding upon the Respondent and its officers, directors, employees, agents, successors, and assigns.

56. Any change in the legal status of the Respondent, including but not limited to any transfer of assets of real or personal property, shall not alter the Respondent's responsibilities under this AOC.

57. The Respondent admits to the jurisdictional allegations set forth within this AOC but does not otherwise admit or deny the factual or legal allegations made by EPA.

58. The Respondent waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any issue of fact or law set forth in this AOC, including, but not limited to any right of judicial review of the AOC under the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

59. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this AOC.

60. Pursuant to Section 309(a)(4) of the CWA, 33 U.S.C. § 1319(a)(4), the EPA has sent a copy of this AOC to the State of Georgia.

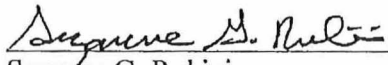
61. Each undersigned representative of the parties to this AOC certifies that he or she is fully authorized to enter into the terms and conditions of this AOC and to execute and legally bind that party to it.

VI. EFFECTIVE DATE

62. This AOC shall become effective upon receipt by Respondent of a copy of the fully executed AOC (Effective Date).

AGREED AND CONSENTED TO:

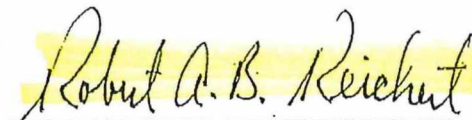
For U.S. ENVIRONMENTAL PROTECTION AGENCY:



Suzanne G. Rubini
Acting Director
Enforcement and Compliance Assurance Division

Date: 7.2.2019

For RESPONDENT, MACON-BIBB COUNTY:



Robert Reichert
Mayor
Macon-Bibb County, Georgia

Date: May 23, 2019

