

391-3-6-.16 Storm Water Permit Requirements.

(1) **Purpose.** The purpose of this Paragraph 391-3-6-.16 is to provide for the uniform procedures and practices to be followed relating to the application for issuance, modification, revocation and reissuance, and termination of permits for the discharge of any storm water into the waters of the State. Unless specifically adopted by reference herein, no other part of this Chapter 391-3-6 shall govern the issuance of any storm water permit.

(2) **Definitions.** All terms used in this Paragraph shall be interpreted in accordance with the definitions as set forth in the Act and in 40 C.F.R. 122.26(b) unless otherwise defined in this Paragraph or in any other Paragraph of these Rules:

(a) “Area Wide Permit” means either an individual or a general permit issued to a municipality or a group of municipalities.

(b) “Associated with Industrial Activity” means any industrial activity or industrial facility identified in 40 C.F.R. 122.26(b)(14).

(c) “Storm Water Point Source” means a conveyance or system of conveyances (including pipes, conduits, ditches, and channels or sheet flow which is later conveyed) primarily used for collecting and conveying storm water runoff excluding conveyances that discharge storm water runoff combined with municipal sewage.

(d) “Associated with Small Construction Activity” means any construction activity identified in 40 C.F.R. 122.26(b)(15).

(e) “Small Municipal Storm Sewer System” means all separate storm sewers identified in 40 C.F.R. 122.26(b)(16).

(3) Permit Requirements.

(a) Authorization to Discharge. Storm water point sources, as defined in this Paragraph, are point sources subject to the NPDES permit program. The Director may issue an NPDES permit or permits for discharges into waters of the State from a storm water source covering all conveyances which are part of that storm water point source. Where there is more than one owner or operator of a storm water point source, any or all discharges into that storm water point source may be identified in the application submitted by the owner or operator of the portion of the storm water point source that discharges directly into waters of the State. Any such application shall include all information regarding discharges into the storm water point source that would be required if the dischargers submitted separate applications. Dischargers so identified shall not require a separate permit unless the Director specifies otherwise. Any permit covering more than one owner or operator shall identify the effluent limitations, if any, which apply to each owner or operator. Where there is more than one owner or operator, no discharger into the storm water point source may be subject to a permit condition for discharges into the storm water source other than its own discharges into that system without his consent. All dischargers into a storm water point source must either be covered by an individual permit, an area wide permit or a general permit issued to the owner or operator of that portion of the system that directly discharges into waters of the State.

(b) Applicability. The following discharges composed entirely of storm water are required to obtain an NPDES permit for the storm water discharge:

1. Associated with industrial activity;

2. Large municipal separate storm sewer systems;
3. Medium municipal separate storm sewer systems; and
4. Any storm water point source that the Director determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to the waters of the State as provided in 40 C.F.R. 122.26. In making this determination the Director shall consider the following factors:
 - (i) The location of the storm water point source with respect to waters of the State;
 - (ii) The size of the storm water point source;
 - (iii) The quantity and nature of the pollutants reaching waters of the State; and
 - (iv) Other relevant factors.

5. Case-by-case designation of storm water point sources. The Director may designate a conveyance or system of conveyances primarily used for collecting and conveying storm water runoff as a storm water point source. This designation may be made to the extent allowed or required by effluent limitations guidelines for point sources in the storm water discharge category or when a Water Quality Management Plan under Section 208 of the Federal CWA Act which contains requirements applicable to such point sources is approved.

6. Associated with Small Construction Activity.

7. Small Municipal Separate Storm Sewer Systems which are required to be regulated pursuant to 40 C.F.R. 122.32.

8. Any storm water point source for which the Director determines that storm water controls are needed based on wasteload allocations that are part of total maximum daily loads that address the pollutant(s) of concern.

9. Any municipal separate storm sewer system that the Director determines based on a petition pursuant to 40 C.F.R. 122.26(f).

10. The Director may allow certain industrial activities to receive a conditional exclusion for “no exposure” of industrial activities and materials to storm water based on 40 C.F.R. 122.26(g).

(c) General provisions.

1. General and area wide permits may be issued, modified, revoked and reissued, or terminated in accordance with applicable requirements of paragraph 391-3-6-.16. Public notice and public participation for issuance, modification, revocation and reissuance, and termination of general permits shall be in accordance with subparagraph 391-3-6-.16(7).
2. The contents of the notice of intent shall be specified in the general permit and shall conform to the requirements specified in 40 C.F.R. 122.28. The notice of intent shall be signed in accordance with subparagraph 391-3-6-.16(5)(a)6.
3. General permits shall specify the deadline for submitting notices of intent to be covered and the date(s) when a discharge is authorized under the permit.
4. General permits shall specify whether a discharger that has submitted a timely notice of intent to be covered in accordance with a general permit and that is eligible for coverage under the general permit, is authorized to discharge in accordance with the general permit either upon receipt of the notice of intent by the Director, after a waiting period specified in the general permit, on a date specified in the general permit, or upon receipt of notification of inclusion by the Director. Coverage may be revoked in accordance with subparagraph 391-3-6-.16(3)(c)(5).

5. Requiring an individual permit for storm water discharges.

(i) The Director may require any person authorized by a general permit for storm water discharges to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take action under this paragraph. Cases where an individual NPDES permit may be required include the following:

(I) The discharge(s) is a significant contributor of pollution as determined by the Director. In making this determination, the Director may consider the following factors:

- (1) The location of the discharge with respect to the waters of the State;
- (2) The size of the discharge;
- (3) The quantity and nature of the pollutants discharged to waters of the State; and
- (4) Other relevant factors.

(II) The discharger is not in compliance with the conditions of the general permit;

(III) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

(IV) Effluent limitation guidelines are promulgated for point sources covered by the general permit;

(V) A total maximum daily load containing additional requirements applicable to such point sources is approved; or

(VI) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.

(ii) Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual NPDES permit. The owner or operator shall submit an application under subparagraph 391-3-6-.06(5), with reasons supporting the request, to the Director.

(iii) When an individual NPDES permit is issued to an owner or operator otherwise subject to a general permit, the applicability of the general permit to the individual NPDES permittee is automatically terminated on the effective date of the individual NPDES permit.

(iv) A source excluded from a general permit solely because it already has an individual NPDES permit may request that the individual NPDES permit be revoked, and that it be covered by the general permit. Upon revocation of the individual NPDES permit, the general permit shall apply to the source.

(v) Whenever the Director decides an individual NPDES permit is required, the Director shall notify the discharger in writing of the decision and the reasons for it, and shall send an application form with the notice. The discharger must apply for a permit under subparagraph 391-3-6-.06(5) and 40 C.F.R. 122.21 within sixty (60) days of notice unless a later date is granted by the Director. Public notice and public participation shall be in accordance with subparagraph 391-3-6-.06(7).

(4) Degree of Waste Treatment Required. All pollutants shall receive such treatment or corrective action so as to ensure compliance with the terms and conditions of the issued permit and with the following, whenever applicable:

(a) Effluent limitations established by the EPA pursuant to Sections 301, 302, 303, 306, 307, 308, 318, and 405 of the Federal Act;

(b) Criteria and standards for Best Management Practices established by EPA pursuant to

Section 304(e) of the Federal Act;

(c) Notwithstanding the above, more stringent effluent limitations may be required as deemed necessary by the Division (a) to meet any other existing Federal laws or regulations, or (b) to ensure compliance with any applicable State water quality standards, effluent limitations, treatment standards, or schedules of compliance; and

(d) Calculations and specifications of effluent limits and standards shall be made in accordance with the provisions of Federal Regulations, 40 CFR 122.44(k) and 122.45; provided, however, that in regard to 40 CFR 122.44(k)(2), the feasibility of establishing numeric effluent limitations shall be made by the Director based upon best professional judgment.

(5) Applications.

(a) Application Requirements.

1. Large and medium municipal separate storm sewer systems shall submit an application in accordance with the requirements specified in 40 C.F.R. 122.26(d) and 40 C.F.R.

122.26(g) unless otherwise modified by the Director.

2. Small municipal separate storm sewer systems shall submit an application in accordance with the requirements specified in 40 C.F.R. 122.33 unless otherwise modified by the Director.

3. Discharges associated with industrial activity and discharges associated with small construction activity shall either submit an application for an individual NPDES permit in accordance with subparagraph 391-3-6-.06 or apply for coverage under a general permit in accordance with paragraph 391-3-6-.16. Application for an individual NPDES permit shall be made in accordance with subparagraph 391-3-6-.06 and 40 C.F.R. 122.26(c) and 40 C.F.R. 122.26(g). A discharger who fails to submit a notice of intent in accordance with the terms of the general permit is not authorized to discharge under the terms of the general permit. A complete and timely notice of intent to be covered in accordance with the general permit requirements, fulfills the requirements for permit applications for purposes of 40 C.F.R. 122.6, 122.21 and 122.26.

4. Notice of Intent (NOI). A NOI shall be on forms as may be prescribed and furnished from time to time by the Division. A NOI shall be accompanied by all pertinent information as the Division may require in order to establish, where applicable, effluent limitations in accordance with subparagraph 391-3-6-.06(4), which may include but is not limited to, complete engineering reports, schedule of progress, plans, specifications, maps, measurements, quantitative and qualitative determinations, records, and all related materials.

5. Engineering reports, plans, specifications, and other similar material submitted to the Division shall be prepared by or under the direct supervision or review of, and bear the seal of, a Professional Engineer competent in the field of storm water, sewage, or industrial waste treatment, consistent with the type of wastewater involved. At no time shall this requirement be in conflict with O.C.G.A. Section 43-15 governing the practices of professional engineering and surveying. Storm water pollution prevention plans, erosion and sediment control plans, best management plans and similar reports shall be prepared in accordance with the applicable storm water permit.

6. Material submitted shall be complete and accurate.

7. Any NOI form, NOT form, and permit application submitted to the Division shall be

signed as follows in accordance with the Federal Regulations, 40 C.F.R. 122.22:

(i) For a corporation, by a responsible corporate officer. For this subparagraph a responsible corporate officer means: (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (b) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

(iii) For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.

8. All other reports, engineering reports, plans, specifications, similar materials, or requests for information required by the permit issuing authority shall be signed by a person designated in 6. above or a duly authorized representative of such person, if:

(i) The representative so authorized is responsible for the overall operation of the facility from which the discharge originates, e.g., a plant manager, superintendent or person of equivalent responsibility;

(ii) The authorization is made in writing by the person designated under 6. above; and

(iii) The written authorization is submitted to the Director.

9. Any changes in the written authorization submitted to the permitting authority under 7. above which occur after the issuance of a permit shall be reported to the permitting authority by submitting a copy of a new written authorization which meets the requirements of 7.(i) and 7.(ii) above.

10. Any person signing any document under 6. or 7. above shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under 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."

(b) Application Deadlines.

1. Application for an individual NPDES permit for storm water discharges associated with industrial activity shall be submitted at least 180 days before the day that the facility commences industrial activity which may result in a discharge of storm water associated with industrial activity, unless permission for a later date is granted by the Director.

2. Facilities with storm water discharges associated with industrial activity that are applying for coverage under a general permit shall comply with the Notice of Intent submittal requirements specified in the general permit.

3. Facilities with stormwater discharges associated with small construction activity that are applying for coverage under a general permit shall comply with the Notice of Intent requirements specified in the general permit.

4. In municipalities with a population of less than 100,000, municipality owned or operated facilities with storm water discharges associated with industrial activity shall submit an application in accordance with 40 C.F.R. 122.26(e)(1) except for airports, power plants, uncontrolled sanitary landfills, and those designated by the Director, which shall follow the application deadlines designated under (1.) above.

5. Large municipal separate storm sewer systems shall submit an application to the Director in accordance with 40 C.F.R. 122.26(e)(3).

6. Medium municipal separate storm sewer systems shall submit an application to the Director in accordance with 40 C.F.R. 122.26(e)(4).

7. Facilities identified in subparagraph 391-3-6-.16(3)(b)4., 5. or 6. shall submit an application to the Director within 180 days of notice, unless permission is granted for a later date.

8. Small municipal separate storm sewer systems shall submit an application to the Director in accordance with 40 C.F.R. 122.26(e)(9).

9. Small construction shall apply in accordance with 40 C.F.R. 122.26(e)(8).

(6) **Receipt and Use of Application and Data** shall be in accordance with subparagraph 391-3-6-.06(6) of this Chapter. Notice of Intent and Notice of Termination forms shall not be required to be transmitted to the Regional Administrator for comments unless requested to do so by the Regional Administrator.

(7) **Notice and Public Participation.**

(a) Tentative Determination and Draft Permits.

1. If the tentative determination is to issue a general or an area wide permit, a draft permit will be prepared in accordance with Federal Regulations, 40 C.F.R. 124.6, and applicable State laws prior to the issuance of a public notice.

(b) Public Notice. Public notice of every draft permit will be prepared and circulated in a manner designated to inform interested and potentially interested persons of the proposed discharges eligible for coverage and of the proposed determination to issue a general permit for the proposed discharges. Procedures for circulation of the public notice shall include the following:

1. Within the geographical area of the proposed discharge the public notice shall be circulated by publication in one (1) or more newspapers of general circulation in the area affected by the discharge;

2. A copy of the public notice shall be available at the EPD office in Atlanta;

3. Mailing of the public notice to any person or group upon written request, including persons solicited from area lists from past permit proceedings. The EPD shall maintain a mailing list for distribution of public notices and fact sheets. Any person or group may request that their names be added to the mailing list. The request should be in writing to the EPD office in Atlanta and shall be renewed in December of each year. Failure to renew the request shall result in the removal of such name from the mailing list;

4. The EPD shall provide a period of not less than thirty (30) days following the date of the public notice in which interested persons may submit their written views on the tentative determination with respect to the draft permit. All written comments submitted during the thirty (30) day comment period will be retained by the EPD and considered in the final determination with respect to the draft permit and shall be responded to in accordance with Federal Regulations, 40 C.F.R. 124.17. The comment period may be

extended at the discretion of the Director;

5. The contents of the public notice will be in accordance with Federal Regulations, 40 C.F.R. 124.10(d);

6. The EPD will prepare and distribute a fact sheet in accordance with Federal Regulations, 40 C.F.R. 124.8 and 124.56 and applicable State laws. A copy of the fact sheet will be available for public inspection at the EPD office in Atlanta. Any person may request in writing a copy of the fact sheet and it will be provided. The EPD shall add the name of any person or group upon request to the mailing list to receive copies of fact sheets;

7. The EPD will prepare and distribute a statement of basis in accordance with Federal Regulations, 40 C.F.R. 124.7;

8. The Director will mail a copy of the public notice to the U.S. Army Corps of Engineers, Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources and to other appropriate governmental authorities and will provide such agencies an opportunity to submit their written views and recommendations in accordance with Federal Regulations, 40 C.F.R. 124.10 and applicable State laws. The comments of the District Engineer of the Corps of Engineers, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service; or any State or Federal Agency with jurisdiction over fish, wildlife, or public health shall be considered in accordance with Federal Regulations, 40 C.F.R. 122.49;

9. Copies of the proposed permits shall be transmitted to the Regional Administrator for review and comments in such manner as the Director and Regional Administrator shall agree;

10. The EPD shall transmit to the Regional Administrator a copy of every issued permit, immediately following issuance, along with any and all terms, conditions, requirements or documents which are part of such permit or which affect the authorization by the permit of the discharge of pollutants.

(c) Public Hearings.

1. The Director shall provide an opportunity for any potential permittee, any affected state or interstate agency, the Regional Administrator or any other interested agency, person or group of persons to request a public hearing with respect to a draft permit. Any such request for a public hearing shall be filed within the 30-day comment period described in subparagraph 391-3-6-.16(7)(b)4. and shall indicate the interest of the party filing such a request, the reasons why a hearing is requested, and those specific portions of the application or other NPDES form or information to be considered at the public hearing. The Director shall hold a hearing if he determines that there is sufficient public interest in holding such a hearing;

2. Any public hearing held pursuant to this subparagraph shall be held in the geographical area of the proposed discharge or other appropriate location at the discretion of the Director;

3. The Director may hold one public hearing on related groups of draft permits;

4. Public notice of any hearing held pursuant to this subparagraph shall be provided at least thirty (30) days in advance of the hearing date and shall be circulated in accordance with Federal Regulations, 40 C.F.R. 124.10(c) where applicable to State-issued permits.

(d) Public Access to Information.

1. A copy of the draft permit, public notice, fact sheet, statement of basis and other NPDES forms related thereto, including written public comments and comments of all governmental agencies thereon and other reports, files and information not involving methods or processes entitled to protection as trade secrets, shall be available for public inspection and copying during normal business hours at the EPD office in Atlanta. Effluent data and Notice of Intent forms and permit applications shall not be considered as information entitled to protection. Public access to such information shall be in accordance with Federal Regulations, 40 C.F.R. 122.7;
2. Any information submitted with reports, records or plans that is considered confidential by the permittee (applicant), and that is not specifically excluded in item (d)1. above should be clearly labeled "Confidential" and be supported by a statement as to the reason that such information should be considered confidential. If the Director, with the concurrence of the Regional Administrator, determines that such information is entitled to confidential protection, he shall label and handle same accordingly.
3. Any information accorded confidential status whether or not contained in NPDES form shall be made available, upon written request, to the Regional Administrator or his authorized representative who shall maintain the information as confidential.

(8) Prohibitions.

(a) No permit shall be issued authorizing any of the following discharges:

1. The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into navigable waters;
2. Any discharge which in the judgment of the Secretary of the Army would substantially impair anchorage and navigation in or on any of the waters of the United States;
3. Any discharge to which the Regional Administrator has objected in writing in accordance with Federal Regulations, 40 C.F.R. 123.44, pursuant to any right to object provided the Administrator of EPA under Section 402(d) of the Federal Act;
4. Any discharge from a point source which is in conflict with a plan or amendment thereto approved pursuant to Section 208(b) of the Federal Act;
5. Any discharge to the territorial sea, the waters of the contiguous zone, or the oceans in the following circumstances:
 - (i) Prior to the promulgation of the guidelines under section 403(c) of the Act, unless the Director determines permit issuance to be in the public interest; or
 - (ii) After promulgation of guidelines under section 403(c) of the Act, where insufficient information exists to make a reasonable judgment as to whether the discharge complies with any such guidelines.
6. To a facility which is a new source or a new discharger, if the discharge from the construction or operation of the facility will cause or contribute to the violation of water quality standards, except as in accordance with Federal Regulations, 40 C.F.R. 122.4(i).

(b) The issuance of a permit does not:

1. Convey any property rights of any sort, or any exclusive privileges;
2. Authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations.
3. Release the permittee of any responsibility or requirement under other environmental statutes or regulations.

(9) **Schedules of Compliance.** Any person who obtains a permit who is not in compliance with the applicable standards shall be required to achieve compliance with the standards in accordance with a schedule of compliance as set forth in subparagraph 391-3-6-.06(10)(a), (b), (c), and (e) of this Chapter. This provision is not applicable to general permits.

(10) **Monitoring, Recording, and Reporting Requirements.**

Except as provided below, monitoring, recording, and reporting requirements shall be in accordance with those outlined in subparagraph 391-3-6-.06(11) of this chapter.

(a) Inspection, monitoring, recording, and reporting requirements for general permits for storm water discharges associated with industrial activity, which do not contain numeric effluent limitations, shall, at the discretion of the Director, be established for each general permit on a case-by-case basis with a frequency dependent on the nature and effect of the discharge. At a minimum, the permit must require:

1. an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity and evaluate whether measures to reduce pollutant loadings identified in a storm water pollution prevention plan are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed;
2. maintaining for a period of three years a record summarizing the results of the inspections and a certification that the facility is in compliance with the storm water pollution prevention plan and the permit, and identifying any incidents of non-compliance;
3. reports and certifications be signed in accordance with 40 CFR 122.22; and
4. where annual inspections are impracticable at inactive mining operations, a certification once every three years by a Georgia Registered Professional Engineer that the facility is in compliance with the permit.

(b) Requirements for area wide permits for storm water discharges from municipal separate storm water sewer systems shall be established for each permit on a case-by-case basis.

(c) General permits that do not require submittal of monitoring reports at least annually shall report to the Director in writing all instances of noncompliance at least annually. These annual reports are due the first working day of each January unless otherwise specified in a permit.

(11) **Control of Disposal of Pollutants into Wells** shall be in accordance with subparagraph 391-3-6-.06(14).

(12) **Modification, Revocation and Reissuance, and Termination of Permits.**

(a) The Director may revise or modify the schedule of compliance set forth in an issued permit if the permittee requests such modification or revision in writing and such modification or revision will not cause an interim date in the compliance schedule to be extended more than one hundred twenty (120) days or affect the final date in the compliance schedule. The Director may grant requests in accordance with this subparagraph if he determines after documented showing by the permittee that good and valid cause (including Acts of God, strikes, floods, material shortages or other events over which the permittee has little or no control) exists for such revision. This provision is not applicable to general permits.

(b) The Director in accordance with the provisions of Federal Regulations, 40 CFR 122.61, 122.62, 122.63, 122.64, and 124.5, may modify, revoke and reissue, or terminate an issued permit in whole or in part during its term for cause, including, but not limited to, the causes listed in Federal Regulations, 40 CFR 122.62 and 122.64, or the cause listed in the Act or regulations promulgated pursuant thereto. Prior to any such modification, revocation and reissuance, or termination of an issued permit by the Director (other than modification or revision of a compliance schedule pursuant to subparagraph (a) above, or modification in accordance with the provisions of 40 CFR 122.63), the Director will give public notice in accordance with the procedures set forth in subparagraph 391-3-6-.16(7)(b) and an opportunity for public hearing in accordance with the procedures set forth in subparagraph 391-3-6-.16(7)(c).

(13) Duration, Continuation, and Transferability of Permits.

(a) Any permit issued under O.C.G.A. Section 12-5-30 shall have a fixed term not to exceed five (5) years. Upon expiration of such permit, a new permit may be issued by the Director in accordance with O.C.G.A. Section 12-5-30 and 40 C.F.R. 122.6, 122.28, 122.46, and 122.61. The issuance of such new permit shall likewise have a fixed term not to exceed five (5) years.

(b) Any owner or operator authorized by a general permit may request that coverage under the general permit be terminated by submitting a written Notice of Termination. The contents of the Notice of Termination shall be specified in the general permit and shall be signed in accordance with subparagraph 391-3-6-.16(5)(a)6.

(c) A general permit may not be transferred to another party. The new owner or operator must submit a new Notice of Intent in accordance with subparagraph 391-3-6-.16(5).

(d) Any owner or operator authorized by an individual permit for a storm water discharge may request the permit be transferred to another party in accordance with subparagraph 391-3-6-.06(15)(b).

(e) When the permittee has submitted a timely and sufficient application for a new individual NPDES permit or a Notice of Intent for a general permit and the Director is unable, through no fault of the permittee, to issue the new permit before the expiration date of the existing permit, then the Director shall extend the existing permit until a new permit is issued.

(f) For those industrial categories for which EPA will establish effluent limitations based on best available technology, permits will be issued to ensure compliance with the effluent limits by the statutory deadline. This will be accomplished by utilizing short-term permits and/or reopener clauses that will allow the permit to be modified, revoked, reissued to comply with limitations promulgated pursuant to the Act and subsequent regulations.

(g) Notwithstanding subparagraph (a) above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in a discharge and such standard prohibition is more stringent than any limitation for such pollutant in a permit, the permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

(14) Enforcement. Any person who violates any provision of the Act, any rule promulgated and adopted pursuant thereto, or any term, condition, schedule of

compliance or other requirement contained in a permit issued pursuant to the Act shall be subject to enforcement proceedings pursuant to the Act.

(15) **Effective Date.** This Paragraph shall become effective twenty days after filing with the Secretary of State's Office.

Authority O.C.G.A. Sec. 12-5-20 et seq. **History.** Original Rule entitled "Storm Water Requirements" adopted. F. May 9, 1994; eff. May 29, 1994. **Amended:** ER. 391-3-6-0.32-.16, adopted. F. May 1, 1996; eff. Apr. 25, 1996, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** Permanent Rule adopted. F. July 10, 1996; eff. July 30, 1996. **Amended:** F. Mar. 30, 2001; eff. Apr. 19, 2001.