



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATERSHED MANAGEMENT

**National Pollutant Discharge Elimination System (NPDES)  
Stormwater Discharges  
From  
Small Municipal Separate Storm Sewer Systems (MS4s)  
General Permit (PAG-13)**

DRAFT

**This document contains the application and information for MS4s to comply with federal requirements to apply for a permit and to implement a stormwater management program.**

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**GENERAL PERMIT PAG-13  
FOR STORMWATER DISCHARGES  
FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**

**FACT SHEET**

**EXECUTIVE SUMMARY**

*Federal regulations require municipalities designated by federal regulations or DEP to obtain permits and to develop and implement a Stormwater Management Program (SWMP).*

General Permit PAG-13 provides a streamlined process to meet the federal requirements. In some cases, such as where a municipality is not eligible for general permit coverage because it discharges to a “Special Protection” watershed, an individual permit is needed. Full implementation of a municipal stormwater management program must be completed in the first permit term.

**WHO CAN USE GENERAL PERMIT PAG-13?**

General Permit PAG-13 addresses stormwater discharges from certain small municipal separate storm sewer systems (MS4s). The federal regulations define a “small MS4” at 40 CFR §122.26(b)(16), as all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (including State departments of transportation, universities, local sewer districts, hospitals, military bases, and prisons) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharge to waters of the United States.

MS4s are designated as “regulated” primarily based on the location of a municipality within an “urbanized area” as determined by the 1990 and 2000 censuses. The current list of urbanized areas, and the municipalities with corresponding land area can be found at the Department of Environmental Protection’s (DEP)’s stormwater Web site: [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword Stormwater. There are areas in approximately 940 municipalities affected by these requirements statewide.

An **Individual Permit** (reviewed and approved by DEP) is **required** when an MS4 discharges stormwater to waters of the Commonwealth that have an existing or designated use classified as “**Special Protection**” (**High Quality or Exceptional Value**) under 25 Pa. Code Chapter 93 of DEP’s regulations. MS4s that are **not** located in a High Quality or Exceptional Value watershed may apply for the General Permit.

**SUMMARY OF THE PERMIT REQUIREMENTS**

Federal regulations issued in 1999 establish a permit requirement within the National Pollutant Discharge Elimination System (NPDES) for discharges to surface waters from MS4s. The permit requirement applies to “small MS4s” which are designated by either EPA or DEP. The current list of designated small MS4s can be obtained from DEP regional offices listed at the end of this Fact Sheet, or at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword Stormwater.

The permit term is for a maximum of five years, followed by subsequent permits for similar timeframes. Regulated MS4s must apply for permit coverage or request a waiver from coverage by submitting a Notice of Intent. The Notice of Intent must describe the program that the municipality intends to implement, including BMPs and measurable goals for each element of the municipal program. A sample Stormwater Management Program to be utilized by the MS4 is included as an appendix to the Instructions to the Notice of Intent.

What are the requirements? The MS4 permittee must, within the first permit term, develop, implement and enforce a Stormwater Management Program to reduce the discharge of pollutants from its MS4 to the Maximum Extent Practicable (MEP), to protect water quality standards and satisfy the appropriate water quality requirements of the federal Clean Water Act and the Pennsylvania Clean Streams Law.

The program must be approved by DEP and contain Best Management Practices (BMPs) and measurable goals for the six Minimum Control Measures (MCMs) described below. Also, as a part of the SWMP, the permittee must enact and implement, within 12 months of the Approval of Coverage date, either the 2008 Pennsylvania Model Stormwater Management Ordinance or a Model Ordinance from an applicable Act 167 Stormwater Management Plan approved by DEP in 2005 or later.

The federal regulations establish six MCMs that must be implemented by permittees (these are “narrative” permit effluent limitations). The six MCM’s in the federal regulations are:

1. Public Education and Outreach,
2. Public Participation and Involvement,
3. Illicit Discharge Detection and Elimination,
4. Construction Site Runoff Control,
5. Post-Construction Stormwater Management in New Development and Redevelopment, and
6. Pollution Prevention and Good Housekeeping for Municipal Operations and Maintenance

Municipalities in Pennsylvania’s designated urbanized areas affected by this requirement must implement a Stormwater Management Program in their jurisdictions that contains each one of these MCMs. They must do this within 5 years of the initial Approval of Coverage date.

In addition, municipalities located in, or discharging to, a waterbody for which a Total Maximum Daily Load (TMDL) has been approved must: (1) implement at least two additional control measures, such as disconnecting impervious areas, planting trees, constructing recharge/infiltration facilities, retrofitting stormwater basins, restoring stream banks, establishing new stream buffers, and installing green infrastructure; and (2) obtain pollutant reductions consistent with the TMDL.

To put these requirements in context, EPA has promulgated two phases of stormwater permit regulations. Phase I covers *large* and *medium* municipalities (as well as industrial activities, including earth disturbance greater than five acres). Phase I was implemented in Pennsylvania beginning in 1992. Phase II of the federal stormwater regulations (the regulation addressed in this Fact Sheet) expanded the list of municipalities to include smaller ones in “urbanized areas” (regulated small MS4s) and was implemented in Pennsylvania in 2003.

## **DEP STORMWATER MANAGEMENT PROGRAM**

Each municipal Stormwater Management Program must be approved by DEP. The federal regulations provide flexibility in how municipalities implement each MCM. DEP has developed guidance to assist municipalities to meet the permit requirements.

An individual permit (reviewed and approved by DEP) is required when a regulated MS4 with stormwater discharges to, or is located in, waters of the Commonwealth that have an existing or designated use that is classified as “Special Protection” under 25 Pa. Code Chapter 93 of DEP’s regulations.

Also, a permittee can elect to develop its own Stormwater Management Program, which would require applying for an individual permit.

## **USE OF EQUIVALENT STATE AND LOCAL PROGRAMS TO IMPLEMENT AND FUND CERTAIN MUNICIPAL STORMWATER PROGRAM ELEMENTS**

The federal regulations allow DEP and permittees to use qualifying state and local programs to satisfy NPDES permit requirements (see 40 CFR §122.34(c)).

1. The Pennsylvania Stormwater Management Act (Act 167), 32 P.S. §§680.1 *et seq.*, requires counties to develop, and municipalities to implement, comprehensive stormwater management programs. The county develops the watershed-based plans with the assistance of the municipalities.

Act 167 provides 75% state funding for both planning and implementation. The local cost-share can be met, in part, by in-kind service contributions.

A municipality has the opportunity to demonstrate that implementation of DEP-approved Act 167 plans could satisfy some MS4 permit requirements.

2. DEP implements a statewide Erosion and Sediment Pollution Control Program for any earth disturbance activity. As part of the NPDES Phase II General permit, MS4s are required to implement Construction Site Runoff Control in order to meet MCM #4. The BMPs that are required as for the Erosion and Pollution Control Program can help meet the requirements of MCM #4.

Frequently, the Erosion and Sediment Control program is delegated to the County Conservation Districts (CCDs). This program requires persons proposing or conducting earth disturbance activities to develop, implement and maintain an Erosion and Sediment Control Plan (E&S Plan) containing BMPs which minimize the potential for accelerated erosion and sedimentation for all earth disturbance activities.

For activities involving one acre to less than five acres of earth disturbance with a "point source" discharge (or 5 acres or more regardless of the discharge), an NPDES Construction permit for stormwater discharges associated with construction activities is required. This permit requires the development of a written plan identifying permanent post-construction stormwater management BMPs.

In addition, a municipality or county may not issue a building or other permit or final approval to anyone proposing to conduct earth disturbance activities until the required NPDES Construction permit (or approved coverage under a General NPDES Permit) has been issued.

Under Pennsylvania's Conservation District Law and DEP's regulations, DEP may delegate, by written agreement, the administration and enforcement of the Erosion and Sediment Control Program to a CCD if the CCD has adequate and qualified staff to implement the program. In addition, municipalities may develop working agreements with CCDs for their assistance with municipal responsibilities for erosion and sediment control programs, stormwater management plans or other related activities.

Municipalities are not required to utilize the services of the local CCD, and CCDs are not mandated to participate in this process; however, these state and local programs do provide an opportunity for municipalities to utilize existing legal mechanisms to meet these portions of the permit requirements, and for CCDs to maintain their service program in the local community.

3. DEP implements a statewide NPDES Construction Permit program that addresses post-construction stormwater impacts. Persons proposing or conducting earth disturbance activities are required to develop an Erosion and Sedimentation Control Plan (E&S Plan) and a Post-Construction Stormwater Management Plan (PCSM Plan) containing BMPs to protect, maintain, reclaim and restore water quality and the existing and designated uses of surface waters of the Commonwealth.

The BMPs in the E&S Plan and the PCSM Plans can help meet the NPDES Phase II requirements of MS4s to meet MCM #4 Construction Site Runoff Control and MCM #5 Post-Construction Stormwater Management in New Development and Redevelopment.

The PCSM Plan is subject to a review by DEP where there is a discharge to a water in a Special Protection watershed and in other circumstances where an Individual Permit is required by DEP's regulations. When DEP authorizes activities under its statewide General Permit for Stormwater Discharges Associated with Construction Activities (PAG-2), DEP may, or may not perform a detailed review of the PCSM plan.

In many watersheds, municipalities can utilize this statewide program by requiring proof of the NPDES Construction permit authorization, with post-construction BMPs, prior to issuing a building or other permit or final approval to those proposing earth disturbance activities; however, where the general NPDES permit coverage (PAG-2) is authorized without a site plan review by DEP or the CCD, the municipality will need to conduct the PCSM review to ensure that water quality requirements are met.

To effectively use these existing regulatory programs to meet MS4 requirements, municipalities must have a municipal ordinance and a mechanism that requires review and approval of construction and post-construction stormwater BMPs for activities that involve earth disturbances equal to or greater than one acre. An agreement with the CCD is one good approach to meeting this requirement for the construction activities.

## OTHER RESOURCES

1. Web site with links and electronic resources for MS4s.

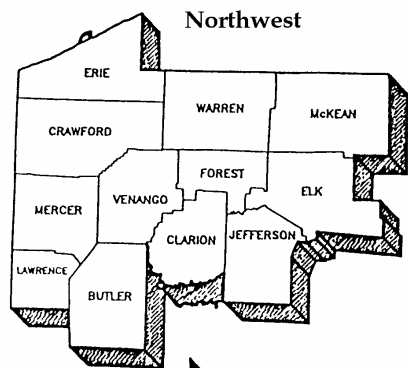
For many of the six minimum control measures, DEP has developed a set of resource materials for municipalities. Educational materials, public participation plan outlines and many other useful materials are available online at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Stormwater.

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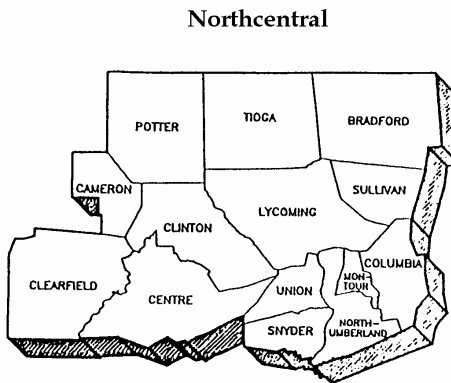
For more information,  
Call the DEP regional office in your area or contact:

**Department of Environmental Protection**  
Bureau of Watershed Management  
Division of Waterways, Wetlands and Stormwater Management  
400 Market St.  
P.O. Box 8775  
Harrisburg, PA 17105  
717-787-6827

**DEP REGIONAL OFFICES**



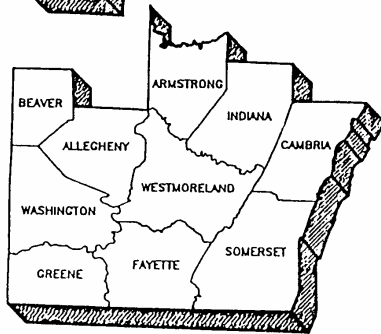
Northwest



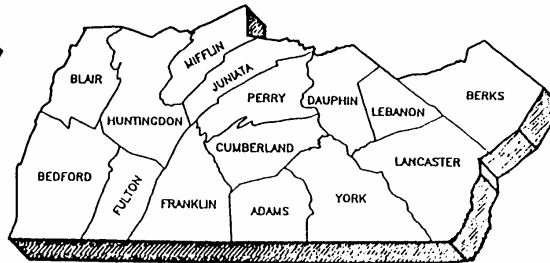
Northcentral



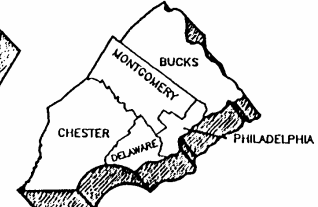
Northeast



Southwest



Southcentral



Southeast

**Southeast Region**

2 East Main Street  
Norristown, PA 19401  
484-250-5970

**Counties:** Bucks, Chester, Delaware, Montgomery and Philadelphia

**Northwest Region**

230 Chestnut St.  
Meadeville, PA 16335-3481  
814-332-6984

**Counties:** Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren

**Southwest Region**

400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
412-442-4000

**Counties:** Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland

**Northeast Region**

2 Public Square  
Wilkes-Barre, PA 18711-0790  
570-826-2511

**Counties:** Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming

**Southcentral Region**

909 Elmerton Ave.  
Harrisburg, PA 17110  
717-705-4700

**Counties:** Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York

**Northcentral Region**

208 W. Third St., Suite 101  
Williamsport, PA 17701  
570-327-3636

**Counties:** Bradford, Cameron, Clearfield, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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## INSTRUCTIONS Notice of Intent (NOI)

### FOR COVERAGE UNDER NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES (PAG-13) FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

Refer to the Flow Chart to Determine Eligibility for Coverage Under Pennsylvania NPDES General Permit (PAG-13) (Figure 1) to determine your eligibility for coverage under this General Permit.

#### I. GENERAL INSTRUCTIONS

##### Who Must Apply for a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit?

Certain small municipal separate storm sewer systems (MS4s) in "urbanized areas" as defined in 40 CFR Part 122, that discharge stormwater into surface waters of the Commonwealth (including intermittently flowing streams and drainage channels) are required to have the discharges authorized by an NPDES stormwater permit. See the PAG-13 General Permit *Fact Sheet* for more information about these requirements.

Maps of urbanized areas and a list of regulated small MS4s in Pennsylvania can be obtained from DEP's website, [www.depweb.state.pa.us](http://www.depweb.state.pa.us), Keyword "Stormwater Management" then click on "Permitting."

##### What is a Notice of Intent (NOI)?

An NOI is part of the General Permit process in Pennsylvania. A General Permit such as this one for stormwater management by MS4s allows for a simple processing of the application and approval of permit coverage by certain MS4s. Instead of issuing an individual permit for each MS4, one statewide permit is issued and eligible MS4s may apply for coverage under the permit using a Notice of Intent (NOI). This process was established by DEP's regulations in 25 Pa. Code Chapter 92.

##### Who May Use the Notice of Intent (NOI) Form?

This form may be used by operators of MS4s who are eligible for coverage under the General Permit (PAG-13), as described in the "Authorization to Discharge" for PAG-13. MS4s that are not eligible for coverage, such as those with discharges to "Special Protection" waters, may not use this General Permit, but instead must apply for an Individual NPDES Permit.

##### Where to File the Notice of Intent

NOIs are to be submitted to the appropriate regional office of DEP. Refer to Table 1 for locations and addresses.

##### When to File the Notice of Intent

MS4 operators who wish to **RENEW** their current coverage authorization must file an administratively complete and acceptable NOI to be received by DEP no later than 180 days prior to the expiration date of their current coverage.

**NEW** operators who seek coverage under the General Permit must file an administratively complete and acceptable NOI to be received by DEP within 180 days of notice of designation pursuant to 40 CFR § 122.26(a)(9).

DEP may deny coverage under the General Permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

##### Notice of Intent Filing Fee

Except for state government agencies, a check for \$250.00 must be included with the NOI. The check should be made payable to the "Commonwealth of Pennsylvania Clean Water Fund". It is to be dated within 10 days of the NOI submittal date.

## Required Attachments

The following attachments must be filed with the NOI:

1. Notice of Intent filing fee.
2. Map: A USGS topographical quadrangle map showing the approximate boundaries of your MS4 and names of receiving surface waters. Also, storm sewer system outfall maps and/or a list of storm sewer outfalls and their locations.
3. A Stormwater TMDL Plan if applicable.

## II. NOTICE OF INTENT FORM

### A. Multi-Municipal Joint Application

1. Identify whether the application is being made jointly with other municipalities.
2. Provide a list of the co-applicants and the contacts. Each co-applicant must complete an NOI.
3. According to 40 CFR 122.33 (b)(1) you may file your own NOI, or you and other municipalities or governmental entities may jointly submit an NOI. If you want to share responsibilities for meeting the minimum measures with other municipalities or governmental entities, you must submit an NOI that describes which minimum measures you will implement and identify the entities that will implement the other minimum measures within the area served by your MS4.
4. Provide a map of the watershed(s) with the watershed and municipal boundaries of each co-permittee.

### B. MS4 Operator Information

1. Name of MS4 operator – Provide the legal name of the governmental entity or other legal entity that controls the operation of the MS4 described in this application.
2. Contact Person – Provide the name of a primary contact person who will be responsible for receiving and responding to all correspondence from DEP regarding the MS4 General Permit and stormwater discharges permitted under it.
3. Title/Role – Provide the title or role of the Contact Person (Example: “Township Engineer”).
4. Division/Department – Provide the name of the organization in which the Contact Person is employed (Example: “Water Quality Bureau” or “Department of Public Works”).
5. Phone/Fax Numbers – Provide the phone number and fax number for the Contact Person.
6. E-mail Address – Provide the e-mail address for the Contact Person.
7. Mailing Address – Provide the mailing address for the Contact Person, including a street address (or P.O. Box), City and Zip Code. This is where all correspondence related to the MS4 permit will be sent.

### C. MS4 Location Information

1. Urbanized Area Name – Provide the urbanized area name and urbanized area number in which the MS4 is located. To help you in answering this question, refer to the list at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Stormwater.

### D. Description of Receiving Waters

1. *Name(s) of Receiving Water(s) and Watershed(s)*– Identify all surface waters of the Commonwealth to which the MS4 discharges shown on the relevant USGS Topographical Survey quadrangle map(s) to which your MS4 discharges. You can purchase the maps from the USGS - Dept of Interior site at: <http://store.usgs.gov/>
2. For each receiving water body, note the *designated use(s) and existing use(s)*, as applicable. These are described in 25 Pa. Code Chapter 93, and can be found here:
  - i. Designated Uses: <http://www.pacode.com/secure/data/025/chapter93/chap93toc.html>
  - ii. Existing Uses: <http://www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1261&q=449172>

3. Also, indicate whether the receiving water body is on DEP's "303(d)" list which can be found here: <http://www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1261&q=535678>. This is the list of "impaired" waters according to DEP's continuing surface water assessment program.
4. Indicate whether the receiving water body is subject to a TMDL, which can be found on DEP's web site which provides a list of approved Total Maximum Daily Loads (TMDLs) at: [http://www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/). TMDLs establish an allowable limit of pollutant (called a wasteload allocation) to control pollution discharges into impaired waters. The U.S. Environmental Protection Agency (EPA) web site also provides a list of approved TMDLs for Pennsylvania at: [http://www.epa.gov/reg3wapd/tmdl/pa\\_tmdl/index.htm](http://www.epa.gov/reg3wapd/tmdl/pa_tmdl/index.htm). Remember, ALL MS4s THAT DISCHARGE STORMWATER TO SURFACE WATERS CLASSIFIED AS "EXCEPTIONAL VALUE," "HIGH QUALITY" WATERS, OR EXCEPTIONAL VALUE WETLANDS MUST OBTAIN AN INDIVIDUAL NPDES PERMIT.

#### **E. Stormwater Management Program**

The MS4 General Permit requires permittees to implement six MCMs to protect water quality standards and to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP). DEP has provided a Stormwater Management Program in the General Permit, which shall be used for permit compliance. In this section, confirm that you will use this SWMP to meet this requirement for all six MCMs. If not, then you must apply for an Individual MS4 permit.

If your NOI is for a group of co-applicants, and one applicant is implementing one or more minimum control measure(s) on the other applicants' behalf, name which applicant is responsible for implementing that measure. The same applies for elements to be implemented by others such as a county, statewide association or watershed group. However, because these non-MS4 entities are not permittees; the MS4s have the ultimate responsibility for implementing each of the elements of this Permit.

##### **1. *Additional Requirement of a Stormwater TMDL Plan for Impaired Waters with a TMDL***

If your MS4 discharges stormwater into any receiving waters with approved stormwater TMDLs, you shall develop, implement, and enforce a Stormwater TMDL Plan that achieves the pollutant reductions consistent with the applicable TMDL. When a Stormwater TMDL Plan is required to be submitted with the NOI, the municipality shall implement the approved plan.

At a minimum, the Stormwater TMDL Plan shall include information regarding implementation of all of the Best Management Practices (BMPs) from at least two TMDL Control Measures listed below, within the term of coverage of this permit term.

The Stormwater TMDL Plan shall, at a minimum, include:

- i. Title of TMDL;
- ii. List of the watershed name(s) and eight digit Hydrologic Unit Code (HUC) Watershed number(s) that the TMDL is located;
- iii. List of the pollutant(s) and Wasteload Allocations (WLAs) assigned to each MS4 covered by the NOI;
- iv. List of the municipalities subject to the same TMDL within the same eight digit HUC watershed;
- v. List of the counties subject to the same TMDL within the same eight digit HUC watershed;
- vi. Allocated pollutant loadings set forth in the TMDL: (Example language—The goal for this TMDL is for the [insert pollutant] concentrations throughout [insert name of area with TMDL] to meet the water quality standards for the designated uses of the water body that are affected by [pollutant]. These uses include [list uses]. The water quality standard for the uses are [insert water quality standards]. A [insert percent reduction listed for TMDL] percent reduction in the total [pollutant] loading is necessary to meet the TMDL);
- vii. Reductions in pollutant loads to be attained by the Stormwater TMDL Plan: (Example language—To reduce or remove all sources of [pollutant] to the stream to the maximum extent practicable. DEP expects that a phased and iterative approach will be utilized. The municipalities will work with partners (adjacent municipalities, counties, watershed associations, conservation districts, etc.) to implement all of the BMPs within the TMDL Control Measures to meet the TMDL);

- viii. TMDL Control Measures to address the TMDL: (Example language—List all of the TMDL Control Measures to be implemented and monitored.) Include a brief analysis explaining the rationale for selecting two or more BMPs from the list below for implementation.
- ix. Monitoring information and timeline for achievement in accordance with the TMDL: The permittee shall include information and a brief analysis on how implementation of the Plan, including selected TMDL Control Measures, shall make measurable progress in substantially reducing the applicable pollutant loads consistent with the TMDL, including the expected reductions in pollutant load. In addition, the permittee shall propose a timeline, with milestones, that details how implementation of the Plan will attain the pollutant load reductions set forth in the applicable WLA of the TMDL, as soon as practicable. Implementation of the Plan may be phased, in accordance with the timeline, and can be adaptive, iterative, and dynamic. The Plan shall be evaluated and updated by the permittee continuously, as necessary, based on its effectiveness in reducing pollutant discharge loads. Also include a brief description of a process for evaluating the Stormwater TMDL Plan implementation efforts undertaken to date and any changes made to the measures specified in the Plan to obtain greater reductions in pollutant loading;
- x. Additional information deemed necessary by DEP for addressing the TMDL.

Information for TMDLs (including HUC numbers) can be found at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: TMDL.

The Stormwater TMDL Plan must be signed and sealed by a professional engineer holding a valid license in good standing from the Pennsylvania Department of State.

You must implement and monitor all of the BMPs, at least two TMDL Control Measures to any of your municipal facilities from the following list. (Note: these are in addition to the six mandatory MCMs). The BMPs are examples of the types of BMPs that could be part of the implementation. Whenever possible, the TMDL Control Measures should be implemented in a manner consistent with the guidance provided by the Pennsylvania Stormwater Best Management Practices Manual (Document No. 363-0300-002). In addition, the Stormwater TMDL Plan should be conducted in a manner consistent with and incorporate appropriate content from Non Point Source Implementation Plans, Watershed Restoration Strategy Plans, County Comprehensive Plans (Act 247 Plans) as well as other applicable resources.

- TMDL Control Measure 1. Establish and Protect Riparian Forest Buffers – restore vegetated buffer areas
- a. Inventory possible buffer restoration sites
  - b. Prioritize and select buffer restoration sites
  - c. Establish and maintain riparian forest buffers utilizing DEP's Riparian Forest Buffer Guidance (Doc. No. 394-5600-001) and the Riparian Forest Buffer Toolkit ([www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Stream ReLeaf.)
  - d. Protect the riparian forest buffers by recording a riparian forest buffer easement or riparian forest buffer agreement
  - e. Enact and enforce a riparian forest buffer ordinance
  - f. Quantify and report yearly amount of new riparian forest buffers installed utilizing the Stream ReLeaf data sheets ([www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Stream ReLeaf.)
- TMDL Control Measure 2. Disconnection Program – Disconnect impervious areas from your MS4 system
- a. Survey/inventory system for directly connected roof leaders
  - b. Survey system for pavement disconnection opportunities
  - c. Develop and implement a disconnection and retrofit program
  - d. Enact and enforce an ordinance requiring disconnection and prohibiting direct roof connections
  - e. Quantify and report yearly volume permanently removed in association with the disconnect program

- TMDL Control Measure 3. Tree Planting – Plant trees within the impaired watershed
- a. Identify areas for possible tree planting to last a minimum of twenty (20) years
    - i. Guidance and grants are available through the TreeVitalize partnership <http://www.treevitalize.net/>
  - b. Create a basic planting plan that includes:
    - i. A map that delineates each area in which project activities must be performed.
    - ii. A sketch or large map identifying the specific location where each tree is to be planted
    - iii. The species (and variety, if applicable) of each tree planted
    - iv. The location of overhead utilities or other above ground obstructions (lamp posts, fire hydrants, etc..) and any known underground obstructions.
    - v. The width of the tree lawn if present, or the size of the sidewalk opening where the tree is to be planted if no tree lawn (5ft x 5ft or 3ft x 10ft is recommended)
    - vi. Establish a long-term maintenance program and provide for early care of the trees for the first three years.
  - c. Plant and maintain trees or tree seedlings;
    - i. Municipalities with a resident population density between 1-20,000:
      1. Plant 25 trees with a caliper range between 2 inches to 3 inches measured 6 inches above the root collar of the tree, **OR**
      2. Plant 1,000 tree seedlings with tree shelters (utilize the Conservation Reserve Enhancement Program Guidelines <http://www.creppa.org/success.htm>. Click on “Landowner Guide to Success.”)
    - ii. Municipalities with a resident population of 20,001 and over
      1. plant 50 trees with a caliper range between 2 inches to 3 inches measured 6 inches above the root collar of the tree, **OR**
      2. Plant 2,000 tree seedlings with tree shelters.
  - d. Quantify and report yearly amount of trees planted including but not limited to: tree species, diameter range of trees, and location of planting.

- TMDL Control Measure 4. Construct Recharge/Infiltration Facilities
- a. Evaluate locations for structural infiltration facilities including vegetative swales
  - b. Construct recharge/infiltration BMPs (For examples refer to Chapter 6 of the [Pennsylvania Stormwater Best Management Practices Manual](#))
  - c. Construct BMP with annual volume control equivalent to volume control in 1 & 2 above
  - d. Quantify and report yearly volume permanently removed in association with the construction of recharge/infiltration facilities

- TMDL Control Measure 5. Stormwater Basin Retrofits – Naturalize or modify for extended detention, and/or modify for increased infiltration basin
- a. Inventory basins within the urbanized areas
  - b. Determine feasibility for retrofit naturalization
  - c. Prioritize and select basins for retrofit
  - d. Retrofit at least one basin

- e. Quantify and report yearly the size and type of stormwater basin retrofits and the volume permanently removed in association with the stormwater basin retrofits

TMDL Control Measure 6. Restore Stream banks – Restore degraded and eroding stream banks

- a. Inventory using NRCS assessment tool (<http://www.nrcs.usda.gov/technical/ecs/aquatic/svapfnl.pdf>)
- b. Prioritize segments and select at least one for restoration
- c. Restore at least one segment (a minimum of 1000 linear feet and 100 ft wide is suggested)
- d. Quantify and report yearly amount of restored stream banks in linear feet volume removed from system

TMDL Control Measure 7. Green Infrastructure

- a. Establish a Green roof — minimum of 20,000 square feet per year (suggested)
- b. Establish Rain gardens — minimum of two (2) acres per year (suggested)
- c. Implement Pervious pavement surfaces — minimum of 5 acres per year on all new pavement (suggested)
- d. Quantify and report yearly the size and type of installed green infrastructure BMPs

Guidance on methods to compute the water quality benefits of various interconnected BMPs can be found in Section 8.6 titled “Stormwater Quality Analysis,” of the Pennsylvania Stormwater Best Management Practices Manual, Section 8.6, Stormwater Quality Analysis.

## **2. NOI Requirements**

The Stormwater TMDL Plan shall be submitted as an addendum to the NOI, and shall include all of information specified.

## **3. Implementation Requirements**

You shall develop and implement a plan that achieves the pollutant reductions established by the TMDL. The plan shall include information concerning implementing at least one of the two TMDL Control Measures as soon as practicable but in no case later than by the beginning of the third year of coverage under the permit. Also, you shall report on the implementation of at least one TMDL Control Measures in the progress report submitted in third year of coverage under the permit. You shall implement the second TMDL Control Measures in your plan MCM as soon as practicable but not later than by the beginning of the fifth year of coverage under the permit. Additionally, all other measures needed to reduce the pollutant load consistent with the TMDL shall be implemented as soon as practicable, in accordance with the Plan timeline, to make measurable progress in substantially reducing the applicable pollutant loads. Implementation of all measures can be adaptive, iterative, and dynamic. The Plan shall be evaluated and updated by the permittee continuously, as necessary, based on its effectiveness in reducing pollutant discharge loads.

You shall report on the implementation in the progress report submitted with the renewal application, including the reductions in pollutant load attained by implementation of the measures, broken down measure by measure. The Stormwater TMDL Plan shall demonstrate that the required pollutant load reductions will be achieved to the Maximum Extent Practicable, consistent with the TMDL. The Plan can demonstrate this by showing how measurable implementation progress will be made in substantially reducing applicable pollutant loads specified in the WLA, in accordance with the implementation timeline, including attainment of applicable milestones, along with the end date for ultimate attainment of the pollutant load reductions set forth in the WLA.

**F. Stormwater Management Ordinance**

The permittee must enact and implement, without omissions, either an ordinance from an Act 167 Plan approved by DEP in 2005 or later, or the 2008 Pennsylvania Model Stormwater Management Ordinance within 12 months of the Approval for Coverage date. The permittee must indicate in the NOI whether they will update an existing ordinance from an Act 167 Plan approved by DEP in 2005 or later, or they plan on adopting the 2008 Pennsylvania Model Stormwater Ordinance. Permittees who use any other version of stormwater management ordinance must apply for an individual permit.

Permittees shall **submit a letter signed** by a municipal official, municipal engineer or the municipal solicitor as an **attachment to their first year report certifying the enactment** of either an ordinance from an Act 167 Plan approved by the Department in 2005 or later, or the 2008 Pennsylvania Model Stormwater Management Ordinance.

**G. Compliance History Review**

Check the appropriate box in H of the NOI. If the answer is "No", no further information is needed in this block. If "Yes", please provide the requested information for each permit, order, regulation or schedule of compliance. Authorization or delegation must be in writing and a copy included in the NOI application.

Renewal permittees who have not adopted an ordinance shall complete the Schedule of Compliance. You shall enact **either** the 2008 Stormwater Management Model Ordinance OR the ordinance from the Act 167 plan approved in 2005 or later.

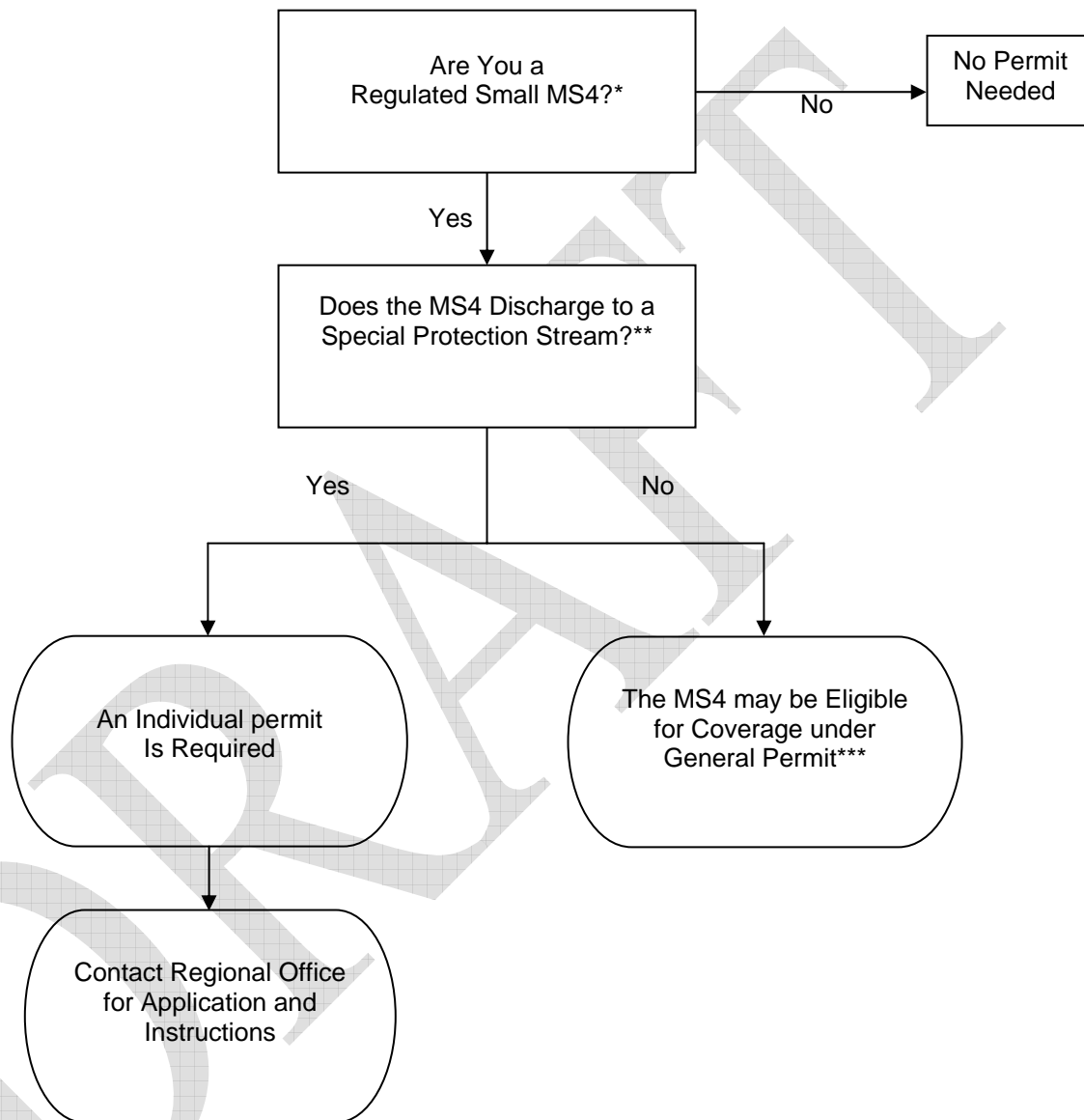
**H. Certification**

The applicant must certify that the information contained in the NOI is true, accurate and complete. The NOI must be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

1. the chief executive officer of the agency, or
2. a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

For municipalities, DEP will accept the signature of any duly authorized or delegated person by the governing board of directors, supervisors or commissioners.

**Figure 1. Flow Chart to Determine Eligibility for Coverage Under Pennsylvania NPDES General Permit (PAG-13) Stormwater Discharges from a Small Municipal Separate Storm Sewer System (MS4)**



(\*) To determine if you are a small MS4 regulated by these requirements, see the *Fact Sheet*, or the federal regulations at 40 CFR 122.26 – 123.35, or contact the DEP regional office. DEP has a list of the designated municipal and county MS4s—at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Stormwater Management, then click on Permitting, or contact your regional DEP office.

(\*\*) Special Protection streams include those classified as High Quality (HQ) and/or Exceptional Value (EV). The classifications are either “designated use” or “existing use.”

Designated Uses Listing: <http://www.pacode.com/secure/data/025/chapter93/chap93toc.html>

Existing Uses Listing:

<http://www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1261&q=449172>

(\*\*\*) Please refer to the General Permit for other restrictions on the use of stormwater General Permit.

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

REGIONAL WATERSHED MANAGEMENT PROGRAM OFFICES

Table 1

<b>Office</b>	<b>County Responsibility</b>
<p><i>Southeast Office</i> - (484) 250-5900            Permit Coordinator            2 East Main Street            Norristown, PA 19401</p>	<p>Bucks, Chester, Delaware, Montgomery and Philadelphia</p>
<p><i>Northeast Office</i> - (570) 826-2511            Permit Coordinator            2 Public Square            Wilkes-Barre, PA 18711-0790</p>	<p>Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming</p>
<p><i>Southcentral Office</i> - (717) 705-4700            Permit Coordinator            909 Elmerton Avenue            Harrisburg, PA 17110</p>	<p>Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York</p>
<p><i>Northcentral Office</i> - (570) 327-3636            Permit Coordinator            208 W. 3rd Street            Williamsport, PA 17701</p>	<p>Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union</p>
<p><i>Southwest Office</i> - (412) 442-4000            Permit Coordinator            400 Waterfront Drive            Pittsburgh, PA 15222-4745</p>	<p>Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland</p>
<p><i>Northwest Office</i> - (814) 332-6945            Permit Coordinator            230 Chestnut Street            Meadville, PA 16335-3481</p>	<p>Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren</p>



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATERSHED MANAGEMENT

## NOTICE OF INTENT (NOI)

### FOR COVERAGE UNDER NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES (PAG-13) FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

- (1) Please read the attached instructions carefully before completing this application.
- (2) If your MS4 discharges into "special protection waters" (or is otherwise ineligible to use PAG-13) do not complete this NOI; you must use an individual permit application.
- (3) Check the appropriate box if you are submitting this NOI for a RENEWAL of your current permit, or if this NOI is for a NEW permit:

Renewal Permit  (if checked, please provide Permit Number) **PAG-13** \_\_\_\_\_  
OR  
New Permit

A. Multi-Municipal Joint Application	
1.	Is this application being made jointly with other municipalities. <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", please complete the information below
2.	List of co-applicants and contact persons (each co-applicant must complete an NOI):
3.	Enclose USGS Topographical map of the watershed(s) and municipal boundaries of each co-permittee.
B. MS4 Operator Information	
1.	Name of MS4 Operator:
2.	Contact Person:
3.	Title/Role:
4.	Division: <span style="float: right;">Department:</span>
5.	Phone Number: <span style="float: right;">Fax:</span>
6.	E-mail:
7.	Mailing Address:
	Address Line 1:
	Address Line 2:
	City:
	Zip Code:

**C. MS4 Location Information**

1. Urbanized Area Name: UA #:

**D. Description of Receiving Waters (refer to the NOI instructions for more information).**

List water bodies into which MS4(s) discharges, and their classification(s)

Name of Waterbody	Designated Uses	Existing Uses	303(d) Listed? (Y/N)	TMDL? (Y/N)	TMDL Parameter(s) List the Wasteload Allocation (WLA) and Load Allocation (LA) if applicable.

1. Enclose a USGS Topographical Map showing MS4 boundaries and names of receiving waters.

**E. Stormwater Management Program (SWMP)**

MS4 operators must submit a SWMP with BMPs, measurable goals and a schedule as part of their NOI. The SWMP in the Appendix A of the Authorization to Discharge meets this requirement.

Check the box below if you are implementing the SWMP in Appendix A.

**MS4 Operator's Plan for Each Minimum Control Measure**

Below, check the box next to the Minimum Control Measure(s) to confirm that the Stormwater Management Program contained in the General Permit will be followed. **If the Program cannot be followed, this NOI cannot be used and you must apply using an Individual MS4 application.** In addition, provide the names of the responsible person(s) for implementing the program on each Minimum Control Measure.

<b>Minimum Control Measures</b>	The MS4 Operator will implement the minimum control measure as described in the <b><i>SWMP in the General Permit</i></b>	<b>Name and telephone number of the principal person responsible for implementation.</b>
I agree to implement the SWMP in the Appendix A to the Authorization to Discharge.	<input type="checkbox"/>	
(1) Public Education and Outreach	<input type="checkbox"/>	
(2) Public Participation and Involvement	<input type="checkbox"/>	
(3) Illicit Discharge Detection and Elimination	<input type="checkbox"/>	
(4) Construction Site Stormwater Runoff Control	<input type="checkbox"/>	
(5) Post-Construction Stormwater Management in New Development and Redevelopment	<input type="checkbox"/>	
(6) Pollution Prevention and Good Housekeeping for Municipal Operations and Maintenance	<input type="checkbox"/>	
Stormwater TMDL Plan for MS4s <u>with</u> an approved TMDL (attached)		<b>Name and telephone number</b> of the principal person responsible for implementation of the Stormwater TMDL Plan.

**1. Additional Requirement of a Stormwater TMDL Plan for Impaired Waters with a TMDL**

If your MS4 discharges stormwater into any receiving waters with approved TMDLs, submit, develop, implement, and enforce a Stormwater TMDL Plan that achieves the pollutant reductions consistent with the applicable TMDL. Refer to page 3 of the NOI Instructions for the list of nine (9) components that shall be included in the Stormwater TMDL Plan, **which shall be submitted as an attachment to the NOI.**

**F. Stormwater Management Ordinance**

Indicate by checking **one** of the boxes below whether you have an existing ordinance from an Act 167 Plan approved by DEP in 2005 or later, **or** you plan on adopting the 2008 Pennsylvania Model Stormwater Management Ordinance.

The MS4 will satisfy, without omissions, one of the following (Check one):	<input type="checkbox"/> Enact and implement the 2008 Pennsylvania Model Stormwater Management Ordinance	<b>OR</b>	<input type="checkbox"/> Already have enacted and implemented an Act 167 Stormwater Management Ordinance from an Act 167 Plan approved in 2005 or later  Enactment Date of Stormwater Management Ordinance _____	Fill in the Name and Telephone number of the principal person responsible.  _____ Name  _____ Telephone number
--	--	-----------	--	--

**G. Compliance History Review**

Has the applicant been in violation during the past 3 years of any permits issued by DEP, or any orders, regulations or schedules of compliance?

Yes  No

If yes, list each permit, order, regulation, or schedule that is/was in violation and provide compliance status of the permitted activity (use additional sheets to provide information on all permits).

Brief Description of Non-Compliance:

Steps Taken to Return to Compliance and Dates Compliance Achieved:

**Schedule of Compliance for enacting and implementing a Stormwater Management Ordinance**

The 2008 Stormwater Management Model Ordinance or the ordinance from the Act 167 plan approved in 2005 or later will be enacted and implemented prior to December 31, 2010.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Street address

\_\_\_\_\_  
City, state and zip code

\_\_\_\_\_  
Telephone number

**H. 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 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."

Name and official title: (Please Print or Type name and title. Use corporate or professional seal as appropriate)

Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

DRAFT



COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 BUREAU OF WATERSHED MANAGEMENT

**COVERAGE UNDER NPDES PHASE 2 GENERAL PERMIT  
 FOR STORMWATER DISCHARGES (PAG-13) FROM  
 SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**

**APPLICANT'S ✓ CHECKLIST**

Please check the following list to make sure that you have included all the required information. Place a checkmark in the column provided for all items provided. Include this checklist with your Notice of Intent (NOI).

Failure to provide all of the requested information will delay the processing of the NOI and may result in the NOI being placed **ON HOLD** or **NO ACTION**, or will be considered withdrawn and the file closed.

	Item	Check if Included
1.	Notice of Intent, including a Stormwater Management Program (SWMP) that contains, as applicable, a Stormwater TMDL Plan, completely and accurately filled out with notarized signature of ranking official. Include, if applicable, written authorization of signature delegation.	<input type="checkbox"/>
2.	Notice of intent filing fee. (Check for \$250.00 dated within 10 days of NOI submittal date)	<input type="checkbox"/>
3.	Map: USGS topographical quadrangle showing approximate boundary of MS4	<input type="checkbox"/>
4.	Copy of County's Letter of Intent/Request for Act 167 funding, if applicable.	<input type="checkbox"/>
5.	Map of Watershed, if applicable	<input type="checkbox"/>
6.	Stormwater TMDL Plan, if applicable.	<input type="checkbox"/>



## APPROVAL OF GENERAL PERMIT COVERAGE

### UNDER THE NPDES GENERAL PERMIT (PAG-13) STORMWATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)

**NPDES PERMIT NO:** \_\_\_\_\_

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Sections 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, *as amended*, 35 P.S. Section 691.1 *et seq.*, the Pennsylvania Department of Environmental Protection (DEP) hereby approves the Notice of Intent (NOI) submitted for coverage by:

APPLICANT(S) (NAME AND ADDRESS): _____ _____ _____ _____	WATERSHED(S): _____ _____ _____ _____
--	---

to discharge stormwater to surface waters of the Commonwealth.

The approval to discharge is made subject to DEP's enclosed NPDES General Permit for small MS4s (PAG-13), based, in part, on information the permittee provided in the Notice Of Intent (NOI). If there is a conflict between the permit and the NOI, the terms of the General Permit PAG-13 apply.

**APPROVAL FOR COVERAGE TO DISCHARGE UNDER THE GENERAL NPDES PERMIT WILL COMMENCE**  
 \_\_\_\_\_ **AND WILL EXPIRE AT MIDNIGHT** \_\_\_\_\_

**OR UPON TERMINATION OF THIS GENERAL PERMIT IN WRITING BY DEP.** TO CONTINUE DISCHARGING AFTER THE EXPIRATION DATE FOR COVERAGE UNDER THIS GENERAL PERMIT, AN ADMINISTRATIVELY COMPLETE AND ACCEPTABLE NOI MUST BE RECEIVED BY DEP NO LATER THAN 180 DAYS PRIOR TO THE COVERAGE EXPIRATION DATE. (SEE ITEM #6 ON PAGE 1 FOR FURTHER INFORMATION).

**Approval of the General Permit Coverage authorized by:**

\_\_\_\_\_

\_\_\_\_\_ Regional Office  
 Department of Environmental Protection



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATERSHED MANAGEMENT

## AUTHORIZATION TO DISCHARGE

### UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) PAG-13

#### GENERAL PROVISIONS:

Dischargers of stormwater from small municipal separate storm sewer systems (MS4s or systems), as defined in 40 CFR § 122.26(b)(16), are required under the federal stormwater regulations (40 CFR Part 122) and state regulations incorporating those federal requirements by reference (25 Pa. Code § 92.2), to submit an application and obtain a National Pollutant Discharge Elimination System (NPDES) permit to discharge stormwater into surface waters of the Commonwealth of Pennsylvania.

This General Permit authorizes stormwater discharges subject to the provisions of the Clean Water Act, 33 U.S.C. Sections 1251 *et seq.*, Pennsylvania's Clean Streams Law, *as amended*, 35 P.S. Sections 691.1 *et seq.*, and 25 Pa. Code Chapter 92.

Municipalities operating under this general permit are automatically designated as regulated by EPA pursuant to 40 CFR § 122.32(a)(1) or designated as regulated by DEP under 40 CFR § 122.32(a)(2).

The authorization to discharge stormwater is subject to the terms and conditions set forth in Parts A, B and C herein. This permit authorizes discharges from small MS4s to surface waters of the Commonwealth, when such discharges are composed entirely of stormwater as defined in this General Permit, except as otherwise provided herein. The permittee is required to submit reports to document implementation on the Stormwater Management Program (SWMP) as set forth in Appendix A, designed to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP).

#### THE AUTHORITY GRANTED BY THIS GENERAL PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. DEP may, upon written notification, require any MS4 permittee authorized by this General Permit to apply for and obtain an individual NPDES permit. The notice from DEP shall include the following: (1) a brief statement of the reasons for this action, (2) an application form, (3) a statement setting a deadline for the permittee to file the application and (4) a statement that on the effective date of the individual NPDES permit, coverage under this General Permit shall automatically terminate. If an MS4 permittee fails to submit, in a timely manner, an individual NPDES permit application required by DEP under this paragraph, then the applicability of this permit to the permittee is automatically terminated at the end of the day specified for submittal of the application. Any interested person may petition DEP to take action under this paragraph.
2. Any MS4 permittee authorized to discharge by this General Permit may be excluded from the coverage of this General Permit by applying for an individual permit. The permittee shall submit to DEP an individual permit application on approved Pennsylvania individual NPDES permit application forms.
3. When an individual NPDES permit is issued to an MS4 otherwise subject to this General Permit, the applicability of this General Permit to the individual NPDES permit is automatically terminated on the effective date of the individual permit.
4. This General Permit may be modified or revoked and reissued by DEP.
5. Unless extended by DEP, this General Permit shall expire 5 years from the date of its issuance. DEP shall publish a notice in the Pennsylvania Bulletin of the draft, renewed or reissued General Permit or of any amendments to this General Permit, and after a comment period, notice of the final, renewed, reissued or amended General Permit shall be published in the *Pennsylvania Bulletin*. The permittee shall be responsible for complying with the final renewed, reissued or amended General Permit.
6. An NOI for renewal of coverage under this General Permit shall be received by DEP at least 180 days prior to the Coverage Expiration Date on the Approval for Coverage (unless written permission has been granted by DEP for submission at a later date). A request for renewal of coverage is to be made using the NOI form provided by DEP.

7. Permittees who submit a timely renewal application in accordance with paragraph 6 may continue to operate pursuant to the terms and conditions of this permit until the General Permit is renewed, modified or revoked and reissued.
8. DEP shall publish a notice in the Pennsylvania Bulletin of the draft renewed, modified or revised General Permit before it expires. After a comment period specified in the notice of draft permit, a notice of final renewal, modification or reissuance of the General Permit shall be published in the Pennsylvania Bulletin.
9. No condition of this General Permit shall release the permittee from any responsibility or requirements under other federal or Pennsylvania environmental statutes or regulations.
10. Approval of coverage under this General Permit may be revoked by DEP if monitoring data indicate one or more toxic pollutants are, or are expected to be, discharged by the permittee. If there is evidence indicating potential or realized adverse impacts on water quality due to any stormwater discharge from an MS4 covered by this permit, the operator of such a discharge may be required to obtain an individual NPDES permit.
11. Timely submission of the Notice of Intent (NOI) and, if applicable, the Stormwater TMDL Plan.
12. By agreeing to participate in this General Permit, the applicant agrees to enact and implement, without omissions, either an ordinance from an Act 167 Plan approved by the Department in 2005 or later, or the 2008 Pennsylvania Model Stormwater Management Ordinance by December 31, 2010.
13. By agreeing to participate in this General Permit, the applicant agrees to fully implement and enforce the Stormwater Management Program (outlined in Part A, Section 2 below) that is designed to reduce the discharge of pollutants from the permittee's MS4 to the Maximum Extent Practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the federal Clean Water Act, the Pennsylvania Clean Streams Law, and regulations promulgated thereto.

#### **GENERAL PERMIT ELIGIBILITY:**

This permit authorizes the discharge of stormwater from eligible small MS4s defined at 40 CFR §122.26(b)(16). This includes small MS4s designated as regulated under 40 CFR §122.32(a)(1) and 40 CFR §122.32(a)(2). The MS4 is eligible to discharge under this permit if it meets all of the following conditions:

- a. It is not a large or medium MS4 defined in 40 CFR §122.26(b)(4) or (7);
- b. It is located fully or partially in an urbanized area as determined by the latest Decennial Census by the Bureau of Census;
- c. It submits an administratively complete and acceptable Notice of Intent and obtains written authorization from the Department.
- d. The permittee is not implementing a Qualifying Local Program (QLP) pursuant to 40 CFR § 122.44(s). Permittees currently operating under this general permit that wish to propose a QLP shall submit a complete written application for an Individual NPDES MS4 Permit together with complete documentation of their proposed Qualifying Local Program.
- e. The permittee has no MS4 stormwater discharges to or is not located in waters of the Commonwealth that have an existing or designated use that is classified as "Special Protection" under 25 Pa. Code Chapter 93 of DEP's regulations.
- f. It does not, and shall not, discharge hazardous pollutants, toxics or any other substance which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or contribute to an increase in mortality or morbidity in either an individual or the total population or pose a substantial present or future hazard to human health or the environment when discharged into waters of the Commonwealth.
- g. Individually, or in combination with other similar discharges, it does not, and shall not, have the potential to be a contributor to pollution which DEP determines is more appropriately controlled under an individual permit to ensure compliance with the Clean Water Act, the Clean Streams Law or regulations promulgated thereunder.

## GENERAL PERMIT COVERAGE AND LIMITATIONS:

1. The following are authorized discharges:
  - a. Stormwater discharges. This permit authorizes stormwater discharges to surface waters of the Commonwealth from small MS4s, except as excluded in Section 2 below.
  - b. Non-stormwater discharges. The following categories of non-stormwater discharges or flows are authorized by this permit unless the MS4 permittee or DEP has identified them as significant contributors of pollutants to the stormwater discharges from the regulated small MS4:
    - i. discharges or flows from fire fighting activities;
    - ii. discharges from potable water sources including dechlorinated water line and fire hydrant flushing;
    - iii. irrigation water and landscape drainage;
    - iv. diverted stream flows;
    - v. uncontaminated ground water;
    - vi. uncontaminated water from foundation and footing drains;
    - vii. air conditioning condensation;
    - viii. springs;
    - ix. water from crawl spaces;
    - x. water from lawn watering;
    - xi. individual residential car washing;
    - xii. flows from riparian habitats and wetlands; and
    - xiii. dechlorinated swimming pool discharges.
2. Limitations on Coverage: This permit does not authorize any of the following:
  - a. Discharges that are mixed with sources of non-stormwater unless such non-stormwater discharges are in compliance with a separate NPDES permit, or are determined not to be a significant contributor of pollutants to surface waters of the Commonwealth (as per section 1(b)).
  - b. Stormwater discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi).
  - c. Stormwater discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15).
  - d. Stormwater discharges currently covered under another NPDES permit.
  - e. Discharges that contain hazardous pollutants, toxics or any other substance which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or contribute to an increase in mortality or morbidity in either an individual or the total population or pose a substantial present or future hazard to human health or the environment when discharged into waters of the Commonwealth.
  - f. Discharges that, individually or in combination with other similar discharges, are or have the potential to be, a contributor to pollution, which is more appropriately controlled under an individual permit.
  - g. MS4 systems where any of the discharges would be to waters with an approved TMDL unless the permittee has an approved Stormwater TMDL Plan.
  - h. Discharges that are not, or shall not be, in compliance with the terms or conditions of this General Permit.
  - i. Discharges where the applicant has failed and continues to fail to comply, or has shown a lack of ability or intention to comply, with a regulation, permit, schedule of compliance, or order issued by DEP.
  - j. Discharges that do not, or shall not, result in compliance with applicable effluent limitations or water quality standards.
  - k. Discharges from an MS4 which DEP determines require an individual NPDES permit to ensure compliance with the Clean Water Act, the Clean Streams Law or regulations promulgated there under.

- l. Discharges that may adversely affect a Pennsylvania or federal endangered or threatened species, or its critical habitat.
- m. Discharges from an MS4 where an NPDES permit has been terminated or denied.

**COVERAGE UNDER THIS GENERAL PERMIT (PAG # 13) IS ISSUED:** \_\_\_\_\_, **AND SHALL EXPIRE ON:** \_\_\_\_\_.

**STORMWATER  
NPDES GENERAL PERMIT  
(PAG-13) ISSUED BY**

\_\_\_\_\_  
**DIRECTOR  
BUREAU OF WATERSHED MANAGEMENT**

DRAFT

## PART A

### STORMWATER MANAGEMENT PROGRAM

The permittee shall implement, enforce and report on the Stormwater Management Program (outlined in Section 2 below) which is designed to reduce the discharge of pollutants from its MS4 to the Maximum Extent Practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the federal Clean Water Act, the Pennsylvania Clean Streams Law, and regulations promulgated thereto.

The program shall include the enactment and implementation by December 31, 2010, of either the 2008 Pennsylvania Model Stormwater Management Ordinance or an Ordinance from an applicable Act 167 Stormwater Management Plan approved by DEP in 2005 or later.

#### 1. DEFINITIONS

**Applicant:** The MS4 entity seeking to discharge under, and pursuant to, the terms of this General Permit, and thereby agreeing to fully comply with all terms set forth therein.

**Best Management Practices (BMPs):** Schedules of activities, prohibitions of practices, structural controls (e.g., infiltration trenches), design criteria, maintenance procedures, and other management practices to prevent or reduce pollution to the waters of the Commonwealth. BMPs include Erosion and Sedimentation Control Plans, Post Construction Stormwater Management Plans, Stormwater TMDL Plans, Stormwater Management Act Plans, and other treatment requirements, operating procedures and practices to control runoff, spillage or leaks, sludge or waste disposal, drainage from raw material storage, and methods to reduce pollution, to recharge groundwater, to enhance stream base flow and to reduce the threat of flooding and stream bank erosion.

**Better Site Design (BSD):** An approach to residential and commercial development that, when properly conducted, can simultaneously reduce pollutant loads, conserve natural areas, save money, and increase property values. BSD promotes three main goals for new development sites: (1) to reduce the amount of impervious cover, (2) to increase the amount of natural lands set aside for conservation, and (3) to better integrate stormwater treatment systems on-site. Green Infrastructure techniques like green roofs, rain gardens, and vegetated swales can be used in BSD to manage stormwater runoff and increase the amount of local green space. Also, reducing the overall scale of streets, driveways, setbacks, parking spaces, and lot sizes are effective methods of reducing impervious cover.

<http://cfpub.epa.gov/npdes/greeninfrastructure/information.cfm#glossary>

**Clean Water Act:** The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 U.S.C. 1251, et. seq.

**Control Measure:** As used in this permit, refers to any BMP in the Stormwater TMDL Plan or other method used to prevent or reduce the discharge of pollutants to waters of the Commonwealth.

**Consistent With the TMDL:** Implementing measures as soon as practicable to make measurable progress in substantially reducing the applicable pollutant loads specified in the applicable WLA of the TMDL, and ultimately achieving the pollutant reductions required in the WLA through implementation of measures in accordance with an implementation timeline contained in the Stormwater TMDL Plan.

**Department:** The Department of Environmental Protection (DEP)

**Designated uses:** Those uses specified in 25 Pa. Code §§ 93.4(a) and 93.9a – 93.9z for each water body or segment whether or not they are being impaired.

**Director:** The Secretary of the Department of Environmental Protection or any authorized employee thereof.

**Dry Weather:** As it relates to required dry weather outfall inspections, any time that a precipitation event within the drainage area of a particular outfall has not exceeded a quarter of an inch during the preceding 48 hours. (NOTE: This is consistent with the CWP Manual being referenced as a guide for developing an IDDE program under MCM #3.)

**Existing uses:** Those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards.

**Illicit Connection:** Any physical connection to a separate stormwater drainage system that conveys illicit discharges into the system and/or is not authorized or permitted by the local authority.

**Illicit Discharge:** Any discharge (or seepage) to a municipal separate storm sewer that is not composed entirely of stormwater. This does not refer to discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4); certain allowable non-stormwater discharges described in the EPA regulations, MS4 permit or the MS4's ordinance; and discharges resulting from fire fighting activities. Examples of illicit discharges include dumping of motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, animal wastes, or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other non-stormwater waste into a separate stormwater drainage system. Illicit discharges can be accidental or intentional.

**Load Allocation (LA):** The portion of a surface water's loading capacity that is assigned or allocated to existing and future nonpoint sources and natural quality (25 Pa Code § 96.1).

**Low Impact Development (LID):** A set of site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater. LID can be applied to new development, urban retrofits, and revitalization projects. LID utilizes design techniques that infiltrate, filter, evaporate, and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features located on-site. <http://cfpub.epa.gov/npdes/greeninfrastructure/information.cfm#glossary>

**Maximum Extent Practicable (MEP):** A technology-based discharge standard established in the CWA at §402(p)(3)(B)(iii) that requires MS4 permittees to optimize reductions in stormwater pollutants on a location-by-location basis by minimizing pollutant loads in stormwater discharges and maximizing technically achievable and cost-effective water quality improvements. MEP as used in this program also includes the requirement under the Pennsylvania Clean Streams Law to prevent pollution from changes in stormwater rate, volume, and temperature associated with alteration of the land. The MEP standard requires the development, implementation, and enforcement of measures including BMPs, control techniques, system design, engineering methods, and other provisions that DEP determines to be appropriate for the control of such pollutants. MEP is an iterative, dynamic, flexible standard that the permittee shall evaluate and update continuously, as necessary, to better tailor or expand the program based on its effectiveness in reducing pollutant discharge load.

**Measurable Goals:** Best Management Practice design objectives or goals that quantify the progress of program implementation and the performance of the chosen BMPs. They are objective markers or milestones that can be used to track the progress and effectiveness of BMPs in reducing pollutants to the MEP.

**Municipal Separate Storm Sewer:** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains), which is all of the following:

- (1) owned or operated by a state, city, town, borough, township, county, district, association or other public body (created under state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater or other wastes,
- (2) designed or used for collecting or conveying stormwater,
- (3) not a combined sewer, and
- (4) not part of a Publicly Owned Treatment Works as defined at 40 CFR § 122.2.

**Municipal Separate Storm Sewer System (MS4):** All separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems pursuant to 40 CFR §§ 122.26(b)(18), or designated as regulated under 40 CFR § 122.26(a)(1)(v).

**Municipality:** Any county, city, borough, town, township, school district, or any institution or any authority created by one or more of the aforementioned.

**National Pollutant Discharge Elimination System (NPDES):** A permit issued under 25 Pa. Code Chapter 92 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) for the discharge or potential discharge of pollutants from a point source to surface waters.

**New Permittee:** Any municipality that has been designated as a regulated MS4 and has not previously obtained coverage under PAG-13 or obtained an Individual MS4 Permit.

**NOI:** The Notice of Intent for Coverage under the NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems.

**Non-structural BMP:** Preventative actions that involve management and source controls such as: (1) Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; (2) policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) education programs for developers and the public about minimizing water quality impacts; (4) other measures such as minimizing the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventative maintenance, and spill prevention.

**Outfall:** A "Point Source" as defined by 40 CFR § 122.2 is the point where an MS4 discharges stormwater to other Surface Waters of the Commonwealth. This does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream and are used to convey waters of the Commonwealth (40 CFR § 122.26 (b) (9)).

**Owner or operator:** The owner or operator of any "facility or activity" subject to regulation under the NPDES program.

**Permittee:** Refers to the MS4 permittee, unless the context is clearly otherwise.

**Point Source:** As defined by 25 Pa. Code § 92.1, 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, vessel, or other floating craft from which pollutants are or may be discharged.

**Pollutant:** Any contaminant or other alteration of the physical, chemical, biological, or radiological integrity of surface water which causes or has the potential to cause pollution as defined in section 1 of The Clean Streams Law, 35 P.S. § 691.1.

**Regulated Small MS4:** Any small MS4 that is covered by the federal Phase II stormwater program, either through automatic nationwide designation under 40 CFR § 122.32(a)(1) (via the Urbanized Area criteria) or by designation on a case-by-case basis by DEP pursuant to 40 CFR § 122.32(a)(2). "Regulated small MS4s" are a sub-set of "small MS4s".

**Riparian Forest Buffer (Riparian Buffer):** An area of permanent vegetation consisting of native trees, shrubs, forbs and grasses along surface water that is maintained in a natural state or sustainably managed to protect and enhance water quality, stabilize stream channels and banks, and buffer land use activities from surface waters.

**Section 303(d) Listed Waters:** Stream segments placed on a list when, based on existing and readily available data and/or information technology-based effluent limitations required by the federal Clean Water Act, more stringent effluent limitations, and other pollution control requirements are not sufficient to implement an applicable water quality standard and a TMDL is needed.

**Small Municipal Separate Storm Sewer System (Small MS4):** All separate storm sewers that are:

- (1) Owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity.
- (2) Not defined as "large" or "medium" municipal separate storm sewer systems pursuant to 40 CFR §§ 122.26(b)(4)(7)(16), or designated under 40 CFR § 122.26(a)(1)(v).
- (3) This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospitals or prison complexes, and highways and other thoroughfares.

**Storm Sewershed:** The catchment area that drains into the storm sewer system based on the surface topography in the area served by the storm sewer.

**Stormwater:** Runoff from precipitation, snow melt runoff and surface runoff and drainage. "Stormwater" has the same meaning as "Storm Water".

**Stormwater Management Program (SWMP):** A comprehensive program prepared by the applicant and approved by DEP to manage the quality of stormwater discharged from the municipal separate storm sewer system. MS4 permittees are required to develop, implement and enforce a SWMP designed to reduce the

discharge of pollutants from the small MS4 to the MEP, to protect water quality and quantity, and to satisfy the appropriate water quality requirements of the Pennsylvania Clean Streams Law and the CWA and regulations promulgated thereto.

**Stormwater TMDL Plan:** A plan that is required for an MS4 located in a watershed with an approved TMDL or discharging pollutants into a waterbody with an approved TMDL for the pollutants. The Plan shall detail measures that will be implemented, including selected TMDL Control Measures, to make measurable progress in substantially reducing the applicable pollutant loads specified in the applicable WLA of the TMDL, as soon as practicable, consistent with the TMDL. In addition, the Plan shall include a timeline, with milestones, that specifies when the pollutant load reductions set forth in the WLA will be attained. Implementation of the Plan may be phased, in accordance with the timeline, and can be adaptive, iterative and dynamic. The Plan shall be evaluated and updated by the permittee continuously, as necessary.

**Structural BMP:** Storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches.

**Surface Waters:** Perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process.

**Total Maximum Daily Load (TMDL):** The sum of individual waste load allocations for point sources, load allocations for nonpoint sources, natural quality, and a margin of safety expressed in terms of mass per time, toxicity or other appropriate measures.

**Urbanized Area (UA):** Land area comprising of one or more places (central place(s)) and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile, as defined by the United States Bureau of the Census and as determined by the latest available decennial census. The UA outlines the extent of automatically regulated areas. UA maps are available at: <http://www.epa.gov/npdes/stormwater/urbanmaps> or at: <http://www.epa.gov/enviro/html/em/index.html>

**Wasteload Allocation (WLA):** The portion of a surface water's loading capacity that is allocated to existing and future point source discharges.

**Water Quality Criteria:** Numeric concentrations, levels or surface water conditions that need to be maintained or attained to protect existing and designated uses.

**Water Quality Standards:** The combination of water uses to be protected and the water quality criteria necessary to protect those uses.

**Waters of the Commonwealth:** Any and all rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

## 2. EFFLUENT LIMITATIONS AND OTHER REQUIREMENTS

- a. The permittee shall develop, implement, enforce and report on the Stormwater Management Program as set forth in Appendix A, designed to reduce the discharge of pollutants from the MS4 to the MEP, to protect water quality and quantity, and to satisfy the appropriate water quality requirements of the Clean Water Act, the Pennsylvania Clean Streams Law, and regulations promulgated thereto.
- b. The SWMP shall include Best Management Practices (BMPs) to comply with the following six minimum control measures (MCMs) in the following areas:
  1. Public Education and Outreach on Stormwater Impacts
  2. Public Involvement/Participation
  3. Illicit Discharge Detection and Elimination
  4. Construction Site Stormwater Runoff Control
  5. Post-Construction Stormwater Management in New and Re-Development Activities
  6. Pollution Prevention/Good Housekeeping for Municipal Operations

- c. The SWMP as set forth in Appendix A of this permit contains DEP's approved approach to each of the six MCMs. The SWMP describes each MCM and the permit requirements, including BMPs and measurable goals. Permittees operating under this permit shall implement the SWMP in its entirety. Any permittee who chooses not to use this SWMP shall submit an individual NPDES permit application that contains a proposed SWMP that meets the regulatory requirements.
- d. The permittee shall enact and implement, without omissions, by December 31, 2010, either an ordinance from an Act 167 Plan approved by the Department in 2005 or later, or the 2008 Pennsylvania Model Stormwater Management Ordinance.
- e. The permittee shall develop and maintain adequate legal authorities to implement all parts of this general permit, including the attached SWMP.
- f. The permittee shall maintain adequate funding and staffing to implement and manage all provisions of the attached SWMP.
- g. Sharing responsibility
  1. Implementation of one or more of the minimum measures may be shared with another entity, or the other entity may fully take over implementation of the measure. Because the permittee is responsible for meeting all permit conditions regardless of its delegations to other entities, the permittee should take steps to ensure that:
    - i. The other entity, in fact, implements the control measures in the MS4 area;
    - ii. The particular control measures as implemented by the other entity, or components of control measures, are at least as stringent as the corresponding permit requirement.
    - iii. The other entity agrees to implement the control measures on your behalf on the permittee. The agreement between the parties shall be documented in writing and retained by the permittee with the SWMP for the duration of this general permit.
  2. The permittee shall perform reasonable oversight and remains responsible for compliance with the permit obligations if the other entity fails to implement any of the control measures (or any components thereof).
- h. The permittee shall submit reports to the Department as described in Section 3d below.

## PART B

### STANDARD CONDITIONS

#### 1. RESPONSIBILITIES

- a. **Duty to Comply.** The permittee shall comply with all terms and conditions of this General Permit. Any permit non-compliance constitutes a violation of the Pennsylvania Clean Streams Law and the federal Clean Water Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification or denial of a permit or permit renewal. Financial distress does not relieve the permittee of the terms and conditions of this permit.
- b. **Penalties for Violations of Permit.** The permittee may be subject to criminal and/or civil penalties for violations of the terms and conditions of this General Permit under Section 602 and 605 of the Clean Streams Law, 35 P.S. Sections 691.602 and 691.605, and under the Clean Water Act as specified in 40 CFR Sections 122.41(a)(2) and (3).
- c. **Need to Halt or Reduce Activity Not a Defense.** The permittee may not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this General Permit.
- d. **Penalties and Liability.** Nothing in this General Permit may be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA (33 U.S.C. §1321) or Section 106 of the Comprehensive

Environmental response, Compensation, and Liability Act, 42 U.S.C. § 9606.

- e. **Property Rights.** The issuance of this General Permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- f. **Severability.** The provisions of this General Permit are severable. If any provision of this permit or the application of any provision of this General Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected thereby.
- g. **Other Laws.** Nothing in this General Permit may be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.
- h. **Right of Entry.** Pursuant to Sections 5(b) and 305 of the Pennsylvania Clean Streams Law (35 P.S. §§ 691.5(b) and 691.305), 25 Pa. Code Chapter 92, section 1917-A of the Administrative Code, section 308 of the CWA and 40 CFR § 122.41 (i), the permittee shall allow an authorized representative of EPA or DEP, upon the presentation of credentials and other documents, as may be required by law, to:
  - i. Enter upon the permittee's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this General Permit;
  - ii. Have access to and copy at reasonable times, any records that must be kept under the terms and conditions of this General Permit;
  - iii. Inspect any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required under this General Permit;
  - iv. Sample or monitor any substances or parameters, including the discharge of stormwater, at any location within the MS4.
- i. **Penalties for Falsification of Reports.** Section 309(c)(4) of the Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years or by both. In addition, criminal sanctions are set forth for false swearing and unsworn falsification at 18 Pa. C.S. §§ 4903-4904.
- j. **Penalties for Falsification of Monitoring Systems.** The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this General Permit shall, upon conviction, be punished by fines and imprisonment described in Section 309 of the Clean Water Act. In addition, criminal sanctions are set forth for false swearing and unsworn falsification at 18 Pa. C.S. §§ 4903-4904.
- k. **Test Procedures.** With the exception of the field screening conducted under the Illicit Discharge Detection and Elimination measure, wherever monitoring or sampling may be required, it shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this General Permit or have been approved by DEP in writing.
- l. **Removed Substances.** Solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters or drinking water, implementation of BMPs, or operating or maintaining the MS4 system, shall be managed and disposed of in accordance with the requirements of the Solid Waste Management Act, 35 P.S. § 6018.101, *et seq.*, and the Clean Stream Law, 35 P.S. §§ 691.1 *et seq.*, and in a manner such as to prevent any pollutant in such materials from adversely affecting the environment.
- m. **BMP Implementation and Facilities Construction, Operation and Maintenance.** The permittee shall properly design, build, operate, and maintain all facilities and systems of treatment and control, including BMPs and any stormwater pollution prevention or management plans, which are installed or used by the permittee to achieve compliance with the conditions of this General Permit. The permittee shall ensure that BMPs are planned, designed, implemented, and maintained to minimize or eliminate the impacts of stormwater runoff to the maximum extent practicable. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures and requires the operation of backup or auxiliary facilities, BMPs, or similar systems, installed or implemented by a permittee only when necessary to achieve compliance with the conditions of the General Permit.

- n. **Adverse Impact.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this General Permit that has a reasonable likelihood of adversely affecting human health or the environment.
- o. **Monitoring Requirement.** The Department may require monitoring of an individual discharge as may be reasonably necessary in order to characterize the nature, volume or other attributes of that discharge or its sources. If the applicant shall develop a Stormwater TMDL Plan pursuant to Condition C.1.a., it shall conduct monitoring of the BMPs and other measures undertaken pursuant to Condition C.1.a, of this General Permit in order to demonstrate that it is undertaking measures consistent with the TMDL.

## 2. MANAGEMENT REQUIREMENTS

### a. **Permit Modification, Termination, or Revocation and Reissuance**

1. This permit may be modified, suspended, revoked, reissued, or terminated during its term for any of the causes specified in 25 Pa. Code Chapters 92 and 102, as applicable.
2. The Department may modify, revoke, suspend, or terminate previously issued coverage under this general NPDES permit and require the stormwater discharger to apply for and obtain an Individual NPDES permit in accordance with 25 Pa. Code Chapters 92 and 102, as applicable.
3. The filing of a request by the permittee or co-permittee for a permit or coverage modification, revocation, reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not eliminate any existing permit conditions.
4. Permit modification or revocation shall be conducted according to 25 Pa. Code Chapters 92 and 102, as applicable.

### b. **Duty to Provide Information**

1. The permittee shall furnish to DEP, within a reasonable time, any information that DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this General Permit or coverage approved under this General Permit or to determine compliance with this General Permit.
2. The permittee shall furnish to DEP, upon request, copies of records that are required to be kept under the conditions of this General Permit.
3. When the permittee becomes aware of a failure to submit any relevant facts; of the existence of incorrect information in the Notice of Intent, or in any other report to DEP; the permittee shall promptly submit documents to correct such facts or information.
4. The permittee shall give advance notice to DEP of any planned physical alterations or additions to the MS4 which could, in any way, substantially affect the quality and/or quantity of stormwater discharged from the MS4.

## 3. MONITORING, REPORTING, AND RECORD KEEPING

The permittee shall evaluate program compliance, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals.

### a. **Records of field investigations.** When the permittee conducts monitoring of illicit discharges pursuant to MCM #3, samples and measurements taken shall be representative of the monitored activity. Records of monitoring information shall include:

1. The date, exact place, and time of sampling, measurements, or observations;
2. The name(s) of the individual(s) who performed the sampling, measurements, or observations;
3. The date(s) sample analyses were performed;
4. The names of the individuals who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analysis.

### b. **Retention of Records.** The permittee shall retain copies of the documentation related to the SWMP developed in accordance with this General Permit for a minimum of three years, and until at least one year

after coverage under this General Permit terminates. The permittee shall retain all records of all monitoring information, copies of all reports required by this General Permit, and records of all data used to complete the NOI until at least one year after coverage under this General Permit terminates. In addition, the permittee shall retain on site, at all times, a complete copy of the NOI, this General Permit, and any authorizations received from DEP pursuant to this permit, until at least one year after coverage under this General Permit terminates. This period may be explicitly modified by alternative provisions of this General Permit or extended by request of DEP at any time.

**c. Signatory Requirements**

1. All reports and NOI applications required by the permit and other information requested by DEP shall be signed and certified by 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:
  - i. The authorization is made in writing by a person described above and submitted to DEP with the reports.
  - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the organization. (A duly authorized representative may be either a named individual or any individual occupying a named position).
2. **Changes in Authorized Individuals or Positions.** If an authorization for an individual or a position to submit reports to DEP is no longer accurate because a different individual or position has responsibility for the overall operation of the MS4, a new authorization satisfying the above requirements shall be submitted to DEP prior to, or together with, any reports, information, or applications to be signed by the newly authorized representative.
3. **Progress Reports Shall Include the Following Signed and Dated Certification:**

"I certify under penalty of law that 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."

**d. Annual Reports and Progress Reports**

1. New permittees shall submit an Annual Report to DEP no later than 90 days following the end of each permit year during the initial term of coverage under the permit reporting on SWMP activities performed during those time periods. The report shall be in the format provided by the Department.
2. Renewal permittees shall submit Progress Reports to DEP documenting your SWMP activities that were performed. Reports for permits that have been renewed are due to DEP no later than 60 days following the end of the 1st and 3rd years of renewed coverage, and a summary report shall also be submitted with any NOI for any subsequent permit renewal.
3. First time or "new" permittees shall complete and submit the appropriate Annual Report Form, available on DEP's website.
4. Permittees with renewed permits shall submit the appropriate Progress Report Form, available on the DEP's website.
5. The reports shall include information regarding (but not limited to):
  - i. Status of compliance with permit conditions and progress towards meeting the measurable goals of each MCM;
  - ii. Status of progress towards achieving the statutory requirements of reducing the discharge of pollutants to the MEP and complying with water quality standards.
  - iii. Assessment of the appropriateness of the BMPs;
  - iv. Steps to be taken to address any deficiencies in the BMPs or other aspects of the SWMP developed by the permittee;
  - v. Results of information collected and analyzed during the reporting period;
  - vi. Summary of stormwater activities planned during the next reporting cycle;

- vii. Any proposed changes to the permittee's SWMP, including changes to BMPs, measurable goals, or responsible parties;
  - viii. Notices, intergovernmental agreements, and other relevant documents if the permittee is relying on another governmental entity to satisfy any of its permit obligations;
  - ix. Progress with implementation of the Stormwater TMDL Plan, including a summary of implementation and monitoring data of all of the BMPs in each TMDL Control Measure;
  - x. A letter signed by a municipal official, municipal engineer or the municipal solicitor as an attachment to the first year report certifying the enactment of either an ordinance from an Act 167 Plan approved by the Department in 2005 or later, or the 2008 Pennsylvania Model Stormwater Management Ordinance.
6. All Reports shall be submitted to the appropriate regional office.

#### 4. TRANSFER OF OWNERSHIP OR CONTROL

This General Permit is not transferable to any person except after notice to DEP.

- a. In the event of any pending change in control or ownership of the MS4 from which the authorized discharges emanate, the permittee shall notify DEP by letter of such pending change at least 30 days prior to the change in ownership or control. The letter shall be accompanied by the NOI and a written agreement between the existing permittee and the new owner or operator stating that the existing permittee shall be liable for violations of the General Permit up to and including the date of coverage transfer and that the new owner or operator shall be liable for permit violations under the General Permit after that date.
- b. After receipt of the required documentation, DEP shall notify the existing permittee and the new owner or controller of its decision concerning approval of the transfer. Such requests shall be deemed approved unless DEP notifies the applicant otherwise within 30 days.
- c. DEP may require the new operator to apply for and obtain an individual NPDES permit.

#### 5. TERMINATION OF COVERAGE

- a. **Notice of Termination.** Where all stormwater discharges from a small MS4 that are authorized by this General Permit are eliminated, the operator of the MS4 may submit a letter that is signed in accordance with Part B.3.c. (signatory requirements) of this General Permit certifying that:

"Under penalty of law, I hereby certify that all MS4 discharges that are authorized by this NPDES General Permit have been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge stormwater from the MS4 under this General Permit, and that discharging stormwater or pollutants to surface waters of the Commonwealth is unlawful under the Clean Water Act and Clean Streams Law where the discharge is not authorized by an NPDES permit."

- b. **Addresses.** All letters certifying discharge termination are to be sent to the appropriate regional office of DEP.

## PART C

### OTHER CONDITIONS

#### 1. TOTAL MAXIMUM DAILY LOAD (TMDL) REQUIREMENTS:

If your MS4 discharges stormwater into any receiving waters with approved TMDLs, your approved Stormwater TMDL Plan that achieves the pollutant reductions consistent with the applicable TMDL shall be implemented to the maximum extent practicable (MEP). When a Stormwater TMDL Plan is required to be submitted with the NOI, the municipality shall implement the approved plan.

##### a. Additional Requirement of a Stormwater TMDL Plan for Impaired Waters with a TMDL

At a minimum, the Stormwater TMDL Plan shall include implementation of all of the Best Management Practices (BMPs) from at least two TMDL Control Measures listed below, within the term of coverage under this permit.

You must implement and monitor all of the BMPs from at least two TMDL Control Measures to any of your municipal facilities from the following list. (Note: these are in addition to the six mandatory MCMs). The BMPs are examples of the types of BMPs that could be part of the implementation. Whenever possible, the TMDL Control Measures should be implemented in a manner consistent with the guidance provided by the Pennsylvania Stormwater Best Management Practices Manual (Document No. 363-0300-002). In addition, the Stormwater TMDL Plan should be conducted in a manner consistent with and incorporate appropriate content from Non Point Source Implementation Plans, Watershed Restoration Strategy Plans, County Comprehensive Plans (Act 247 Plans) as well as other applicable resources.

- TMDL Control Measure 1. Establish and Protect Riparian Forest Buffers – restore vegetated buffer areas
- a. Inventory possible riparian forest buffer restoration sites
  - b. Prioritize and select riparian forest buffer restoration sites
  - c. Establish and maintain riparian forest buffers utilizing DEP's Riparian Forest Buffer Guidance (Doc. No. 394-5600-001) and the Riparian Forest Buffer Toolkit ([www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Stream ReLeaf)
  - d. Protect the riparian forest buffers by recording a riparian forest buffer easement or riparian forest buffer agreement
  - e. Enact and enforce a riparian forest buffer ordinance
  - f. Quantify and report yearly amount of new riparian forest buffers installed utilizing the Stream ReLeaf data sheets ([www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Stream ReLeaf)

- TMDL Control Measure 2. Disconnection Program – Disconnect impervious areas from your MS4 system
- a. Survey/inventory system for directly connected roof leaders
  - b. Survey system for pavement disconnection opportunities
  - c. Develop and implement a disconnection and retrofit program
  - d. Enact and enforce an ordinance requiring disconnection and prohibiting direct roof connections
  - e. Quantify and report yearly volume permanently removed as a result of the disconnect program

- TMDL Control Measure 3. Tree Planting – Plant trees within the impaired watershed
- a. Identify areas for possible tree planting to last a minimum of twenty (20) years
    - i. Guidance and grants are available through the TreeVitalize partnership <http://www.treevitalize.net/>

- b. Create a basic planting plan that includes:
  - i. A map that delineates each area in which project activities must be performed.
  - ii. A sketch or large map identifying the specific location where each tree is to be planted
  - iii. The species (and variety, if applicable) of each tree planted
  - iv. The location of overhead utilities or other above ground obstructions (lamp posts, fire hydrants, etc..) and any known underground obstructions.
  - v. The width of the tree lawn if present, or the size of the sidewalk opening where the tree is to be planted if no tree lawn (5ft x 5ft or 3ft x 10ft is recommended)
  - vi. Establish a long-term maintenance program and provide for early care of the trees for the first three years.
- c. Plant and maintain trees or tree seedlings;
  - i. Municipalities with a resident population density between 1-20,000:
    1. Plant 25 trees with a caliper range between 2 inches to 3 inches measured 6 inches above the root collar of the tree,  
**OR**
    2. Plant 1,000 tree seedlings with tree shelters (utilize the Conservation Reserve Enhancement Program Guidelines <http://www.creppa.org/success.htm> Click on "Landowner Guide to Success.")
  - ii. Municipalities with a resident population of 20,001 and over
    1. Plant 50 trees with a caliper range between 2 inches to 3 inches measured 6 inches above the root collar of the tree,  
**OR**
    2. Plant 2,000 tree seedlings with tree shelters.
- d. Quantify and report yearly amount of trees planted including but not limited to: tree species, diameter range of trees, and location of planting.

TMDL Control Measure 4. Construct Recharge/Infiltration Facilities

- a. Evaluate locations for structural infiltration facilities including vegetative swales
- b. Construct recharge/infiltration BMPs (For examples refer to Chapter 6 of the Pennsylvania Stormwater Best Management Practices Manual)
- c. Construct BMP with annual volume control equivalent to volume control in 1 & 2 above
- d. Quantify and report yearly volume permanently removed as a result of the construction of recharge/infiltration facilities

TMDL Control Measure 5. Stormwater Basin Retrofits – Naturalize or modify for extended detention, and/or modify for increased infiltration basin

- a. Inventory basins within the urbanized areas
- b. Determine feasibility for retrofit naturalization
- c. Prioritize and select basins for retrofit
- d. Retrofit at least one basin
- e. Quantify and report yearly the size and type of stormwater basin retrofits and the volume permanently removed as a result of the stormwater basin retrofits

- TMDL Control Measure 6. Restore Stream banks – Restore degraded and eroding stream banks
- a. Inventory using NRCS assessment tool  
(<http://www.nrcs.usda.gov/technical/ecs/aquatic/svapfnl.pdf>)
  - b. Prioritize segments and select at least one for restoration
  - c. Restore at least one segment (a minimum of 1000 linear feet and 100 ft wide is suggested)
  - d. Quantify and report yearly amount of restored stream banks in linear feet.
- TMDL Control Measure 7 Green Infrastructure
- a. Establish a Green roof — minimum of 20,000 square feet per year (suggested)
  - b. Establish Rain gardens — minimum of two (2) acres per year (suggested)
  - c. Implement Pervious pavement surfaces — minimum of 5 acres per year on all new pavement (suggested)
  - d. Quantify and report yearly the size and type of installed green infrastructure BMPs

Guidance on methods to compute the water quality benefits of various interconnected BMPs can be found in Section 8.6 titled “Stormwater Quality Analysis,” of the Pennsylvania Stormwater Best Management Practices Manual, Section 8.6, Stormwater Quality Analysis.

**b. Implementation Requirements**

You shall develop and implement a plan that achieves the pollutant reductions established by the TMDL. The plan shall include implementation of at least one of the two TMDL Control Measures as soon as practicable but in no case later than by the beginning of the third year of coverage under the permit. Also, you shall report on the implementation of at least one TMDL Control Measures in the progress report submitted in third year of coverage under the permit. You shall implement the second TMDL Control Measures in your plan MCM as soon as practicable but not later than by the beginning of the fifth year of coverage under the permit. Additionally, all other measures needed to reduce the pollutant load consistent with the TMDL shall be implemented as soon as practicable, in accordance with the Plan timeline, to make measurable progress in substantially reducing the applicable pollutant loads. Implementation of all measures can be adaptive, iterative, and dynamic. The Plan shall be evaluated and updated by the permittee continuously, as necessary, based on its effectiveness in reducing pollutant discharge loads.

You shall report on the implementation in the progress report submitted with the renewal application, including the reductions in pollutant load attained by implementation of the measures, broken down measure by measure. The Stormwater TMDL Plan shall demonstrate that the required pollutant load reductions will be achieved to the Maximum Extent Practicable, consistent with the TMDL. The Plan can demonstrate this by showing how measurable implementation progress will be made in substantially reducing applicable pollutant loads specified in the WLA, in accordance with the implementation timeline, including attainment of applicable milestones, along with the end date for ultimate attainment of the pollutant load reductions set forth in the WLA.



## PAG-13 Appendix A Stormwater Management Program

This Appendix contains the specific Best Management Practices (BMPs) and Measurable Goals that make up each permittee's Stormwater Management Program (SWMP) to comply with the requirements of the Municipal Separate Storm Sewer System (MS4) General Permit. There are six Minimum Control Measures (MCMs), which are required by Federal Regulations. Within each MCM, Pennsylvania is requiring the implementation of several BMPs under this General Permit. Associated with each BMP are Measurable Goals, which represent the means by which the permittees' accomplishments shall be reported and evaluated. For supplemental information on the six MCMs, permittees are encouraged to refer to [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Stormwater.

Permittees implementing an approved Qualifying Local Program (QLP) pursuant to 40 CFR 122.44(s) are not eligible to use this general permit. Permittees currently operating under this general permit who wish to propose a QLP shall submit a complete written application for an Individual NPDES MS4 Permit together with complete documentation of their proposed QLP.

### **MCM #1: Public Education and Outreach on Stormwater Impacts**

The following are the requirements for MCM #1 that are included in the Federal Regulations:

- *Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff (40 CFR Part 122.34(b)(1)(i)).*

The following requirements, Best Management Practices (BMPs) and Measurable Goals are to be implemented and achieved:

**BMP #1:** Develop, implement and maintain a written Public Education and Outreach Program.

Measurable Goal: The permittee's Public Education and Outreach Program (PEOP) shall be developed and implemented during the first year of coverage under the MS4 permit and shall be re-evaluated each permit year thereafter and revised as needed. The permittee's PEOP shall raise public awareness concerning the causes and impacts of stormwater pollution and shall address steps the public can take to reduce or prevent pollutants in stormwater runoff.

Recommendation: Refer to the EPA document, "Getting In Step, A Guide for Conducting Watershed Outreach Campaigns" (EPA 841-B-03-002, December, 2003), for guidance on developing and implementing the PEOP.

**BMP #2:** Develop and maintain lists of target audience groups that are present within the MS4. In most communities, the target audiences shall include residents, businesses (including commercial, industrial and retailers), developers, schools, and municipal employees.

Measurable Goal: The lists shall be developed (or existing lists reviewed/updated) within the first year of coverage under the permit and reviewed and updated as necessary every year thereafter.

Recommendation: Utilize databases or spreadsheets to record and track this information and to allow for easy identification and creation of mailing lists easily retrievable.

**BMP #3:** The permittee shall publish at least one issue of at least a newsletter, a pamphlet, or a flyer, that includes stormwater educational information.

Measurable Goal: The permittee's publication shall contain stormwater educational information that addresses one or more of the 6 MCMs.

Recommendation: There are numerous example educational resources available from the sources listed at: [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Stormwater.

**BMP #4**: The permittee shall provide at least one item of stormwater educational information including at least a general description of the permittee's MS4 program requirements and activities, and a list of references (or links) for more information (e.g., PA DEP and US EPA stormwater websites, any other beneficial sites).

Measurable Goals: This stormwater educational informational item shall be printed or web-published (or existing information reviewed/updated) within the first permit year and updated and maintained each year thereafter.

Recommendation: Permittees can partner with other MS4s to identify useful sources of stormwater information/presentations available from other organizations in print or on the internet.

**BMP #5**: Distribute stormwater educational materials and/or information to the target audiences using a variety of distribution methods, including but not limited to: displays, posters, signs, pamphlets, booklets, brochures, radio, local cable TV, newspaper articles, other advertisements (e.g., at bus and train stops/stations), bill stuffers, posters, presentations, conferences, meetings, fact sheets, giveaways, storm drain stenciling.

Measurable Goal: MS4s with a total population less than 10,000 shall select and utilize at least one distribution method in each year of coverage under the permit. MS4s with a total population greater than 10,000 shall select and utilize at least two distribution methods in each permit year. These are in addition to the newsletter and website provisions of BMPs #3 and #4.

Recommendations: Abundant educational resources and examples are available from numerous sources (see [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: Stormwater) that can be adapted for use, including the DEP brochure titled "When It Rains, It Drains.". Since school districts frequently cross MS4 boundaries, seek out watershed groups or other qualified service providers to help assist and/or implement school education on behalf of the group of MS4s. Permittees also can partner with other MS4s to jointly arrange for school education.

## **MCM #2: Public Involvement/Participation**

The following are the requirements for MCM #2 that are included in the Federal Regulations:

- *Comply with applicable state and local public notice requirements when implementing a public involvement/participation program (40 CFR Part 122.34(b)(2)(i)).*

The following requirements, Best Management Practices (BMPs) and Measurable Goals are to be implemented and achieved by MS4 permittees in Pennsylvania:

**BMP #1:** Develop, implement and maintain a written Public Involvement and Participation Program (PIPP) which describes methods of soliciting the public's input/involvement and types of possible participation activities.

Measurable Goal: The permittee's PIPP shall be developed and implemented during the first year of coverage under the MS4 permit and shall be re-evaluated each permit year thereafter and revised as needed.

**BMP #2:** Prior to adoption of any ordinance required by the MS4 permit, provide adequate public notice and opportunities for public review, input, and feedback.

Measurable Goal: Advertise any proposed MS4 ordinance, provide opportunities for public comment, evaluate any public input and feedback, and document the comments received and the municipality's response.

**BMP #3:** Regularly solicit public involvement and participation from the target audience groups. This should include an effort to solicit public reporting of suspected illicit discharges. Assist the public in their efforts to help implement your SWMP.

Measurable Goals: Document activities in which members of the public assisted or participated in the implementation of your SWMP, including education activities or organized implementation efforts such as cleanups, monitoring, storm drain stenciling, or others. Document regular requests of cooperation and participation in MS4 activities to local watershed organizations and conservation organizations, and similar organizations.

**BMP #4:** Discuss the on-going implementation of the SWMP during a scheduled public meeting(s).

Measurable Goal: At least one public meeting shall be advertised and held each year of permit coverage in order to present a summary of the permittee's SWMP, activities and accomplishments and to provide opportunities for public input. This presentation can be at a specific MS4 meeting or during any other public meeting.

### **MCM #3: Illicit Discharge Detection and Elimination**

The following are the requirements for MCM #3 that are included in the Federal Regulations:

- *Develop, implement, and enforce a program to detect and eliminate illicit discharges into the MS4 (40 CFR Part 122.34(b)(3)(i)).*
- *Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and locations of all surface waters of the Commonwealth that receive discharges from those outfalls (40 CFR Part 122.34(b)(3)(ii)(A)).*
- *To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-stormwater discharges into your storm sewer system and implement appropriate enforcement procedures and actions (40 CFR Part 122.34(b)(3)(ii)(B)).*
- *Develop and implement a plan to detect and address non-stormwater discharges, including illegal dumping, to your system (40 CFR Part 122.34(b)(3)(ii)(C)).*
- *Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste (40 CFR Part 122.34(b)(3)(ii)(D)).*

The following requirements, Best Management Practices (BMPs) and Measurable Goals are to be implemented and achieved:

**BMP #1:** Every permittee shall develop and implement a written program for the detection, elimination, and prevention of illicit discharges into the storm sewer system. The program shall include dry weather field screening of outfalls for non-stormwater flows, and sampling of dry weather discharges for selected chemical and biological parameters. Test results shall be used as indicators of possible discharge sources. The program shall address the following, at a minimum:

- Procedures for identifying priority areas. These are areas with a higher likelihood of illicit discharges, illicit connections or illegal dumping. Priority areas may include areas with older infrastructure, a concentration of high-risk activities, or past history of water pollution problems.
- Procedures for screening outfalls in priority areas during varying seasonal and meteorological conditions.
- Procedures for tracing the source of an illicit discharge when a contaminated flow is detected at an MS4 outfall.
- Procedures for removing the source of the illicit discharge.
- Procedures for assessing the potential for illicit discharges caused by the interaction of sewage disposal systems (e.g., on-lot septic systems, sanitary piping) with storm drain systems.
- Mechanisms for gaining access to private property to inspect outfalls (e.g., land easements, consent agreements, search warrants, etc.).
- Procedures for program documentation, evaluation and assessment.

**Measurable Goal:** The IDD&E program shall be developed during the first year of coverage under the permit and shall be implemented and evaluated each year thereafter. Records shall be kept of all outfall inspections, flows observed, results of field screening and testing, and other follow-up investigation and corrective action work performed under this program.

Recommendation: For IDD&E program development and implementation, refer to: *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments* (version dated October 2004), or other similar guidance manuals.

**BMP #2:** Develop and maintain a storm sewer map that shows the location of all MS4 outfalls and the location and names of all surface waters of the Commonwealth (e.g., creek, stream, pond, lake, basin, swale, channel, etc.) that receive discharges from those outfalls.

Measurable Goals: For new permittees, develop the storm sewer map(s) and information on all MS4 outfalls by the end of the first year of permit coverage. For renewal permittees, the existing storm sewer map(s) shall be updated and maintained as necessary during each year of coverage under the permit.

**BMP #3:** In conjunction with the map(s) created under BMP #2 (either on the same map or on a different map), new permittees shall show and renewal permittees shall update the entire storm sewer collection system, including roads, inlets, piping, swales, catch basins, channels, basins, and any other features of the permittee's storm sewer system including municipal boundaries and/or watershed boundaries. Delineate the catchment area that drains to each particular outfall.

Measurable Goals: For new permittees, develop the map(s) by the end of the fourth year of coverage under the permit and update and maintain the map(s) as necessary each permit year of permit coverage thereafter. For renewing permittees update and maintain the map(s) as necessary each permit coverage year.

**BMP #4:** Following the IDD&E program created pursuant to BMP #1, the permittee shall conduct outfall field screening, identify the source of any illicit discharges, and remove or correct any illicit discharges using procedures developed under BMP #1.

Measurable Goals: For new permittees, all of the identified MS4 outfalls shall be screened during Dry Weather on at least two different occasions during the permit coverage term. In each permit coverage year, forty percent of the total number of outfalls should be screened.

For renewal permittees, each of the identified MS4 outfalls shall be screened at least once during each permit coverage cycle. For each outfall, if the screening reveals dry weather flow, samples of the discharge shall be collected for field and/or lab testing of select chemical/biological parameters as part of a process to determine if the dry weather flow is illicit. The permittee shall implement the IDD&E plan developed to address any non-storm water discharges. If an outfall does not have any dry weather flow, then sampling and testing is not needed.

For all permittees, outfall inspections need to be prioritized according to the perceived chance of illicit discharges within the outfall drainage area. Visual observations of each outfall shall be recorded each time an outfall is screened, regardless of the presence of dry weather flow. If any dry weather flows are observed, samples of the discharge shall be collected for field and/or lab testing of select chemical/biological parameters as part of a process to determine if the dry weather flow is illicit. Proper quality assurance/quality control procedures shall be followed when collecting, transporting or analyzing water samples. All outfall inspection information shall be recorded on the Outfall Reconnaissance Inventory/Sample Collection field sheet contained in the IDD&E Guidance Manual. Adequate written documentation shall be maintained to justify a determination that an outfall flow is not illicit, or to document why an outfall flow is illicit and the subsequent actions taken to eliminate the illicit flow.

Recommendation: All permittees should consider conducting some outfall screenings during varying seasonal and meteorological conditions since it is possible for illicit discharges/connections to occur during different times of the year and during or just after rain events. Seasonal outfall screenings conducted during periods of both low and high groundwater conditions can be beneficial in identifying illicit discharges that can occur during these times.

**BMP #5:** Enact an ordinance to implement and enforce a stormwater management program that includes prohibition of non-stormwater discharges to the MS4.

Measurable Goal: Within 12 months of the Approval of Coverage date, the permittee shall enact and implement without omissions either an ordinance from an Act 167 Plan approved by the Department in 2005 or later, or the 2008 Pennsylvania Model Stormwater Management Ordinance.

Measurable Goal: Permittees shall submit a letter signed by a municipal official, municipal engineer or the municipal solicitor as an attachment to their first year report certifying the enactment of either an ordinance from an Act 167 Plan approved by the Department in 2005 or later, or the 2008 Pennsylvania Model Stormwater Management Ordinance.

**BMP #6:** Provide educational outreach to public employees, businesses, property owners, the general public and elected officials (i.e., target audiences) about the program to detect and eliminate illicit discharges.

Educational outreach should include:

- Distribution of brochures and guidance for target audiences including schools;
- Programs to encourage and facilitate public reporting of illicit discharges;
- Organizing volunteers to locate and visually inspect outfalls and to stencil storm drains; and
- Implement and encourage use of recycling programs for common wastes such as motor oil, antifreeze, and pesticides.

Measurable Goals: During each year of permit coverage, appropriate educational information concerning illicit discharges shall be distributed to the target audiences using methods outlined under MCM #1. If not already established, set up and promote a stormwater pollution reporting mechanism (e.g., complaint hotline) by the end of permit year 1 for the public to use to notify the permittee of illicit discharges, illegal dumping or outfall pollution. Respond to all complaints in a timely and appropriate manner.

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## **MCM #4: Construction Site Stormwater Runoff Control**

The following are the requirements for MCM #4 that are included in the Federal Regulations:

- *Develop, implement, and enforce a program to reduce pollutants in stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale that equals one acre or more (40 CFR Part 122.34(b)(4)(i)).*
- *Develop and implement an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law (40 CFR Part 122.34(b)(4)(ii)(A)).*
- *Require construction site operators to implement appropriate erosion and sediment control best management practices (BMPs) (40 CFR Part 122.34(b)(4)(ii)(B)).*
- *Develop and implement requirements for construction site operators to control waste at the construction site that may cause adverse impacts to water quality. These wastes can include discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste (40 CFR Part 122.34(b)(4)(ii)(C)).*
- *Develop and implement procedures for site plan review which incorporate consideration of potential water quality impacts (40 CFR Part 122.34(b)(4)(ii)(D)).*
- *Develop and implement procedures for receipt and consideration of information submitted by the public (40 CFR Part 122.34(b)(4)(ii)(E)).*
- *Develop and implement procedures for site inspections and enforcement of control measures (40 CFR Part 122.34(b)(4)(ii)(F)).*

The following requirements, **Best Management Practices (BMPs)** and **Measurable Goals** are to be implemented and achieved:

Under 25 Pa. Code, Chapter 102 of Department regulations issued under the authority of the Pennsylvania Clean Streams Law, the MS4 (a municipality or a county) may not issue a building or other permit or final approval to those proposing or conducting earth disturbance activities requiring a Department permit until the Department or a County Conservation District (CCD) has issued an individual NPDES Permit, or has approved coverage under the general NPDES Permit for Stormwater Discharges Associated With Construction Activities.

**BMP #1:** List the minimum requirements of this program that describe the permittee's procedures to comply with the requirements of this MCM. The program shall provide for inspection and enforcement of E&S control measures and the program shall clearly describe how actions of the permittee will be coordinated with DEP's permitting program.

**Measurable Goals:** The written program shall be developed by the end of the first year of permit coverage and be reviewed and updated each year of permit coverage thereafter, as needed; however MS4s are responsible for this MCM during the time they are developing this program. The purpose of the written program is to establish clear roles and responsibilities for the implementation of the MCM #4 requirements. An agreement between the MS4, the CCD, and any other resources to be used by the MS4 that clearly defines roles for each entity is recommended. If an agreement is made, a written copy shall be placed in the permittees MS4 file, following Records Retention requirements of the Permit.

Recommendation: Develop a tracking system that summarizes MS4 permittee actions to comply with this BMP (e.g., number of active construction sites, inspections, enforcement actions, etc.) and which can be described in a summary report format.

**BMP #2:** Enactment of an ordinance by the MS4 permittee to require the implementation of erosion and sediment controls (BMPs), as well as sanctions to ensure compliance.

**Measurable Goal:** Within 12 months of the Approval for Coverage date on page 1 of the MS4 permit, the permittee shall enact and implement, without omissions, an ordinance from an Act 167 Stormwater Management Plan approved by the Department in 2005 or later, or the 2008 Pennsylvania Model Stormwater Management Ordinance.

Measurable Goal: Permittees shall submit a letter signed by a municipal official, municipal engineer or the municipal solicitor as an attachment to their first year report certifying the enactment of either an ordinance from an Act 167 Plan approved by the Department in 2005 or later, or the 2008 Pennsylvania Model Stormwater Management Ordinance.

**BMP #3:** Develop and implement requirements for construction site operators to control waste at the construction site that may cause adverse impacts to water quality. While sediment is the most common pollutant of concern for MCM #4, there are other types of pollutants that also can be a concern and the intent of this BMP is to address these other types of pollutants, such as discarded building materials, washout from concrete trucks, chemicals, litter, and sanitary waste.

Measurable Goal: If not already developed and implemented, the permittee shall establish requirements to address this BMP by the end of the first year of permit coverage. This could be implemented by written municipal ordinance/code provisions, by standard notes on the site plans, by any other written format that accomplishes the objectives of this BMP, or by any combination of these measures. The goal of this BMP shall be communicated to construction site operators during pre-construction meetings. This BMP shall be implemented during each year of the MS4 permit and include records of site inspections, including dates and results.

Recommendation: Verification of proper waste handling procedures can be determined at the same time that site E&S control inspections are conducted under BMP #1, described above.

**BMP #4:** Develop and implement procedures for the receipt and consideration of public inquiries, concerns, and information submitted by the public (to the permittee) regarding local construction activities. The permittee shall demonstrate acknowledgement and consideration of the information submitted, whether submitted verbally or in writing.

Measurable Goal: If not already developed and implemented, the MS4 permittee shall establish and implement a tracking process that records any submitted public information and the subsequent MS4 permittee actions and results. This BMP shall be implemented during each year of coverage under the MS4 permit and information should be submitted with the annual reports or the progress reports.

Recommendation: Develop a tracking system that can describe the permittee's responses to public inquiries in summary report format.

## **MCM #5: Post-Construction Stormwater Management in New and Re-Development Activities**

The following are the requirements for MCM #5 that are included in the Federal Regulations:

- *Develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program shall ensure that controls are in place that would prevent or minimize water quality impacts (40 CFR Part 122.34(b)(5)(i)).*
- *Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community (40 CFR Part 122.34(b)(5)(ii)(A)).*
- *Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law (40 CFR Part 122.34(b)(5)(ii)(B)).*
- *Ensure adequate long-term operation and maintenance of BMPs (40 CFR Part 122.34(b)(5)(ii)(C)).*

The following requirements, Best Management Practices (BMPs) and Measurable Goals are to be implemented and achieved:

Note: Please refer to the definitions section of the MS4 PAG-13 permit for clarification of terms used in this MCM. In the following language, the term "**BMPs**" refers to **post-construction stormwater management controls/best management practices**.

**BMP #1:** Develop a written procedure that describes how the MS4 permittee shall address all required components of this MCM. Guidance can be found in the Pennsylvania Stormwater Best Management Practices Manual. This plan shall include the following components:

- Minimum requirements for use of structural and/or non-structural BMPs in plans for development and redevelopment;
- Implementation of an inspection program to ensure the BMPs are properly installed;
- Implementation of an inspection program to ensure the BMPs are properly operated and maintained;
- Sanctions and penalties associated with non-compliance.

**Measurable Goal:** The written procedure shall be developed by the end of the first year of permit coverage and be reviewed and updated every permit year thereafter, as needed. The intent of BMP #1 is for the MS4 permittee to describe how the listed tasks will be accomplished.

**BMP #2:** Enactment of an ordinance or other regulatory mechanism by the MS4 permittee to address post-construction stormwater runoff from new development and redevelopment projects, as well as sanctions to ensure compliance, to the extent allowable under State or local law.

**Measurable Goal:** Within 12 months of the Approval for Coverage date on page 1 of the MS4 permit, the permittee shall enact and implement, without omissions, an ordinance from an Act 167 Plan approved by the Department in 2005 or later, or the 2008 Pennsylvania Model Stormwater Management Ordinance.

**Measurable Goal:** Permittees shall submit a letter signed by a municipal official, municipal engineer or the municipal solicitor as an attachment to their first year report certifying the enactment of either an ordinance from an Act 167 Plan approved by the Department in 2005 or later, or the 2008 Pennsylvania Model Stormwater Management Ordinance.

**BMP #3:** Require the implementation of a combination of structural and/or non-structural BMPs that are appropriate to the local community, that minimize water quality impacts, and that are designed to maintain pre-development runoff conditions. This requirement can be met by ensuring that the selected BMPs comply with the requirements of an approved Act 167 Plan/Ordinance, or the 2008 Pennsylvania Model Stormwater Management Ordinance.

Measurable Goal: All qualifying development or redevelopment projects shall be reviewed to ensure that their post-construction stormwater management plans and selected BMPs conform to the applicable requirements. A tracking system (e.g., database, spreadsheet, or written list) shall be maintained to record qualifying projects and their associated BMPs. Records shall note if there are no qualifying projects in a calendar year.

**BMP #4:** Ensure that controls are installed that shall prevent or minimize water quality impacts.

Measurable Goal: All qualifying development or redevelopment projects shall be inspected during the construction phase to ensure proper installation of the approved structural PCSWM BMPs. A tracking system (e.g., database, spreadsheet, or written list) shall be implemented to document and record the number of inspections conducted during the MS4 reporting year and the results of the inspections (e.g., BMPs were or were not installed properly).

**BMP #5:** Ensure adequate long-term operation and maintenance of all post-construction stormwater management BMPs installed at all qualifying development or redevelopment projects (including those owned or operated by the MS4 permittee).

Measurable Goal: An inventory of PCSWM BMPs shall be developed by the end of the first year of permit coverage and shall be continually updated during the term of coverage under the permit as development projects are reviewed, approved, and constructed. This inventory shall include BMPs installed since March 10, 2003 and that discharge directly or indirectly to the regulated small MS4, and any other PCSWM BMP discharging to the MS4 system that is found to cause water quality standards violations. The inventory shall include, at a minimum:

- the exact location of the PCSWM BMP (e.g., street address);
- information (e.g., name, address, phone number(s)) for BMP owner and entity responsible for long term BMP O&M (if different from BMP owner);
- the type of BMP and the year it was installed;
- maintenance required for the BMP type according to the Pennsylvania Stormwater BMP Manual or other qualified manual/resource;
- the actual inspection/maintenance activities that occurred during the MS4 reporting year;
- an assessment by the MS4 permittee if proper operation and maintenance occurred during the year and if not, what actions the MS4 permittee has taken, or shall take, to address the deficiency(ies).

Recommendation: Develop a single system that provides for the recording and tracking of information specified in BMPs #3, #4 and #5.

**BMP #6:** Develop and implement measures to encourage and expand the use of Low Impact Development (LID) in new and redevelopment, as well as include retrofitting LID into existing development. DEP's Pennsylvania Stormwater Best Management Practices Manual provides guidance for implementing LID practices.

Measurable Goal:

Recommendation: The U.S. EPA website provides publications on LID, including Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices Publication Number EPA 841-F-07-006, December 2007 at <http://www.epa.gov/owow/nps/lid/costs07/>

## **MCM #6: Pollution Prevention/Good Housekeeping for Municipal Operations**

The following are the requirements for MCM #6 that are included in the Federal Regulations:

- *Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations (40 CFR Part 122.34(b)(6)(i)).*
- *Provide employee training to prevent and reduce stormwater pollution from activities such as parks and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance (40 CFR Part 122.34(b)(6)(i)).*

The following requirements, Best Management Practices (BMPs) and Measurable Goals are to be implemented and achieved:

**BMP #1:** Identify all facilities and activities that are owned or operated by the MS4 permittee and have the potential for generating stormwater runoff. This includes activities conducted by contractors for the permittee. Activities may include the following: street sweeping; snow removal/deicing; inlet/outfall cleaning; lawn/grounds care; line painting; general storm sewer system inspections and maintenance/repairs; park and open space maintenance; municipal building maintenance; new construction and land disturbances; right-of way maintenance; vehicle operation, fueling, washing and maintenance; and material transfer operations, including leaf/yard debris pickup and disposal procedures. Facilities can include streets; roads; highways; parking lots and other large paved surfaces; maintenance and storage yards; waste transfer stations; parks; fleet or maintenance shops; stormwater conveyances (open and closed pipe); riparian buffers; and stormwater storage or treatment units (e.g., basins, infiltration/filtering structures, constructed wetlands, etc.).

**Measurable Goal:** By the end of the first year of permit coverage, the MS4 permittee shall identify all types of municipal operations, facilities and activities and land uses that may contribute to stormwater runoff within areas subject to its jurisdiction. This information shall be reviewed and updated each year of permit coverage, as needed. Part of this effort shall include basic inventorying of various municipal operations and facilities.

**BMP #2:** Develop, implement and maintain a written operation and maintenance (O&M) program for all municipal operations and facilities that could contribute pollutants to the MS4, as identified under BMP #1. This program (or programs) shall address municipally owned stormwater collection/conveyance system features and municipal vehicles, but could include other areas (as identified under BMP #1). The O&M program(s) should stress pollution prevention and good housekeeping measures, contain permittee and site-specific information, and address the following areas:

- Management practices, policies, procedures, etc. that shall be developed or implemented to reduce or prevent the discharge of pollutants including evaluation of maintenance-area discharges to floor drains and other drains that may discharge to storm sewers.
- Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce pollutants to your MS4 and procedures to properly maintain stormwater BMPs.
- Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas.
- Procedures for the proper disposal of waste removed from your MS4 and your municipal operations, including dredge spoil, accumulated sediments, and other debris.

**Measurable Goal:** During the first year of permit coverage, develop and implement a written O&M program that complies with BMPs #1 and #2. Review the O&M program annually, edit as necessary, and continue to implement every year of permit coverage.

Guidance: MS4 operators may develop one all encompassing written O&M program or they may develop separate programs for their stormwater system and for their vehicles.

**BMP #3:** Develop and implement an employee training program that addresses appropriate topics to further the goal of preventing or reducing the discharge of pollutants from municipal operations. The program may be developed and

implemented using guidance and training materials that are available from federal, state or local agencies, or other organizations. Any municipal employee or contractor may be eligible for training. This could include public works staff, building/zoning/code enforcement staff, engineering staff (on-site and contracted), administrative staff, elected officials, police and fire responders, volunteers, and contracted personnel. Training topics should include operation, inspection, maintenance and repair activities associated with any of the municipal operations/facilities identified under BMP #1. Training should cover any other relevant parts of the MS4's overall stormwater management program that could affect municipal operations, such as illicit discharge detection and elimination, construction sites, and ordinance requirements.

Measurable Goal: During the first year of permit coverage, develop and implement a training program that identifies the training topics that shall be covered, and what training methods and materials shall be used. Review the training program annually, edit as necessary, and continue to implement it every year of permit coverage.

Measurable Goal: MS4 employee training shall occur at least annually (i.e., during each permit coverage year) and shall be fully documented in writing. Documentation shall include the date(s) of the training, the names of attendees, the topics covered, and the training presenter(s).

Guidance: The training requirements of this BMP can be met in various ways. Training can be:

- formal or informal;
- conducted on-site or off-site;
- conducted on-the-job or during dedicated training periods;
- conducted one-on-one or in a group setting (including with staff from other MS4s);
- conducted by municipal staff or consultants/volunteers;
- conducted via oral presentations/instructions and/or via written materials (e.g., SOP's, guidance manuals, tests).

Recommendation: For efficiency and cost savings, arrange with other nearby MS4 operators to conduct joint training events.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATERSHED MANAGEMENT

## INSTRUCTIONS REQUEST FOR WAIVER

For a waiver under the NPDES General Permit (PAG-13), you must meet the eligibility requirements summarized below and complete the application in as much detail as possible and return it to the appropriate regional office.

### I. GENERAL INSTRUCTIONS

#### ***Who is eligible to use Request for Waiver (RFW) Forms?***

Only MS4s that serve a population of less than 10,000 (within an urbanized area) are eligible. See Federal Regulations 40 CFR § 123.35.

The waiver is effective only upon written approval by DEP.

The two categories of waived MS4s include:

1. MS4s which serve a population of less than 1,000 in which:
  - a. The system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES stormwater program; and
  - b. If you discharge any pollutant(s) that have been identified as a cause of impairment of any water body to which you discharge, stormwater controls are not needed based on wasteload allocations that are part of an EPA approved or established "total maximum daily load" (TMDL) that addresses the pollutant(s) of concern. 40 CFR § 123.32 (d)

*NOTE: This particular waiver request does not require DEP to conduct an assessment of the receiving waterbody(ies), and it does not require that an assessment already has been completed.*

2. MS4s that serve a population between 1,000 and 10,000 in which:
  - a. The Department of Environmental Protection (DEP) has conducted an evaluation of all surface waters that receive a discharge from the MS4;
  - b. The DEP evaluation(s) shows that stormwater controls are not needed, based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern;
  - c. For the purpose of this paragraph (2), the pollutant(s) of concern include biochemical oxygen demand (BOD), sediment, or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from your MS4;
  - d. DEP has determined that future discharges from your MS4 do not have the potential to result in exceeding water quality standards, including habitat and biological impacts; and
  - e. Your MS4 does not discharge stormwater to a water body classified as "Special Protection" (e.g., Exceptional Value, High Quality)

*NOTE: Waiver request Category 2 above does require that there has been an evaluation of every waterbody receiving discharges from the MS4.*

If a waiver is granted by DEP, it will be contingent upon the operator of the waived MS4 cooperating with upstream and downstream MS4 operators that have physically inter-connected storm sewer systems, if any.

#### **When to File the Request for Waiver**

Operators of MS4s who meet the eligibility requirements and seek to be waived from coverage under the General Permit must file a Request for Waiver and it must be received by DEP along with the NOI application

before the due date for a permit application. The request for Waiver does not affect the legal requirement to submit an application for an NPDES permit (or Notice of Intent for coverage under the General Permit for MS4s).

### **Where to File the Request For Waiver**

Completed forms are to be submitted to the appropriate regional office of DEP.

## **II. REQUEST FOR WAIVER FORM**

### **Section A: MS4 Operator Information**

Name of MS4: Provide the legal name of the governmental entity or other legal entity that controls the operation of the MS4 described in this application. Include the telephone number and mailing address.

### **Section B: Contact Person**

Provide the name of a primary point of contact who will be responsible for receiving and responding to all correspondence from DEP regarding the MS4 General Permit and the permitted stormwater discharges. Include the telephone number and mailing address.

### **Section C: Municipality**

Municipality: Provide the name of the municipality which this MS4 serves.

Watershed(s): Provide the name of the watershed or watersheds into which the MS4 discharges stormwater.

Map: USGS Topographical Map identifying the approximate locations of discharges to surface waters along with the names of the receiving surface waters.

County: Name of the County in which the MS4 is located.

Provide the 1990 and 2000 Bureau of Census populations.

Urbanized Area Name and Number: Provide the name of the Urbanized Area in which the MS4 is located. A list of Urbanized Areas and related MS4s is available at [www.dep.state.pa.us](http://www.dep.state.pa.us), keyword: Stormwater.

### **Section D: Compliance**

If you have any permit(s) issued by DEP, but you **are not** or **have not been** in compliance, describe how you resolved the violation(s) or will come into compliance. If you are not currently in compliance with any such permit, include a schedule, including milestones for achieving compliance. Describe the status of the schedules of compliance.

### **Section E: Waiver Eligibility Criteria**

There are two sets of Federal criteria under which you may be eligible for a waiver. It is important that you answer these questions accurately because they will help DEP evaluate your Request. This section also helps you determine whether the Request for Waiver should be submitted to DEP and provides relevant information to the department.

#### **1. Population Under 1,000:**

- a. The jurisdiction served by the system has fewer than 1,000 people within the urbanized area. This would be the separate storm sewer system only (not any combined sewer system components).
- b. *Has it been determined that your system does not contribute significantly to the pollutant loadings of the waters of the Commonwealth or another physically interconnected downstream regulated MS4?* Go to this website where there is a listing of all currently impaired water bodies in the Commonwealth. <http://www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1261&q=535678>. If the listing includes any of the receiving waterbodies for your system, and if the cause of the impairment is listed as "urban runoff," "stormwater" or "sediment," then you must submit a permit application together with your waiver request and DEP will determine whether to issue the permit or grant the waiver.
- c. (i) *Pollutants of concern.* Review the information in the list described in "b" above to see the "pollutants of concern" for any impairment listing. If any of the pollutants of concern are stormwater-related, then you may not be eligible for a waiver.  
(ii) *Wasteload Allocation.* DEP is preparing Total Maximum Daily Loads (TMDLs) which include wasteload allocations, for all impaired waterbodies. The schedule and other information related to preparation of TMDLs can be found at: [http://www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/). If

any of the receiving waterbodies for your system are impaired and no wasteload allocation is established, you are not eligible for a waiver.

- (iii) If a wasteload allocation is established and if DEP has determined that stormwater controls are not needed for your MS4, then you may be eligible for a waiver.

*NOTE: TMDLs are water quality assessments that determine the source or sources of pollutants of concern for a particular water body, consider the maximum amount of pollutants the water body can assimilate and then allocate to each source a set level of pollutants that it is allowed to discharge (i.e., a "wasteload allocation").*

## 2. Population between 1,000 and 10,000 people:

- a. The jurisdiction served by the system is more than 1,000 but less than 10,000 people. This applies to the separate storm sewer system only (not any combined sewer system components).
- b. *DEP evaluation of all receiving surface waters.* This information can be obtained from the local DEP regional office. See the discussion above about pollutants of concern and wasteload allocations. Pollutant(s) of concern include biochemical oxygen demand (BOD), sediment, or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from your MS4;
- c. *Future stormwater controls.* This is addressed in any current Act 167 plan.
- d. *"Special protection" waters.* To answer this question, refer to Chapter 93 of the DEP's Rules and Regulations available at [www.pacode.com](http://www.pacode.com), or contact the appropriate regional office.

Designated Uses: <http://www.pacode.com/secure/data/025/chapter93/chap93toc.html>

Existing Uses: <http://www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1261&q=449172>

*NOTE: This second set of waiver criteria differs from the option in E.1 above in these two ways:*

- *It requires DEP's determination that the discharges are not affecting the receiving water body, regardless of whether the water body is impaired or not (it does not impose a duty on DEP to issue the determination).*
- *An assessment of the impacts of future changes must be performed (no such assessment is required under E.1).*

## Section F: Certification

Certification: The information contained in the Request for Waiver must be certified to be true and to the best of the applicant's knowledge, accurate. The Request for Waiver must be signed as follows:

- a. For a Corporation -- A responsible corporate officer.
  - (1) 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
  - (2) The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
    - (a) For a partnership or sole proprietorship -- By a general partner or the proprietor, respectively; or
    - (b) For a municipality -- State, Federal or other public agency by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
      - (i) The chief executive officer of the agency, or
      - (ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of the EPA).



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATERSHED MANAGEMENT

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**REQUEST FOR WAIVER**  
**Of NPDES Permit Requirement**  
**Municipal Separate Storm Sewer Systems (MS4s)**

*This form is for use by Municipalities with population less than 10,000. The form requests information related to the strict waiver criteria in the federal regulations at 40 CFR §123.35(d)*

A. Name of MS4 operator:	B. CONTACT PERSON:
TELEPHONE NO.:	TELEPHONE NO.:
MAILING ADDRESS:	MAILING ADDRESS:
C. MUNICIPALITY: _____ WATERSHED(S): _____ _____ COUNTY: _____	Population (1990) : _____ Population (2000): _____ Urbanized Area Name: _____ Urbanized Area No.: _____
<p>D. Is/was applicant in violation of any of DEP's permits issued by DEP, or any orders, regulations or schedules of compliance in the last five (5) years? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, list each permit, order, regulation or schedule that is/was in violation and provide compliance status of the permitted activity (use additional sheets to provide information on all permits).</p> <p>Brief Description of Non-Compliance:</p> <p>Steps Taken to Return to Compliance and Dates Compliance Achieved:</p>	
<p>E. <b>INFORMATION ON WAIVER ELLIGIBILITY CRITERA</b> Use this section to help DEP evaluate your Request based on the EPA criteria. There are two sets of criteria:</p>	
<p>1. <b><u>For MS4s with a population of less than 1,000:</u></b></p> <p>(a) Is your separate storm sewer system an MS4 (or a portion thereof) serving a population of less than 1,000 people? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(b) Has it been determined that your separate storm sewer system does not contribute substantially to the pollution loadings of another physically-interconnected downstream MS4? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>Explain:</b></p>	

- (c) Has the receiving waterbody(ies) been determined to be "impaired" under DEP's surface water assessment program? Yes  No

If the answer to "c" is "YES," then answer these questions:

- (i) What were the "pollutants of concern" that caused the impairment?
- (ii) Has a wasteload allocation been developed as part of an EPA-approved or established Total Maximum Daily Load (TMDL) for all of those pollutants of concern discharged from your MS4? Yes  No
- (iii) Does the wasteload allocation determine that no storm water controls are needed for your MS4 for those pollutants of concern? Yes  No

2. **For MS4s With A Population Between 1,000 and 10,000:**

- (a) Is your separate storm sewer system an MS4 (or a portion thereof) serving a population of between 1,000 and 10,000 people? Yes  No

- (b) Has DEP evaluated all surface waterbodies that receive discharges from your MS4? Yes  No

If the answer to (b) is "YES," for all such waterbodies,

- (i) Is there a wasteload allocation that is part of an EPA-approved TMDL, or other equivalent analysis, for each one of those waterbodies? Yes  No

- (ii) What are the pollutants of concern in the Wasteload allocation(s)?

- (iii) Has DEP determined that stormwater controls are not needed in your MS4, based on such wasteload allocation(s)? Yes  No

- (c) Has DEP determined that future stormwater discharges from your MS4 do not have the potential to result in exceeding water quality standards, or other significant water quality impacts, including habitat and biological impacts? Yes  No

- (d) Does the MS4 discharge stormwater to waters that are classified for "special protection"? Yes  No

- (e) Is the MS4 located in an area covered by an Act 167 Plan? Yes  No
- If Yes, include a copy of the Act 167 Plan with the Waiver Request. Yes  No

3. **For all applicants:**

- a) Enclose a USGS topographical map showing approximate locations of discharges to surface waters from the MS4 and show the names of the receiving waters.
- b) Enclose a copy of the MS4 permit NOI application.

F. 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 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 believe that the MS4(s) above meet the federal small MS4 waiver requirements and that all supporting documents are attached herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (Print or type Name): (Use corporate or professional seal as appropriate)

SIGNATURE:

DATE SIGNED: