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Points

1. Pay Attention to the Permit Fact Sheet
2. What's Rulemaking and Why Should You Care?
3. Maximum Extent Practicable vs. Water Quality Standards?
4. Cause and Contribute
5. Pollutant Reduction Plans
6. Take Credit for what you've done!

Your MS4 Permit Fact Sheet



Why is this so important?

Permit Basis

What Has Changed And Why?

Rationale

Northeast Regional Office
CLEAN WATER PROGRAM

Application Type Renewal

Facility Type MS4

Permit Type Individual

NPDES PERMIT FACT SHEET

MS4s

Application No. [REDACTED]

APS ID [REDACTED]

Authorization ID [REDACTED]

Applicant and Facility Information

Applicant Name [REDACTED]	Facility Name [REDACTED]
Applicant Address [REDACTED]	Facility Address [REDACTED]
Applicant Contact [REDACTED]	Facility Contact [REDACTED]
Applicant Phone [REDACTED]	Facility Phone [REDACTED]
Client ID [REDACTED]	Site ID [REDACTED]
SIC Code <u>4952</u>	Municipality [REDACTED]
SIC Description <u>Trans. & Utilities - Sewerage Systems</u>	County [REDACTED]
Date Application Received _____	
Date Application Accepted _____	
Purpose of Application <u>Renewal of [REDACTED] MS4 Individual Permit</u>	

Internal Review and Recommendations

Description of facility: [REDACTED] MS4 System. This permit regulates the stormwater conveyance and management system in an effort to minimize pollution to receiving Waters of The Commonwealth of Pennsylvania. The receiving streams, [REDACTED] are located in State Water Plan watershed [REDACTED] and are classified for Cold Water Fishes, Migratory Fishes, High Quality-Cold Water, Migratory Fish, and Trout Stocking, aquatic life, water supply and recreation. The [REDACTED] estimated population for July 1, 2016 is [REDACTED] and is [REDACTED] 1 MS4 permittees in Pennsylvania.

Type and quantity of pollutants which are proposed to be treated or discharged: Stormwater generated runoff is typical of an [REDACTED] square mile urban area. Oils, grit, nutrients and sediment are primary pollutants expected to be conveyed through the system. Accelerated flow of stormwater and its related erosive effects are also a pollutant concern. Sampling and analysis requirements [REDACTED] results in most cases. The sampling requirements remain in the permit are described in Part C, Section III. Discharge Characterization.

Basis for draft permit conditions: This permit establishes effluent limitations in the form of implementation of a Stormwater Management Program (SWMP) to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP). MEP means a technology-based discharge standard established in the CWA at §402(p)(3)(B)(iii) that requires NPDES 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, to protect water quality and quantity, and to satisfy the appropriate water quality requirements of the Federal Clean Water Act (Federal Water Pollution Control Act, as amended, 33 U.S.C.A. §§ 1251 – 1387), the Pennsylvania Clean Streams Law, and regulations promulgated thereto. The Federal Clean Water Act (CWA) provides that National Pollutant Discharge Elimination System (NPDES) permits for MS4s must require municipalities to reduce pollutants in their stormwater

Approve	Deny	Signatures	Date
X		[REDACTED]	[REDACTED]
X		[REDACTED]	[REDACTED]

Be Aware of the Commonwealth Rulemaking Process

Is your draft permit more stringent than your previous permit? Why?

DEP's MS4 Requirements Table

Pollutant Reduction Plans for Nutrients and/or Sediment

Maximum Extent Practicable (MEP)

MEP?

Your MS4 permit is intended to identify activities that you and the DEP agree is “Maximum Extent Practicable” for your municipality.

What is Deemed Compliant?

Your MS4 permit should not be imposing requirements beyond that required to meet the MEP standard – Object to language such as “must comply with Water Quality Standards”.

Cause or Contribute

Look at your permit for a requirement to design your plans to prevent increased loadings of pollutants and to not cause or contribute to a violation of water quality standards.

In the stormwater context - federal and state regulations do not prohibit increased loadings of pollutants.

So where is this “cause or contribute” language coming from?

It is not an applicable MS4 compliance standard.

Pollutant Reduction Plan Requirements for Discharges to Waters Impaired for Nutrients and Sediments



Where did this 10% Sediment Load Reduction come from?

- ▶ Basis?
- ▶ If the DEP has no basis? Object to requirements for implementing a PRP where your stormwater discharge is into a nonimpaired waterbody (or where your discharge only has a de minimis impact).

The fact that a downstream waterbody may be impaired by other point and/or non-point sources is not a valid basis for imposing additional requirements upon you.

Permit writers cannot use a surrogate (sediment) for control of other pollutants.

Credit for your existing programs and plans

Make sure you are getting credit

Object to permit requirements that don't take into account your existing program activities or prior reductions

Object to permit requirements that ignore your existing program or that require revisions without documenting deficiencies in your program

Mapping

Object to mapping Privately Owned Components of the Collection System

- ▶ Does your permit include language similar to:

“privately-owned components of the collection system where conveyances or BMPs on private property receive stormwater flows from upstream publicly-owned components.”

A privately-owned component is neither owned nor operated by you and the mapping or any other requirement associated with a privately-owned component should not be imposed upon your municipality or Authority.

Q & A

The requirements of your MS4 permit and program have far-reaching financial obligations

Encourage you to ask the permit writer questions

You have every right to expect your Stormwater consultant to be an expert in the laws, policy, and rulemaking governing the MS4 program



Tim Dean

Pennsylvania Water Group
Manager
