



August 15, 2018

Gilbert P. Szakal Jr  
Borough of Donora  
603 Meldon Avenue  
Donora, PA 15033-1006

Re: PAG-13 General Permit Approval  
Donora Borough Separate Storm Sewer System  
NPDES Permit No. PAG136256  
Authorization ID No. 1206003  
Donora Borough, Washington County

Dear Mr. Gilbert Szakal:

The Department of Environmental Protection (DEP) has reviewed your Notice of Intent (NOI) to operate under the PAG-13 General NPDES Permit and has determined that you are eligible for coverage under the statewide General Permit. Your permit is enclosed.

The statewide General Permit expires on March 15, 2023. **However, your coverage under the General Permit does not expire unless your coverage is revoked by DEP. A Notice of Intent (NOI) to renew your coverage is no longer required.** When the statewide General Permit is renewed, the permit will be published in the Pennsylvania Bulletin. Following publication of the final renewed General Permit, you must comply with the terms and conditions of the renewed General Permit or otherwise submit an application for an individual NPDES permit. You may submit an application for a waiver to DEP anytime during the term of your General Permit coverage if, due to changing circumstances, you become eligible for a waiver.

The General Permit contains numerous scheduled requirements that may apply to you. Please review DEP's "Summary of Scheduled Requirements" document, available at [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us) (select "Permit and Authorization Packages", "Clean Water", and "PAG-13 MS4 General Permit").

The submission of Annual MS4 Status Reports is required by the General Permit. You must submit the annual reports to the DEP office that approved your General Permit coverage by September 30<sup>th</sup> of each year to describe activities conducted under the General Permit during the period of July 1 – June 30. You must also submit the annual installment payment of \$500 to DEP's Bureau of Clean Water by September 30<sup>th</sup> of each year. The first annual report and annual payment is due by September 30, 2018. The first annual report will cover the period from the end of your last reporting period under the previous PAG-13 General Permit until June 30, 2018.

You are required to comply with the Pollutant Control Measures (PCMs) contained in Appendix C for the surface waters identified in DEP's MS4 Requirements Table (see [www.dep.pa.gov/MS4](http://www.dep.pa.gov/MS4)). You are required to submit to DEP the following: 1) a storm sewershed map for outfalls that discharge to the impaired surface waters; 2) an inventory of all suspected and known sources of the pollutant(s) of concern within the storm sewershed(s); and 3) a report

documenting an investigation of each suspected source. Deadlines for submission of this documentation as attachments to future Annual MS4 Status Reports are established in the Appendices.

DEP has reviewed your Pollutant Reduction Plan (PRP)). Your PRP is hereby approved. The following elements of your PRP will be evaluated by DEP during the permit term:

- The sediment reduction credit from existing Forest Buffer must be calculated correctly based on guide lines in DEP's BMP Effectiveness Values Table and PRP must be modified accordingly and submitted with the MS4 Annual Status Report by September 30, 2019.
- The borough must calculate actual sediment reduction from inlet filter systems according to DEP's approved method stated in PRP Instructions and also in DEP's BMP Effectiveness Values Table. The results must be submitted to the Department with the MS4 Annual Status Report by September 30, 2019. The borough must select additional BMPs if the proposed BMPs do not achieve the required sediment reduction.

During the permit term, DEP will evaluate your progress in implementing the PRP. If progress is not satisfactory DEP may require you to obtain coverage under an individual permit.

You are required to implement the load reduction requirements established in Appendix E of the General Permit within five years, and you must submit a report demonstrating that you have met these requirements as an attachment to the first Annual MS4 Status Report that is due following completion of the 5th year of General Permit coverage.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board  
Rachel Carson State Office Building, Second Floor  
400 Market Street  
P.O. Box 8457  
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained



Mr. Gilbert Szakal

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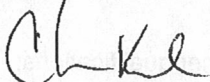
online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.**

If you have any questions, please contact Harris Mahmud at 412.442.4201.

Sincerely,



Christopher Kriley, P.E.  
Program Manager  
Clean Water Program

Enclosures

cc: Gannett Fleming Inc.  
Central – Renee Larry  
Region  
Operations



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

**NPDES PERMIT NO. PAG136256**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq.,

**Donora Borough**  
**603 Meldon Avenue**  
**Donora, PA 15033-1006**

is authorized to discharge from a regulated small municipal separate storm sewer system (MS4) located in **Donora Borough, Washington County** to **Unnamed Tributary to Monongahela River and Monongahela River** in **Watershed 19-C** in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

**APPROVAL OF COVERAGE TO DISCHARGE UNDER THIS GENERAL NPDES PERMIT IS AUTHORIZED BEGINNING ON SEPTEMBER 1, 2018 . WHEN THE GENERAL PERMIT IS RENEWED, REISSUED OR MODIFIED, THE FACILITY OR ACTIVITY COVERED BY THIS APPROVAL FOR COVERAGE MUST COMPLY WITH THE FINAL RENEWED, REISSUED OR MODIFIED GENERAL PERMIT.**

The authority granted by coverage under this General Permit is subject to the following further qualifications:

1. The permittee shall comply with the effluent limitations and reporting requirements contained in this General Permit.
2. Following initial coverage under this General Permit, the submission of Annual MS4 Status Reports in accordance with Part A III.D of the General Permit shall constitute the permittee's Notice of Intent (NOI) for continued coverage under the General Permit. The permittee shall be responsible for complying with the final renewed, reissued or amended General Permit. If the permittee is unable to comply with the renewed or amended General Permit, the permittee must submit an application for an individual NPDES permit within 90 days of publication of the final General Permit.
3. The NOI and its supporting documents are incorporated into this approval of coverage. If there is a conflict between the NOI or its supporting documents and the terms and conditions of this General Permit, the terms and conditions of this General Permit shall apply.
4. Failure to comply with the terms, conditions, or effluent limitations of this General Permit is grounds for enforcement action, permit termination or revocation.
5. The permittee shall implement Pollutant Control Measures as specified in **Appendix C**.
6. The permittee shall achieve pollutant loading reductions for **sediment** as specified in **Appendix E** by **August 31, 2023**.

**This approval of coverage is authorized by:**

A handwritten signature in black ink, appearing to read "Ch Kriley", written over a horizontal line.

**Christopher Kriley, P.E.**  
**Clean Water Program Manager**  
**Southwest Regional Office**  
**Department of Environmental Protection**





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

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* (the "Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*, the Department of Environmental Protection (DEP) hereby authorizes, by this General Permit, the discharge of stormwater from regulated small municipal separate storm sewer systems (MS4s) to surface waters in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

Eligible dischargers who wish to be covered under this General Permit must submit a Notice of Intent (NOI) to DEP in accordance with the requirements of this General Permit, using the NOI form provided by DEP.

No new discharge may be commenced under this General Permit until the applicant complies with all of the following:

1. The applicant has submitted a complete Notice of Intent (NOI) in accordance with the requirements of this General Permit, using a NOI form provided by DEP.
2. The applicant has received a signed copy of the Approval of Coverage from DEP that authorizes coverage under the PAG-13 General Permit.

DEP may deny coverage under the PAG-13 General Permit and require submission of an application for an individual permit based on a review of the NOI or other relevant information, including monitoring data.

Once coverage is approved under the PAG-13 General Permit, coverage will continue when the PAG-13 General Permit is reissued, unless the permittee is otherwise notified by DEP. The submission each year of the Annual MS4 Status Report in accordance with Part A III.D of the General Permit shall constitute the permittee's NOI for continued coverage under the General Permit unless DEP notifies the permittee in writing that the submission of a new NOI is required.

#### **SCOPE**

The PAG-13 General Permit is intended to provide NPDES permit coverage to regulated small MS4s for discharges of stormwater to surface waters. Permittees operating under this General Permit have been either automatically designated as regulated by the U.S. Environmental Protection Agency (EPA) pursuant to 40 CFR § 122.32(a)(1) or designated as regulated by DEP under 40 CFR § 122.32(a)(2).

#### **NOI REQUIREMENTS**

##### **Deadlines for NOI**

MS4 permittees with existing NPDES permit coverage, MS4s that previously have been waived by DEP, and MS4s newly designated as a result of the 2010 census that are seeking coverage under this PAG-13 General Permit or a waiver must submit and DEP must receive an administratively complete and acceptable NOI by September 16, 2017. MS4s authorized to discharge under an individual NPDES permit who are seeking coverage under this General Permit may continue to discharge in accordance with the individual permit while their NOI and associated documents are being reviewed by DEP.

##### **Contents of the NOI**

The NOI shall be signed in accordance with the signatory requirements of this General Permit and shall contain the information required in the NOI form.

### Where to Submit the NOI

An NOI is to be submitted to the regional office of DEP that has jurisdiction over the county where the MS4 is located.

### DISCHARGES AUTHORIZED BY THIS GENERAL PERMIT

Except where specifically prohibited under the "Discharges Not Authorized by this General Permit" section, this General Permit authorizes the discharge of stormwater to surface waters from regulated small MS4s. In addition, the following non-stormwater discharges are authorized by this General Permit as long as such discharges do not cause or contribute to pollution as defined in Pennsylvania's Clean Streams Law:

1. Discharges or flows from firefighting activities.
2. Discharges from potable water sources including water line flushing and fire hydrant flushing, if such discharges do not contain detectable concentrations of Total Residual Chlorine (TRC).
3. Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
4. Diverted stream flows and springs.
5. Non-contaminated pumped ground water and water from foundation and footing drains and crawl space pumps.
6. Non-contaminated HVAC condensation and water from geothermal systems.
7. Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
8. Non-contaminated hydrostatic test water discharges, if such discharges do not contain detectable concentrations of TRC.

In the event existing outfall(s) are identified during the term of General Permit coverage that were not identified on maps submitted as part of the NOI (where required), the permittee shall identify the outfall(s) in the subsequent Annual MS4 Status Report that is submitted to the DEP office that approved permit coverage. In the event new stormwater outfalls are proposed, the permittee shall submit written notification to the DEP office that approved permit coverage at least 60 days prior to commencing a discharge, unless such discharges would meet one or more of the criteria specified in the "Discharges Not Authorized By This General Permit" section, in which case an individual permit application must be submitted and an individual permit obtained prior to commencing a discharge.

### DISCHARGES NOT AUTHORIZED BY THIS GENERAL PERMIT

The following discharges are not authorized under the PAG-13 General Permit, and DEP may deny coverage under the General Permit when one or more of the following conditions exist:

1. The discharge, individually or in combination with other similar discharges, is or has the potential to be a contributor of pollution, as defined in the Pennsylvania Clean Streams Law, which is more appropriately controlled under an individual permit.
2. The discharger is not, or will not be, in compliance with one or more of the conditions of the General Permit.
3. 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.
4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.
5. Categorical point source effluent limitations are promulgated by the EPA for those point sources covered by the General Permit.
6. The discharge is not, or will not, result in compliance with an applicable effluent limitation or water quality standard.

7. Other point sources within the MS4 require issuance of an individual permit, and issuance of both an individual and a General Permit for the facility would constitute an undue administrative burden on DEP.
8. The discharge from the regulated small MS4 is or would be to a surface water classified as a High Quality (HQ) or an Exceptional Value (EV) water under 25 Pa. Code Chapter 93 (relating to Water Quality Standards).
9. The discharge contains toxic or hazardous pollutants, 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 surface waters.
10. The discharge individually or cumulatively has the potential to cause significant adverse environmental impact or have been determined by DEP to have caused impairment to the surface waters receiving the discharge(s).
11. The discharge would adversely affect a listed endangered or threatened species or its critical habitat.
12. The MS4 is covered by an individual permit, and coverage under this General Permit would result in less stringent effluent limitations or terms and conditions.
13. DEP determines that the denial of coverage is necessary for any other reason to ensure compliance with the Federal Clean Water Act, the Pennsylvania Clean Streams Law or DEP regulations.
14. The regulated MS4 is a large or medium MS4 as defined in 40 CFR §§ 122.26(b)(4) or (7).
15. The permittee is implementing a local or tribal Qualifying Local Program (QLP) pursuant to 40 CFR 122.44(s) that is not the state's program as outlined in 25 Pa. Code Chapter 102.
16. The regulated small MS4 is assigned a wasteload allocation (WLA) (either specific to the MS4 or general) in a Total Maximum Daily Load (TMDL) approved by the U.S. Environmental Protection Agency (EPA) for local surface waters, where the pollutant(s) of concern are nutrients (i.e., nitrogen and/or phosphorus) and/or sediment (i.e., siltation or total suspended solids), and the MS4 is identified in the "MS4 Requirements Table" (see definitions) as needing to complete a TMDL Plan.
17. The regulated small MS4 1) discharges to waters impaired for nutrients and/or sediment without an EPA-approved TMDL or discharges to the Chesapeake Bay watershed; 2) is identified in DEP's "MS4 Requirements Table"; and 3) has not developed and submitted a Pollutant Reduction Plan (PRP) with the NOI to reduce pollutant loading for the cause(s) of impairment.
18. The discharge will be commingled with sources of non-stormwater unless such non-stormwater discharges are identified in the "Discharges Authorized by this General Permit" section of this General Permit or are in compliance with a separate NPDES permit and do not cause or contribute to pollution.
19. Stormwater discharges associated with industrial activity as defined in 40 CFR §§ 122.26(b)(14)(i)-(ix) and (xi).
20. Stormwater discharges associated with construction activity as defined in 40 CFR § 122.26(b)(14)(x) or 40 CFR § 122.26(b)(15).

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

1. If the permittee submits a timely NOI for coverage under this General Permit (i.e., received by DEP on or before September 16, 2017) and the previous General Permit expires, the permittee is authorized to continue discharging under the terms and conditions of this General Permit. The permittee must comply with all terms and conditions in this General Permit with the exception of requirements that do not take effect until DEP's approval of coverage, as specified in this General Permit.
2. DEP may require a permittee with discharge(s) authorized by this General Permit to apply for and obtain an individual permit by notifying the permittee in writing that an individual permit application is required. Any interested person may petition DEP to take action under this paragraph.



DEP's notice will include the following:

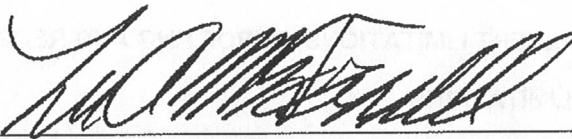
- A brief statement of the reason(s) for this decision;
- An individual permit application form;
- A deadline for the owner or operator to submit the application; and
- A statement that on the effective date of the individual permit, coverage under this General Permit shall automatically terminate.

If a permittee fails to submit an individual permit application required by DEP under this paragraph in a timely manner, then the applicability of this General Permit to the permittee is automatically terminated at the end of day specified for submission of the application.

3. Any person authorized to discharge by this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual permit.
4. When an individual permit is issued to a person whose discharge(s) are covered by this General Permit, the applicability of this General Permit is automatically terminated on the effective date of the individual permit. When an individual permit is denied to a person whose discharge(s) are covered by this General Permit, the person may continue discharging if all eligibility requirements under this General Permit are met.
5. This General Permit will expire 5 years from the date of its issuance. DEP will publish a notice in the *Pennsylvania Bulletin* of the draft reissued General Permit or of any amendments to this General Permit. After a comment period, notice of the final reissued or amended General Permit will be published in the *Pennsylvania Bulletin*. The permittee shall be responsible for complying with the final renewed, reissued or amended General Permit. If the permittee is unable to comply with the renewed, reissued or amended General Permit, the permittee must submit an application for an individual permit within 90 days of publication of the final renewed, reissued or amended General Permit.
6. If DEP decides to administratively extend this General Permit, DEP will publish a notice in the *Pennsylvania Bulletin*. The terms and conditions of the General Permit will continue during the period of administrative extension. Permittees with existing coverage under the General Permit will continue to have coverage, unless otherwise notified by DEP. DEP will not approve new coverage under the General Permit during the period of administrative extension.
7. Following approval of coverage under this General Permit, if the permittee encounters a condition affecting eligibility under this General Permit as identified above ("Discharges Not Authorized by this General Permit") and does not provide a remedy to correct that condition, coverage under this General Permit may be revoked in writing by DEP, and DEP may require the permittee to obtain an individual permit. Coverage under this General Permit may be revoked if there is evidence indicating potential or actual adverse impacts to water quality as a result of the permittee's discharge(s).
8. No condition of this General Permit shall release the permittee from any responsibility or requirements under other federal or Pennsylvania environmental statutes or regulations or local ordinances.
9. Following initial coverage under this General Permit, the submission of an Annual MS4 Status Report in accordance with Part A III.D of the General Permit shall constitute the permittee's Notice of Intent (NOI) for continued coverage under the General Permit. The permittee is authorized to discharge in accordance with the terms of the General Permit immediately upon submission of the Annual MS4 Status Report.
10. The permittee shall comply with the requirements of this General Permit in accordance with the schedules contained herein. A summary of the scheduled requirements contained in this General Permit is available (see Document ID No. 3800-PM-BCW0100I).

General Permit  
(PAG-13) Issued

By



Lee A. McDonnell, P.E.  
Director  
Bureau of Clean Water

Effective: March 16, 2018

Expires: March 15, 2023

## PART A

### EFFLUENT LIMITATIONS, REPORTING AND RECORDKEEPING REQUIREMENTS

#### I. EFFLUENT LIMITATIONS

- A. This General Permit establishes effluent limitations in the form of implementation of a Stormwater Management Program (SWMP), as specified in Part C I of this General Permit, to reduce the discharge of pollutants from the regulated small MS4 to the maximum extent practicable. The permittee shall comply with Minimum Control Measures (MCMs) and best management practices (BMPs) in Part C I of this General Permit, which constitutes compliance with the standard of reducing pollutants to the maximum extent practicable.
- B. All discharges from regulated small MS4s must comply with all applicable requirements established in accordance with 25 Pa. Code Chapters 91-96, 102, and 105 of DEP's rules and regulations. For all MS4s covered under this General Permit, DEP may, upon written notice, require additional BMPs or other control measures to ensure that the water quality standards of the surface waters receiving stormwater discharges are attained.

#### II. DEFINITIONS

*Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce pollutant loading to surface waters of this Commonwealth. The term includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The term includes activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities. (25 Pa. Code § 92a.2)

*Clean Water Act (CWA)* means the Federal Water Pollution Control Act, as amended, 33 U.S.C.A. §§ 1251 - 1387.

*Cleaning Agent* means any product, substance or chemical other than water that is used to clean the exterior surface of vehicles.

*Designated Uses* are 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 attained. (25 Pa. Code § 93.1)

*Dry Weather* means a condition in which there are no precipitation, snowmelt, drainage or other events producing a stormwater discharge for more than 48 consecutive hours.

*Existing Permittee* means any entity that has been designated as a regulated small MS4 and has previously obtained permit coverage under the PAG-13 General Permit or obtained an Individual NPDES MS4 Permit.

*Existing Uses* are 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. (25 Pa. Code § 93.1)

*Illicit Connection* means any physical connection to a municipal separate storm sewer system that can convey illicit discharges into the system and/or is not authorized or permitted by the permittee.

*Illicit Discharge* means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except non-stormwater discharges as described in the "Discharges Authorized by this General Permit" section of this General Permit. 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 municipal separate storm sewer system. Illicit discharges can be accidental or intentional.



*Impaired Waters* means surface waters that fail to attain one or more of its designated uses under 25 Pa. Code Chapter 93 and as listed in Categories 4 and 5 of Pennsylvania's Integrated Water Quality Monitoring and Assessment Report.

*Integrated Water Quality Monitoring and Assessment Report* means the report published every other year by DEP to report on the conditions of Pennsylvania's surface waters to satisfy sections 305(b) and 303(d) of the CWA.

*Intermittent Stream* means a body of water flowing in a channel or bed composed primarily of substrates associated with flowing water, which, during periods of the year, is below the local water table and obtains its flow from both surface runoff and groundwater discharges. (25 Pa. Code § 92a.2)

*Load Allocation* means 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)* means 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.

*MS4 Requirements Table* is a compilation of information regarding Pennsylvania MS4s, surface waters that receive stormwater discharges from MS4s, surface water impairments and TMDLs that is posted to DEP's website, [www.dep.pa.gov/MS4](http://www.dep.pa.gov/MS4). The MS4 Requirements Table has been assembled by DEP to assist MS4 permittees in determining applicable requirements for the development of plans and implementation of BMPs, as well as eligibility for the PAG-13 General Permit. In general, the MS4 Requirements Table will be updated prior to each renewal of this General Permit based on DEP's latest published Integrated Water Quality Monitoring and Assessment Report.

*Municipal separate storm sewer* means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by 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, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. (25 Pa. Code § 92a.32(a) and 40 CFR § 122.26(b)(8))

*Municipal Separate Storm Sewer System (MS4)* means 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)(4), (b)(7), and (b)(16), respectively, or designated under 40 CFR § 122.26(a)(1)(v). (25 Pa. Code § 92a.32(a) and 40 CFR § 122.26(b)(18))

*Municipality* means a city, town, borough, county, township, school district, institution, authority or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes or other wastes. (25 Pa. Code § 92a.2)

*New Permittee* means any entity that has been designated as a regulated small MS4 and has not previously obtained permit coverage under the PAG-13 General Permit or obtained an Individual NPDES MS4 Permit.

*NOI* means the Notice of Intent for coverage under the NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems.

*Non-Municipal Permittee* means a regulated small MS4 that is not a municipality, e.g., military bases, large hospital or prison complexes, and highways and other thoroughfares.

**Non-Structural BMPs** means actions that involve management and source controls such as: (1) policies and ordinances that provide requirements and standards to direct growth to identified areas, promote redevelopment, 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) education programs for developers and the public about minimizing water quality impacts; (3) measures such as minimizing the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, street sweeping, and source control measures such as good housekeeping, maintenance, and spill prevention; and other BMPs as referenced in Chapter 5 of the Pennsylvania Stormwater BMP Manual (363-0300-002).

**Ordinance** means a law enacted by the government of a municipality.

**Outfall** means a point source as defined by 40 CFR § 122.2 at the point where a municipal separate storm sewer discharges to surface waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other surface waters and are used to convey surface waters. (25 Pa. Code § 92a.32(a) and 40 CFR § 122.26(b)(9))

**Owner or Operator** means the owner or operator of any "facility" or "activity" subject to regulation under the NPDES program. (25 Pa. Code § 92a.3(b)(1) and 40 CFR § 122.2)

**Permittee** means the owner or operator of a regulated small MS4 authorized to discharge under the terms of this General Permit.

**Point Source** means a discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, Concentrated Aquatic Animal Production Facility (CAAP), Concentrated Animal Feeding Operation (CAFO), landfill leachate collection system, or vessel or other floating craft from which pollutants are or may be discharged. (25 Pa. Code § 92a.2)

**Pollutant** means 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 Pennsylvania Clean Streams Law, 35 P.S. § 691.1. (25 Pa. Code § 92a.2)

**Qualifying Development or Redevelopment Project** means an earth disturbance activity that requires an NPDES permit for stormwater discharges associated with construction activity per 25 Pa. Code Chapter 102.

**Regulated Small MS4** means 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 subset of "small MS4s" as defined in this section.

**Riparian Forest Buffer** means 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.

**Small Municipal Separate Storm Sewer System (Small MS4)** means an MS4, as defined in this section, that is not a large or medium MS4 pursuant to 40 CFR §§ 122.26(b)(4) and 122.26(b)(7). The term small MS4 includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings. (25 Pa. Code § 92a.32(a) and 40 CFR § 122.26(b)(16))

**Standard Operating Procedure (SOP)** means a policy or set of procedures that are enacted by a non-municipal permittee to implement a stormwater management program.

**Storm Sewershed** means the land area that drains to an individual MS4 outfall from within the jurisdiction of the MS4 permittee. The term "combined storm sewershed" means the drainage areas of all MS4 outfalls that discharge to a specific surface water or to waters within the Chesapeake Bay watershed.

**Stormwater** means runoff from precipitation, snow melt runoff and surface runoff and drainage. "Stormwater"

has the same meaning as "storm water." (25 Pa. Code § 92a.2)

*Structural BMPs* means stormwater storage and management practices including, but not limited to, wet ponds and extended detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips; infiltration practices such as infiltration basins and infiltration trenches; and other BMPs as referenced in Chapter 6 of the Pennsylvania Stormwater BMP Manual (363-0300-002).

*Surface Waters* means 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. (25 Pa. Code § 92a.2)

*Total Maximum Daily Load (TMDL)* means the sum of individual waste load allocations for point sources, load allocations for nonpoint sources and natural quality and a margin of safety expressed in terms of mass per time, toxicity or other appropriate measures. (25 Pa. Code § 96.1)

*Urbanized Area (UA)* means land area comprising 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.

*Wasteload Allocation (WLA)* means the portion of a surface water's loading capacity that is allocated to existing and future point source discharges. (25 Pa. Code § 96.1)

*Water Quality Criteria* means numeric concentrations, levels or surface water conditions that need to be maintained or attained to protect existing and designated uses. (25 Pa. Code § 93.1)

*Water Quality Standards* means the combination of water uses to be protected and the water quality criteria necessary to protect those uses. (25 Pa. Code § 92a.2)

### III. MONITORING, REPORTING AND RECORDKEEPING

A. Where samples are collected and analyzed or measurements are taken under this General Permit, the permittee shall assure:

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(1))
2. Records of monitoring information shall include (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(3)):
  - a. The date, exact place, and time of sampling or measurements.
  - b. The individual(s) who performed the sampling or measurements.
  - c. The date(s) analyses were performed.
  - d. The individual(s) who performed the analyses.
  - e. The analytical techniques or methods used.
  - f. The results of such analysis.
3. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless another method is required under 40 CFR Subchapters N or O. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(4))

B. Records Retention – All records of monitoring activities and results, copies of all plans and reports required by this General Permit, and records of all data used to complete the application for this General Permit shall be retained by the permittee for at least 5 years from the date of the sample measurement, report or application. Such records must be submitted to DEP upon request or as required for annual reports. The permittee must make records available to the public at reasonable times during regular business hours. (25 Pa. Code § 92a.3(c), 40 CFR §§ 122.34(g)(2) and 122.41(j)(2))



C. Proper Operation and Maintenance (O&M) – The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), including stormwater BMPs, that are installed or used by the permittee to achieve compliance with the conditions of this permit. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(e))

D. Reporting Requirements

1. The permittee shall submit a complete Annual MS4 Status Report using DEP's annual report template (3800-FM-BPNPSM0491) to the DEP regional office that issued General Permit coverage approval by September 30 of each year.
  - a. For existing permittees, the first annual report submitted to DEP under this General Permit shall have a reporting period starting from the end of the latest annual or progress report period (under the previous General Permit) to June 30, 2018. The first annual report is due by September 30, 2018. For new permittees, the first annual report is due by September 30 following the first year of General Permit coverage.
  - b. Following the first annual report, the reporting period shall thereafter be July 1 - June 30, and the report shall be due by September 30.
2. In addition to the Annual MS4 Status Report submitted to the DEP regional office, a check or money order in the amount of \$500.00, which is an installment of the NOI fee, shall be submitted to DEP's Central Office, made payable to "Commonwealth of Pennsylvania." The fee shall be submitted by September 30 of each year to the following address:

PA Department of Environmental Protection  
Bureau of Clean Water  
Rachel Carson State Office Building  
400 Market Street, PO Box 8466  
Harrisburg, PA 17105-8466

For existing permittees, the first fee is due by September 30, 2018. For new permittees, the first fee is due by September 30 following the first year of General Permit coverage.

3. The permittee shall submit the Annual MS4 Status Report and fee to DEP electronically upon receipt of written notification from DEP.
4. Unanticipated Non-Compliance or Potential Pollution Reporting
  - a. Immediate Reporting - The permittee shall immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code §§ 91.33 and 92a.41(b) listed below:
    - (i) If, because of an accident, other activity or incident a toxic substance or another substance which would endanger users downstream from the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to the Department is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution.
    - (ii) If reasonably possible to do so, the permittee shall immediately notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger.
    - (iii) The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.