

Lancaster County Clean Water Consortium MS4 Discussion

MS4 Stormwater Permit (PAG-13)



Topics

- * NPDES Phase II MS4 Permit
 - * What is an MS4?
 - * Important Facts and Dates
 - * Summary of PAG-13 MS4 Permit
- * Highlights of the Renewal PAG-13
- * Chesapeake Bay TMDL and PA's WIP

Facts and Dates

- * December 8, 1999 Federal Regulations.
- * No changes to the federal regulations, so far.
- * PAG-13 became effective on March 10, 2003
- * Renewal PAG-13 includes TMDL requirements
- * 391 PA Municipalities have TMDLs in Urbanized Areas
- * Draft PAG-13 Public Comment Period
April 4, 2009, through July 6, 2009

What is an MS4?

- * **WHAT IS AN MS4?**
- * An MS4 is a conveyance or system of conveyances that is:
 - * Owned by a state, city, town, village, or other public entity that discharges to waters of the U.S.;
 - * Designed or used to collect or convey stormwater (including storm drains, pipes, ditches, etc.);
 - * Not a combined sewer; and
 - * Not part of a Publicly Owned Treatment Works (sewage treatment plant).
- * <http://cfpub1.epa.gov/npdes/stormwater/munic.cfm>

What is a Regulated MS4?

(8) Municipal Separate Storm Sewer means 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.

(18) 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), or (b)(16) of this section, or designated as regulated under 40 CFR § 122.26(a)(1)(v) of this section.

PAG-13 Definitions:

40 CFR 122.26(b)(8), and (18)

What is a Regulated MS4?

(16) Small municipal separate storm sewer system means all separate storm sewers that are:

- (i) 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, 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 discharges to waters of the United States.
- (ii) Not defined as large, or medium municipal separate storm sewer systems pursuant to paragraphs (b)(4) and (b)(7) of this section, or designated under paragraph (a)(1)(v) of this section.
- (iii) This term 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.

PAG-13 Definitions:
40 CFR 122.26(b)(16)

What is a Regulated MS4?

40 CFR § 122.32 As an operator of a small MS4, am I regulated under the NPDES storm water program?

- (a) Unless you qualify for a waiver under paragraph (c) of this section, you are regulated if you operate a small MS4, including but not limited to systems operated by federal, State, Tribal, and local governments, including State departments of transportation; and:
- (1) Your small MS4 is located in an urbanized area as determined by the latest Decennial Census by the Bureau of the Census. (If your small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated); or
 - (2) You are designated by the NPDES permitting authority, including where the designation is pursuant to §§ 123.35(b)(3) and (b)(4) of this chapter, or is based upon a petition under § 122.26(f).

Important Dates

12/8/1999	NPDES Phase 2 Rule Published in FR
3/10/2003	Deadline for NPDES small MS4 Permit Applications Permittees began operating under the permit
9/8/2007	1. PAB notice of permit extension to 3/9/2009
8/23/2008	2. PAB notice of permit extension to 3/9/2010
8/15/2009	3. PAB notice of permit extension to 3/9/2011
8/14/2010	4. PAB notice of permit extension to 12/9/2011
12/11/2010	5. PAB notice of permit extension to 6/11/2012
4/13/2011	Pre-publication draft presented and discussed at WRAC
To be scheduled	Renewal PAG-13 announcement will be published in PA Bulletin
To be scheduled	Workshops
12/9/2011	Last day to submit NOI for renewal of PAG-13
6/11/2012	Current PAG-13 extension expires
6/12/2012	First day of coverage under renewal PAG-13
6/11/2017	Last day of coverage under renewal PAG-13

NPDES MS4 Permitting Status

- * In the ninth year of program
- * 940 Municipalities with Urbanized Areas (UAs)
 - * 138 Individual Permits
 - * 595 General Permits
 - * 207 Waivers from the permitting requirement
- * MS4s Permitting Status In Chesapeake Watershed
 - * 1188 Municipalities
 - * 282 Municipalities with designated UAs
 - * 72 have MS4 Permit Waivers
 - * 210 have MS4 Permits (IP: 29; GP: 181)
- * PENNDOT and PTC have state-wide Individual Permits, + 34 other Institutions have NPDES MS4 Permits.
- * Permit Renewal
 - * Renewal applications are due > 180 days before expiration.
 - * Waivers must be re-evaluated.
 - * 2010 Census Bureau Urbanized Area Maps – Not published yet.

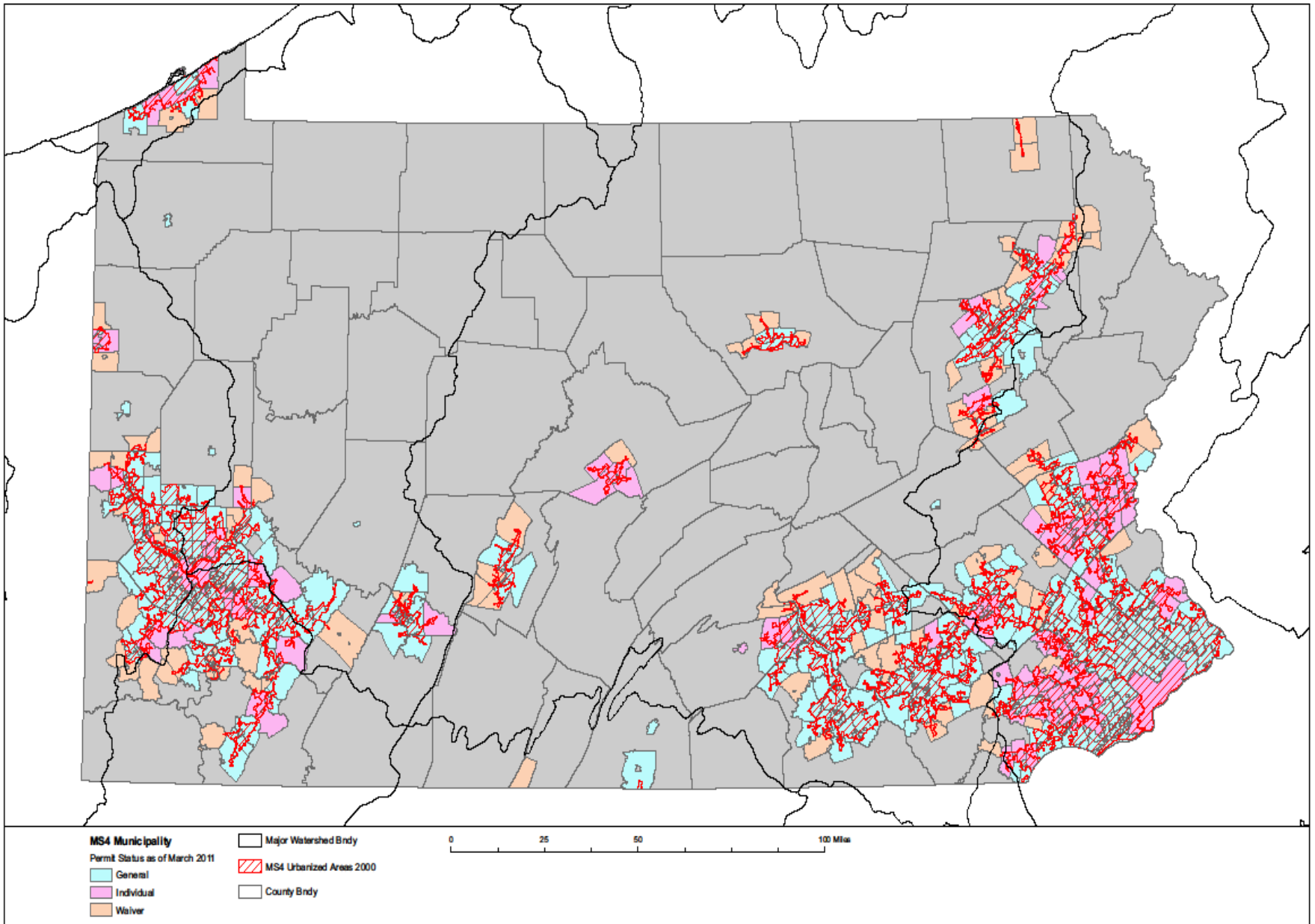
MUNICIPALITIES WITH URBANIZED AREAS, REGULATED SMALL MS4s, AND TMDLs

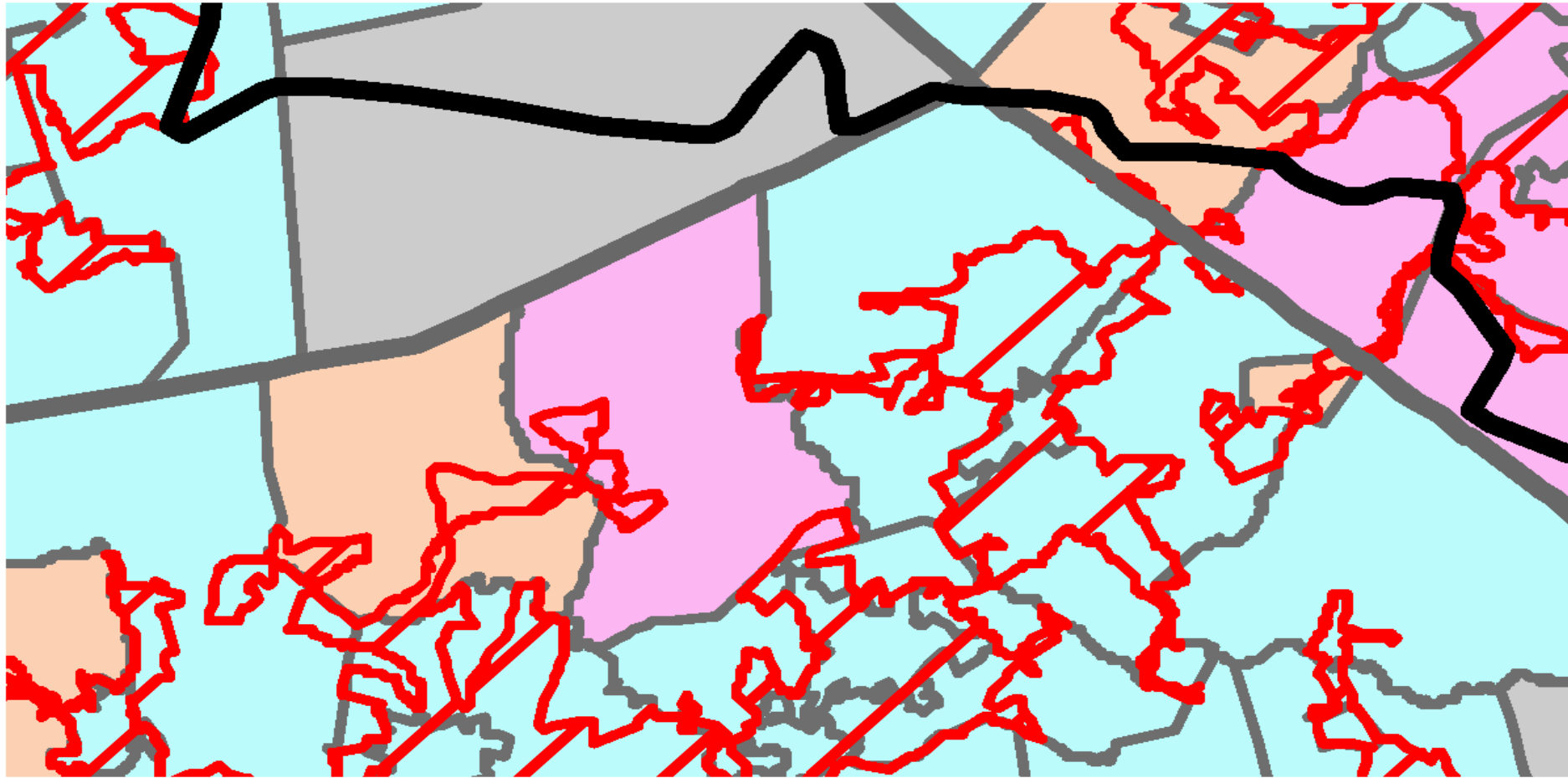
Region	Munies	Munies with MS4 UA	Munies with MS4 Permits	Munies with MS4 Permits and TMDLs in UAs	Munies with Waivers and TMDLs in UA
NC	421	17	11	1	0
NE	393	166	116	44	12
NW	390	35	26	6	3
SC	546	206	167	60	11
SE	239	214	203	106	3
SW	577	302	210	107	38
Totals	2566	940	733	321	70

Waivers: 207

Institutional MS4 Permits

Permittee Type	GP	IP	Total
County	9	9	18
Military	1	1	2
Campus	2	12	14
Prison Complex		1	1
Airport	1		1
Total	13	23	36





MS4 Urbanized Areas in Elizabeth, Clay, and West Cocalico Townships, Lancaster County

PAG-13's Core Program

What's Required?

- * No changes in the federal regulations
 - * The core program for NPDES MS4 permitting has not changed from 2003
- * Regulated Small MS4s
 - * Municipal Separate Storm Sewer System (conveyances)
 - * Owned or Operated by a “Public Body”
 - * In Urbanized Areas
- * Stormwater Management Program
 - * Implement 6 MCMs to Maximum Extent Practicable (MEP)
- * TMDLs
 - * Satisfy Consistency with applicable Waste Load Allocations
 - * TMDL requirements were left out in 2003
 - * More water quality assessments, more approved TMDLs since 2003

Highlights of Changes to PAG-13

- * TMDL requirements are added to the permit
- * Other improvements include:
 - * Outlines of the documents
 - * Instructions to the applicant/permittee
 - * Clarity of statements
 - * Relationship of PAG-13 to NPDES permits for stormwater discharges associated with construction activities
 - * Tracking and reporting requirements
 - * Ordinance and the ordinance requirements
 - * Request for Waiver - instructions and application

Six Minimum Control Measures

1. Public education and outreach on storm water impacts
2. Public involvement / participation
3. Illicit discharge detection and elimination
4. Construction site storm water runoff control
5. Post-construction storm water management in new development and redevelopment
6. Pollution prevention / good housekeeping for municipal operations

MCMs 4 and 5

40 CFR 122.44(s) Qualifying State, Tribal, or local programs.

For storm water discharges associated with construction activity identified in §122.26(b)(14)(x) [large] and (b)(15) [small], qualifying State erosion and sediment control program requirements may be incorporated into MS4 permits by reference.

PAG-13 provides an option for permittee to rely on the state construction stormwater permitting program to satisfy:

1. All requirements under MCM #4
2. All but the LID and post construction tracking and inspection requirements for SWM BMPs associated with MCM #5.

TMDLs

Basic Requirements

If your regulated small MS4s discharge stormwater into any receiving waters with applicable WLAs in approved TMDLs:

- * you must develop, implement, and enforce an approved MS4 TMDL Plan that
 - * achieves the pollutant reductions consistent with applicable Waste Load Allocations in approved TMDLs
- * MS4 TMDL Plans (or strategies) need to be submitted with the PAG-13 NOI (or with IP applications).
- * Applicant must provide a reasonable assurance that applicable WLAs will be met.
- * Approved MS4 TMDL Plans must be implemented according to the approved schedule.

TMDLs

What's Required?

- * The portion of an MS4 TMDL Plan that demonstrates consistency with the WLA in applicable TMDLs must be submitted with the NOI. This is the MS4 TMDL Strategy.
- * MS4 Design Details for BMPs that will be implemented during the term of the permit must be amended to the MS4 TMDL Strategy during the first year of permit coverage.
- * MS4 TMDL Strategy + MS4 Design Details = MS4 TMDL Plan.
- * If regulated MS4s discharge to an area within the area covered by a DEP-pre-approved watershed or regional TMDL implementation plan, the MS4 TMDL Plan must implement and enforce pollutant control consistent with the pre-approved plan.
- * MS4 TMDL Strategies, MS4 TMDL Design Details, MS4 TMDL Plans must have Signature and Seal by Professional Engineer.

Renewal PAG-13 Permit Package

1. Cover Page and Table of Contents
2. PA Fact Sheet (this FS is not required by federal regulations)
3. NOI Instructions
4. NOI
5. NOI Checklist
6. Approval of Coverage
7. Authorization to Discharge
8. Appendix A (Stormwater Management Program)
9. Request for Waiver Instructions
10. Request for Waiver Application
11. MS4 Stormwater Management Ordinances
12. MS4 Stormwater Management Ordinance Checklists
13. Fact Sheet per 40 CFR 124.8

PAG-13 Workshops Tentative

- * Month 1: Workshop with DEP Regional Staffs
- * Months 2-3: Permittee Workshops
 - * NWRO 1
 - * NCRO 1
 - * NERO 2
 - * SWRO 4
 - * SCRO 3
 - * SERO 4
- * Workshop Agenda
 - * Details of PAG-13
 - * Example NOIs
 - * Example IP
 - * Example TMDL Plans

PA's Phase I WIP-Stormwater

- * Relies on continued implementation of existing state programs:
 - * Act 167 Planning = County planning and municipal ordinances
 - * NPDES Stormwater Permits for Construction Activities
 - * NPDES MS4 Permits
- * Relies on program improvements:
 - * Revisions to the Chapter 102 Erosion and Sediment Control and Stormwater Management Regulations
 - * Program capacity and consistency
 - * BMP Tracking and reporting
 - * Support innovative projects
 - * Green, sustainable infrastructure

Chesapeake Bay TMDL

- * Develop WIPs that identify how point and nonpoint sources will reduce nitrogen, phosphorus, and sediment loads sufficient to meet WQS
- * Commit to set and meet specific 2-year milestones for implementing practices to achieve load reductions
- * EPA has discretionary authority to increase oversight of NPDES permits
- * EPA may establish a back-stop TMDL for stormwater by designating entire watershed as MS4 based on EPA's determination on reasonable assurance.
- * EPA has officially objected to two provisions in PAG-13.
- * Staff has been discussing EPA's issues.

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