pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE 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 regulated small municipal separate storm sewer systems (small MS4s), 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 § 92a.3), 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 92a.

Municipalities operating under this general permit have been either 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 regulated small MS4s, as defined herein, 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 the implementation of the Stormwater Management Program (SWMP), as set forth in Appendix A hereto, designed to reduce the discharge of pollutants from the regulated small MS4 to the Maximum Extent Practicable (MEP); and when required, progress with the development, implementation, and enforcement of an MS4 TMDL Plan consistent with an applicable wasteload allocations in an approved TMDL; and when required, progress with the development, submission to DEP for approval, and ensuring implementation of a Chesapeake Bay Pollutant Reduction Plan.

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

1. DEP may, upon written notification, require any permittee authorized by this General Permit to apply for and obtain an Individual NPDES MS4 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 a permittee fails to submit, in a timely manner, an Individual NPDES MS4 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 permittee authorized to discharge by this General Permit may be excluded from the coverage of this General Permit by applying for an Individual NPDES MS4 Permit. The permittee shall submit to DEP an Individual NPDES MS4 Permit application on approved Pennsylvania Individual NPDES MS4 Permit application forms.
3. When an Individual NPDES MS4 Permit is issued to an owner or operator of a regulated small MS4 otherwise subject to this General Permit, the applicability of this General Permit to the Individual NPDES MS4 Permit is automatically terminated on the effective date of the Individual NPDES MS4 Permit.
4. This General Permit may be modified or revoked and reissued by DEP.
5. 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 this 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 a regulated small MS4 covered by this permit, the operator of such a discharge may be required to obtain an individual NPDES MS4 permit.

11. Timely submission of the Notice of Intent (NOI) and, if applicable, the MS4 TMDL Plan.

12. By agreeing to participate in this General Permit, the permittee agrees to enact and implement; either an appropriate MS4 Stormwater Management Ordinance; an Ordinance from an applicable Act 167 Stormwater Management Plan approved by DEP in 2005 or later; or an ordinance(s) that satisfies all applicable requirements in a completed and signed MS4 Stormwater Management Ordinance Checklist.

13. By agreeing to participate in this General Permit, the permittee agrees to fully implement and enforce to the Maximum Extent Practicable the Stormwater Management Program (outlined in Part A, Section 2 below), and if required an MS4 TMDL Plan (outlined in Part C below) consistent with the conditions, assumptions and any applicable Waste Load Allocation defined in TMDLs, that is designed to reduce the discharge of pollutants from the permittee's regulated small MS4 to meet applicable requirements, 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 operator of the regulated small MS4 is eligible to discharge under this permit if all of the following conditions are met:

1. The regulated MS4 is not large or medium MS4s as defined in 40 CFR §122.26(b)(4) or (7);

2. The regulated MS4 is located fully or partially in an urbanized area as determined by the latest Decennial Census by the Bureau of Census at the time this General Permit is issued;

3. The permittee submits an administratively complete and acceptable Notice of Intent and obtains written authorization from the Department.

4. The permittee is not implementing a local or tribal 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.

5. The permittee has no discharges from its regulated small MS4s to or is not located in waters of the Commonwealth, including wetlands, that have an existing or designated use that is classified as "Special Protection" under 25 Pa. Code Chapter 93 of DEP's regulations.

6. The regulated MS4 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.

7. Individually, or in combination with other similar discharges, the regulated MS4 does not, and shall not, have the potential to be contributors 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 regulated 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 permittee or DEP has identified them as significant contributors of pollutants to the regulated small MS4 or its discharges:

      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 pumped ground water;
      vi. uncontaminated water from foundation and footing drains;
      vii. air conditioning condensation;
      viii. springs;
      ix. water from crawl space pumps;
      x. water from lawn watering;
      xi. individual residential car washing;
      xii. flows from riparian habitats and wetlands; and
      xiii. dechlorinated swimming pool discharges. (clean, no filter backwash)

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) herein).

   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 portion of the discharges would be to impaired waters with an applicable and approved TMDL wasteload allocation (WLA) unless the permittee has an approved MS4 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.

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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: 3/16/13, AND SHALL EXPIRE ON: 3/15/18.

STORMWATER
NPDES GENERAL PERMIT
(PAG-13) ISSUED BY

DIRECTOR
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

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PART A

STORMWATER MANAGEMENT PROGRAM

The Stormwater Management Program is contained at Appendix A hereto, which is incorporated by reference herein. The permittee shall implement, enforce and report on such activities related to the Stormwater Management Program which is designed to reduce the discharge of pollutants from its regulated small 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 Stormwater Management Program in Appendix A requires enactment and implementation of one of the following: (1) adoption of the MS4 Stormwater Management Ordinance; (2) adoption of an Ordinance from an applicable Act 167 Stormwater Management Plan approved by DEP in 2005 or later; or (3) an ordinance(s) that satisfies all applicable requirements in a completed and signed MS4 Stormwater Management Ordinance Checklist.

1. DEFINITIONS

Applicant: Refers to the owner or operator of a regulated small municipal separate storm sewer system seeking to discharge under, and pursuant to, the terms of this General Permit.

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, MS4 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.

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 MS4 Stormwater Management Program, the MS4 TMDL Plan or any 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 MS4 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 attained.

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

Dry Weather: For required outfall inspections, dry weather is a continuous time interval without stormwater producing events that immediately follows an initial 48 hour period with no stormwater producing events. (**NOTE**: For additional information regarding dry weather, see Chapter 11 of EPA's *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments* [CWP, October 2004].)

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 regulated small MS4); certain allowable non-stormwater discharges described in the EPA regulations, NPDES MS4 permit or the MS4 permittee'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://water.epa.gov/polwaste/green/.

Maximum Extent Practicable (MEP): 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. 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.

MS4 TMDL Plan: A plan that is required for a regulated small MS4 that discharges stormwater into a waterbody with an approved applicable wasteload allocation (WLA) in a TMDL. The MS4 TMDL Plan shall detail measures that will be implemented 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 MS4 TMDL 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 MS4 TMDL Plan may be phased, in accordance with the timeline, and can be adaptive, iterative and dynamic. The MS4 TMDL Plan shall be evaluated and updated by the permittee continuously, as necessary. The term "implement" includes any action that may be necessary for

the permittee to ensure the proper operation and maintenance of all pollutant control measures identified in, or associated with, the MS4 TMDL Plan.

National Pollutant Discharge Elimination System (NPDES): A permit issued under 25 Pa. Code Chapter 92a (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 small MS4 and has not previously obtained coverage under PAG-13 or obtained an Individual NPDES 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: 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, 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 this 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 owner or operator of a regulated small municipal separate storm sewer system 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. Permittees assume all responsibility for meeting conditions of coverage under this General Permit.

Point Source: As defined by 25 Pa. Code § 92a.2, any 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, 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.

Pollution: Shall be construed to mean contamination of any waters of the Commonwealth such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, including but not limited to such contamination by alteration of the physical, chemical or biological properties of such waters, or change in temperature, taste, color or odor thereof, or the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters. The department shall determine when a discharge constitutes pollution, as herein defined, and shall establish standards whereby and wherefrom it can be ascertained and determined whether any such discharge does or does not constitute pollution as herein defined. 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."

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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, the 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) and (7), 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. Permittees are required to develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the regulated small MS4s 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. Permittees using the NPDES MS4 General Permit (PAG-13) are required to implement the SWMP in Appendix A of the Authorization to Discharge.

Structural BMP: Storage practices including, but not limited to, 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 wasteload allocations for point sources, load allocations for nonpoint sources, a margin of safety, and natural background. TMDLs can be expressed in terms of mass per time, toxicity or other appropriate measures.

Urbanized Area (UA): 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. 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 FOR PAG-13

a. The permittee shall implement, enforce and report on the Stormwater Management Program (SWMP) as set forth in Appendix A, designed to reduce the discharge of pollutants from the regulated small MS4s 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 (PCSM) 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 for satisfying each of the six MCMs. The SWMP in Appendix A describes each MCM and the permit requirements, including BMPs and measurable goals. Permittees operating under this General Permit shall implement the SWMP in Appendix A in its entirety. Any permittee that chooses not to use the SWMP in Appendix A shall submit an Individual NPDES MS4 Permit application that contains a proposed written SWMP that meets the regulatory requirements.

d. New permittees shall enact and implement within the first year of permit coverage, either an appropriate MS4 Stormwater Management Ordinance; an Ordinance from an applicable Act 167 Stormwater Management Plan approved by DEP in 2005 or later; or an ordinance(s) that satisfies all applicable requirements in a completed and signed MS4 Stormwater Management Ordinance Checklist. The permittee must satisfy these requirements in accordance with the information provided by the permittee in the Notice of Intent.

Renewal permittees must continue to maintain, update, implement, and enforce a Stormwater Management Ordinance that satisfies all applicable requirements.

e. The permittee shall ensure that its SWMP, including its stormwater management ordinance(s), is designed to prevent increased loadings of pollutants and to not cause or contribute to a violation of water quality standards by any discharges from its regulated small MS4s (40 CFR 122.4(i) and 40 CFR 122.44(d)(1)).

f. The permittee shall develop and maintain adequate legal authorities to implement all parts of this general permit, including the attached SWMP.

g. The permittee shall maintain adequate funding and staffing to implement and manage all provisions of the attached SWMP.

h. Sharing responsibility

1. Implementation of one or more of the minimum control 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 regulated small MS4 area;
   ii. The particular control measures as implemented by the other entity, or components of control measures, are at least as protective of water quality as the corresponding permit requirement.
   iii. The other entity agrees to implement the control measures on behalf of the permittee. The agreement between the parties shall be documented in writing and retained by the permittee with the SWMP and records for this general permit.

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2. The permittee shall perform reasonable oversight and the permittee remains responsible for compliance with the obligations of this General Permit if any other entity fails to implement any of the control measures (or any components thereof).

   i. The permittee shall submit reports to the Department as described in Part B, Section 3.d. below.

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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 General 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. **Periodic report (periodic reports, periodically report):** First term permittees and all permittees with any portion of a regulated small MS4 discharging stormwater into the Chesapeake Bay Watershed shall submit all required information in annual reports. Renewal permittees with no portion of a regulated small MS4 discharging stormwater into the Chesapeake Bay Watershed shall provide all required information in periodic progress reports submitted in permit years one (1), three (3), and with the renewal NOI or renewal application in year five (5) (also see Part B.3.d).

f. **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 General 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 92a, 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 regulated small 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 the Authorization to Discharge 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 regulated small MS4, 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 Streams 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 for BMPs associated with the Stormwater Management Program and to reduce the discharge of pollutants consistent with applicable TMDLs for BMPs associated with approved MS4 TMDL Plans. 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 this 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 permittee is required to develop, submit to DEP for approval, and ensure implementation of an MS4 TMDL Plan pursuant to Condition C.1. herein, the permittee shall conduct monitoring of the BMPs and other measures undertaken pursuant to such section in order to demonstrate that measurable progress toward meeting the pollutant load reductions is being achieved consistent with the TMDL.

2. MANAGEMENT REQUIREMENTS

a. Permit Modification, Termination, or Revocation and Reissuance

1. This General Permit may be modified, suspended, revoked, reissued, or terminated during its term for any of the causes specified in 25 Pa. Code Chapters 92a and 102, as applicable.
2. The Department may modify, revoke, suspend, or terminate previously issued coverage under this General Permit and require the stormwater discharger to apply for and obtain an Individual NPDES MS4 Permit in accordance with 25 Pa. Code Chapters 92a 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 92a 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 regulated small MS4 which could, in any way, substantially affect the quality and/or quantity of stormwater discharged from the regulated small MS4.

c. **Operation and Maintenance Requirements.** The Stormwater Management Program (Appendix A), MS4 stormwater management ordinance(s), and MS4 TMDL Plan, if required, shall include provisions to ensure that proper operation and maintenance is performed on all stormwater BMPs and all pollutant reduction BMPs that discharge through the regulated small MS4. The requirement to perform proper operation and maintenance of BMPs that discharge through the regulated small MS4s applies to the owners and operators of all such BMPs, including the permittee.

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) when 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 General 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

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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 regulated small 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. Periodic Reports (Annual Reports and Progress Reports)

1. New permittees and all permittees with any portion of a regulated small MS4 discharging stormwater into the Chesapeake Bay Watershed shall submit annual reports to DEP reporting on SWMP activities, Chesapeake Bay Pollutant Reduction Plan activities, and MS4 TMDL Plan activities performed during the preceding permit year. The report shall be in the format provided by the Department. Report Forms are available on DEP's website at www.dep.state.pa.us, keyword: Stormwater.
2. Renewal permittees with no portion of a regulated small MS4 discharging stormwater into the Chesapeake Bay Watershed shall submit Progress Reports to DEP documenting the SWMP and MS4 TMDL Plan activities that were performed during the preceding reporting time interval.
3. Permittees shall submit the appropriate report form, available on the DEP's website.
4. The reports shall include information regarding (but not limited to):
   i. Status of compliance with the conditions of this General Permit 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 MS4 TMDL Plan, including a summary of implementation and monitoring data of all control measures and of all BMPs implemented in connection with the MS4 TMDL Plan;
   x. For new permittees, 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; enactment of the appropriate MS4 Stormwater Management Ordinance; or enactment of an ordinance(s) that satisfies all applicable requirements in a completed and signed MS4 Stormwater Management Ordinance Checklist.
5. All Reports shall be submitted to the appropriate DEP Regional Office.
6. The deadlines for submission of Annual Reports and Progress Reports are as follows:
   a. Annual Reports no later than 90 days following the end of each permit year.
   b. Progress Reports no later than 60 days following the end of permit years one (1) and three (3). In

year five (5) the report shall be submitted with the NOI for renewal of this general permit or with an application for renewal in the case of individual permits.

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 regulated small 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 MS4 Permit.

5. TERMINATION OF COVERAGE

a. **Notice of Termination.** Where all stormwater discharges from a regulated small MS4 that are authorized by this General Permit are eliminated, the operator of the regulated small 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 I am no longer authorized to discharge stormwater from the regulated small 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 MS4 permit."

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

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PART C

OTHER CONDITIONS

1. TOTAL MAXIMUM DAILY LOAD (TMDL) REQUIREMENTS:

If the regulated small MS4 discharges stormwater into any portion of a receiving water with applicable wasteload allocations (WLAs) in approved TMDLs, the permittee shall implement an approved MS4 TMDL Plan that is designed to achieve pollutant reductions consistent with the applicable wasteload allocations (WLAs) in the TMDLs. When an MS4 TMDL Plan is required, that MS4 TMDL Plan must be implemented according to the schedule in the approved plan.

For each regulated small MS4 that discharges stormwater into any portion of a receiving water with applicable wasteload allocations in approved TMDLs, permittees shall develop, submit to DEP for approval, and ensure implementation of a written MS4 TMDL Plan that is designed to achieve pollutant reductions consistent with the conditions and assumptions of the applicable wasteload allocations in the approved TMDLs. An MS4 TMDL Plan consists of two components: an MS4 TMDL Strategy and MS4 TMDL Design Details. The MS4 TMDL Strategy must include a narrative discussion of how the MS4 TMDL Plan will satisfy the requirements in Subsections a through c below. MS4 TMDL Design Details must be submitted to DEP within one year of the effective date of the approval of coverage under this permit for written approval by DEP. The complete MS4 TMDL Plan must satisfy the requirements in Subsections a through d below, including final design details for the BMPs that will be implemented during the term of this permit. MS4 TMDL Plans must include a timeline (schedule) with milestones and upon approval the plan must be implemented as soon as practicable, and no later than according to the approved timeline.

a. MS4 TMDL Plan for Impaired Waters with a TMDL

The MS4 TMDL Plan must be consistent with the conditions and assumptions of any applicable waste load allocation(s) (WLAs) in approved TMDLs, and it must include implementation of pollutant control measures that reduce pollutants in discharges from the regulated small MS4s as required by the wasteload allocations in the TMDLs. (Note: The MS4 TMDL Plan is in addition the Stormwater Management Program (SWMP) in Appendix A required to satisfy the six mandatory MCMs).

The permittee's progress with implementation of the MS4 TMDL Plan must be fully described in every periodic report (see Part B.3.d of the Authorization to Discharge).

b. MS4 TMDL Plan, Required Contents

The MS4 TMDL Plan shall reduce pollutants in discharges from the regulated small MS4 as required by applicable wasteload allocations in approved TMDLs. The permittee must develop, submit to DEP for approval, and ensure implementation of the MS4 TMDL Plan in accordance with the approved timeline.

MS4 TMDL Plans shall include:

i. The Title of TMDL or TMDL(s);

ii. A list of the watershed name(s) and the eight-digit Hydrologic Unit Code (HUC) for the areas that discharge through the regulated MS4s to water bodies with TMDLs;

iii. A list of the pollutant(s) and Waste Load Allocations (WLAs) assigned to each regulated small MS4 in each municipality covered by the NOI;

iv. For each applicable TMDL, a list all of the municipalities subject to the TMDL within the area of the same eight digit HUC;

v. For each applicable TMDL, a list of all the counties subject to the TMDL within the area of the same eight digit HUC;

vi. Allocated pollutant loadings established in each applicable TMDL;

vii. Reductions in pollutant loads (pounds or percent) necessary to meet each applicable TMDL or WLA;

viii. For each regulated small MS4 outfall that discharges to waters with TMDLs, and for each TMDL, list all of the control measures and BMPs that will be implemented and reported to meet the TMDL.

Include a brief analysis to explain and justify the control measures and BMPs that were selected for implementation.

ix. Permittees must include an analysis to show that implementation of the MS4 TMDL Plan, including the selected control measures and BMPs, will reduce the pollutant loads consistent with the applicable WLAs established in approved TMDLs. Permittees must include a timeline with milestones. Implementation of the MS4 TMDL Plan may be phased, in accordance with the timeline, and can be adaptive, iterative, and dynamic to show measurable progress toward meeting pollutant load reductions. Permittees must evaluate and update MS4 TMDL Plans as necessary, based on effectiveness in reducing pollutant discharge loads to meet approved TMDLs and applicable WLAs. MS4 TMDL Plans must include a process for evaluating control measures and BMPs, implementation efforts undertaken to date, and any changes made to the control measures or BMPs to obtain greater reductions in pollutant loadings from the outfalls of the regulated MS4s.

x. Additional information deemed necessary by DEP or by the permittee for addressing the TMDL.

Information for TMDLs (including HUC numbers) can be found at www.dep.state.pa.us, keyword: TMDL.

c. Signature and Seal by Professional Engineer for MS4 TMDL Plans

MS4 TMDL Strategies and an MS4 TMDL Plans must be signed and sealed by a professional engineer holding a valid license in good standing from the Pennsylvania Department of State.

d. Implementation Requirements

Permittees shall develop, submit to DEP for approval, and ensure implementation of an MS4 TMDL Plan that is consistent with the applicable WLAs in approved TMDLs and that is designed to achieve the pollutant reductions established by applicable WLAs in the TMDLs. The term "implement" includes any action that may be necessary for the permittee to ensure the proper operation and maintenance of all pollutant control measures identified in, or associated with, the MS4 TMDL Plan. Permittees shall report on implementation of the MS4 TMDL Plan in each periodic report submitted under this General Permit. All pollutant control measures needed to reduce the pollutant load consistent with the TMDL shall be implemented as soon as practicable, in accordance with the MS4 TMDL Plan's timeline, to make measurable progress in substantially reducing the applicable pollutant loads. Implementation of all measures can be adaptive, iterative, and dynamic. The MS4 TMDL Plan shall be evaluated and updated by the permittee as necessary, based on its effectiveness in reducing pollutant loads in discharges from the regulated small MS4s.

The MS4 TMDL Plan shall demonstrate that the required pollutant load reductions will be achieved, consistent with the TMDL, and the Plan must be implemented as soon as practicable. The MS4 TMDL 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 proposed end date for ultimate attainment of the pollutant load reductions set forth in the WLA.

Permittees shall report on progress with implementation of the MS4 TMDL Plan in all periodic reports and in the final report submitted with the next renewal application. Permittees must include the reductions in pollutant loads attained by implementation of control measures or BMPs, broken down measure by measure or BMP by BMP. Permittees must have physical pollutant removal measures installed on-the-ground in time for their successful operation to be documented in the periodic report or the progress report submitted at the end of the third year of coverage under this permit. Additional measurable substantial progress with installation of physical pollutant removal measures must be documented in the reports submitted with the next successive renewal NOI or application for a renewal permit.

2. DISCHARGES TO IMPAIRED WATERS WITHOUT A TMDL:

For each regulated small MS4 that discharges stormwater into any portion of a receiving water that is impaired, but does not have an approved TMDL, permittees shall ensure that new discharges from the permittee's regulated small MS4s do not cause or contribute to exceedances of water quality standards. Permittees must:

a. identify outfalls that discharge to impaired waters;

b. identify additional or modified BMPs in the SWMP to ensure that new discharges do not cause or contribute to the impairment; and

c. implement such BMPs and report on the status of each.

Permittees shall report on progress with implementation of the additional or modified BMPs in the each periodic report.

3. CHESAPEAKE BAY POLLUTANT REDUCTION PLANS:

Permittees with regulated small MS4s located in and discharging to receiving watersheds draining to the Chesapeake Bay:

a. Shall within 12 months of the effective date of your Approval of General Permit Coverage, develop and submit to the Department for approval a Chesapeake Bay Pollutant Reduction Plan, including a schedule, to implement BMPs to reduce nitrogen, phosphorus, and sediment associated with existing stormwater discharges into regulated small MS4s discharging to receiving waters tributary to the Chesapeake Bay;

b. The Chesapeake Bay Pollutant Reduction Plan required under this permit shall include a narrative description of the estimated area, including impervious cover, draining to the regulated small MS4, which may be based upon existing documents or data, such as zoning maps. This narrative description should identify areas where municipal infrastructure upgrades are planned and include an evaluation of the suitability for incorporation of green infrastructure, ESD, or LID BMPs into the planned municipal infrastructure upgrades. Where feasible, such practices should be incorporated into the municipal infrastructure upgrades and the included in the Chesapeake Bay Pollutant Reduction Plan BMP implementation schedule.

c. The Chesapeake Bay Pollutant Reduction Plan required under this permit shall include BMPs that are designed to achieve reductions of nitrogen, phosphorus, and sediment consistent with the goals and objectives of the Pennsylvania Chesapeake Watershed Implementation Plan and must be signed and sealed by a professional engineer holding a valid license in good standing from the Pennsylvania Department of State;

d. In the development of the Chesapeake Bay Pollutant Reduction Plan, the permittee shall evaluate and incorporate into the plan a combination of TMDL control measures listed in Section II.F of the NOI Instructions;

e. Upon approval by DEP, the permittee shall ensure implementation of the Chesapeake Bay Pollutant Reduction Plan consistent with the approved schedule; and

f. In the annual report to the Department required under Part B of this permit, the permittee shall include a list of BMPs implemented and associated reductions and a narrative description of the progress with development, submission to DEP for approval, and ensuring implementation of the Chesapeake Bay Pollutant Reduction Plan.

g. Where the permittee is required to develop, submit to DEP for approval, and ensure implementation of an MS4 TMDL Plan to meet a WLA for nitrogen, phosphorus, or sediment as described in Part C(1) of this permit, the permittee may rely on and incorporate the portions of such MS4 TMDL Plan that address nitrogen, phosphorus, and sediment associated with existing stormwater discharges into the Chesapeake Bay Pollutant Reduction Plan.

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