



May 13, 2021

Vincent Osier  
Geographic Standards, Criteria, and Quality Branch  
Geography Division, U.S. Census Bureau  
Submitted Electronically

Dear Mr. Osier:

The following comments are being provided by the Pennsylvania Department of Environmental Protection (PADEP) in response to the Census Bureau's proposed criteria for defining urbanized areas (UAs) based on the results of the 2020 Decennial Census.

The U.S. Environmental Protection Agency's (EPA's) Phase II Stormwater Final Rule requires National Pollutant Discharge Elimination System (NPDES) permit coverage for operators of regulated small Municipal Separate Storm Sewer Systems (MS4s) that are located within the boundaries of Census-defined UAs based on the latest decennial Census. If the Census Bureau removes the 50,000-person threshold currently used to distinguish between UAs and "urban clusters" (UCs) and ceases distinguishing between these types of urban areas, this could substantially increase the number of municipalities requiring MS4 NPDES permit coverage in Pennsylvania.

In the 2010 Census, Pennsylvania's 110 UC areas included 509 municipalities. Assuming there has been minimal population change in these areas since 2010, these 509 municipalities could become automatically designated as small MS4s requiring NPDES permit coverage if the UC designation ceases to be used in the 2020 Census. Many of these municipalities contain small populations within the UC area (48% have fewer than 1,000 people living in the UC) and/or small total populations (95% have total populations fewer than 10,000 people). This means that some of the newly designated permittees may be eligible for waivers. However, in addition to meeting one of the population criteria (either fewer than 1,000 people in the UA or a total municipal population less than 10,000) in order to be eligible for a waiver, if the MS4 discharges to a locally impaired water, the municipality must also demonstrate that they do not cause or contribute to the impairment. For this reason, there is still an administrative burden to municipalities and to PADEP associated with the waiver application process.

The Pennsylvania MS4 NPDES program currently has just over 1,000 permittees. Therefore, even if half of the municipalities with area currently designated as UC obtain waivers, this still will result in a 25% increase in permitted municipalities in Pennsylvania. In order to comply with their MS4 NPDES permit, these newly permitted municipalities will be required to develop and implement stormwater management programs (SWMPs) and if applicable pollutant reduction plans (PRPs) and pollutant control measures (PCMs).

Secretary

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SWMPs must include measures such as developing a public education program about the impact of stormwater discharges, mapping of the storm sewer collection system, screening of MS4 outfalls for illicit discharges, tracking of erosion and sediment control and post-construction stormwater management BMPs, and implementing a pollution prevention program for municipally-owned or operated facilities and activities. In order to meet the PRP requirement, permittees must calculate the existing pollutant loading for their regulated area (in lbs./year) and develop and implement pollutant load reduction strategies. Where an MS4 discharges to waters impaired for other pollutants (e.g., metals, abandoned mine drainage, pathogens, or priority organic compounds) they will have PCM requirements that include mapping, inventorying, and investigating possible sources within their municipality that contribute to these impairments.

Depending on the size of the municipality, age and complexity of the storm sewer system, and impairment status of the waters into which the MS4 discharges, substantial time and resources may be needed to meet the SWMP, PRP and PCM requirements of the MS4 NPDES permit. In addition, reviewing all of the permit required permit documentation and providing guidance to newly permitted municipalities will require significant additional PADEP resources.

Therefore, it is anticipated that if the Census Bureau ceases distinguishing between types of urban areas, the resulting increase in the number of municipalities requiring MS4 NPDES permit coverage will be a significant regulatory burden to both the newly regulated municipalities as well as PADEP's NPDES program.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick McDonnell", written in a cursive style.

Patrick McDonnell  
Secretary