



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION



Bureau of Clean Water

# **PAG-13**

# **NPDES General Permit Reissuance**

## **WRAC Meeting**

November 21, 2024

Josh Shapiro, Governor

Jessica Shirley, Acting Secretary

# PAG-13 - General

- General Permit for stormwater discharges from small municipal separate storm sewer systems (MS4s)
- Permittees 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).
- There are currently 493 MS4s that have PAG-13 General Permit coverage.



# 2013 PAG-13

## ➤ 2013-2018 PAG-13

- Stormwater Management Plan (SWMP)
  - MCM 1 Public Education & Outreach
  - MCM 2 Public Participation & Involvement
  - MCM 3 Illicit Discharge Detection & Elimination
  - MCM 4 Construction Site Runoff Control
  - MCM 5 Post-Construction Runoff Control
  - MCM 6 Pollution Prevention/Good Housekeeping
- Stormwater Management Ordinance
- Total Maximum Daily Load (TMDL) Plans
- Chesapeake Bay Pollutant Reduction Plans (PRPs)



# 2018 PAG-13

## ➤ 2018-2023 PAG-13

- Expired March 15, 2023
  - administratively extended until reissuance of next GP
- Continued from 2013 Permit:
  - SWMP requirement for implementation of 6 MCMs
  - Stormwater Management Ordinance requirement
  - Chesapeake Bay PRP (CBPRP) requirement
- New Requirements:
  - Impaired Water PRP requirement
  - Pollutant Control Measures (PCMs)



# PAG-13 – Workgroup

- DEP solicited volunteers to participate in a workgroup to discuss potential changes to PAG-13.
  - Included representatives from small and large MS4s, MS4 collaboratives, regional authorities, consultants, nonprofit environmental groups, academia, EPA, and PennDOT.
- Workgroup met 8 times (Nov 2022 - March 2023)
  - Discussed what has worked well in the 2018 PAG-13 General Permit term, what could be improved, and DEP's proposals for making those improvements.



# PAG-13 – Proposed Changes

## ➤ **Pollutant Reduction Plans (PRPs)**

The 2018 PAG-13 required permittees that discharge to impaired waters to develop a PRP to reduce sediment and nutrient loads discharges to impaired waters.

### Workgroup Recommendations:

- Increase planning time
- Standardize reduction requirement calculations
- Focus on runoff volume management rather than pollutant load reductions
- Consider socioeconomic factors when determining requirements
- Incentivize collaborations



# PAG-13 – Proposed Changes

## ➤ **Volume Management Plans (VMPs)**

### Step 1: Maximum Extent Practicable “MEP” Calculator

- Calculates how much volume management can be accomplished annually based on impervious area and adjusted to account for socioeconomic and other factors
- Submitted with NOI

### Step 2: Volume Management Plan

- Demonstrates how volume management calculated by MEP Calculator will be achieved
- Incentives provided for collaborations
- Submitted 2 years after NOI



# PAG-13 – Proposed Changes

## ➤ MEP Calculator

- **Step 1** – Determine the Annualized VMO, in cubic feet per year (CF/Yr).
- **Step 2** – Calculate Feasibility Index
- **Step 3** – Determine MEP





# PAG-13 – Proposed Changes

## ➤ MEP Calculator – Step 1

- **Step 1A** – Determine total impervious area within the urban area (UA)
- **Step 1B** – Determine the percentage of total impervious area within UA that is treated (i.e., managing at least 1 inch of runoff)
- **Step 1C** – Calculate Annualized VMO based on lookup chart
  - Example:
$$(150 \times 0.88) - (150 \times 0.08) = 120 \text{ acres untreated}$$
$$120 \text{ acres} / 50 = 2.4 \text{ acres treated/year (9,000 CF/Yr)}$$



# PAG-13 – Proposed Changes

## ➤ MEP Calculator – Step 2

- **Step 2A** – Consider financial and socioeconomic factors (lowest quantile household income, poverty rate, unemployment rate, current utility costs, municipal revenues and debts)
- **Step 2B** – Evaluate the potential for SCM opportunities (% of publicly owned impervious, localized flooding, development and redevelopment projects, and municipal ordinances)
- Feasibility Index = product of each score in 2A and 2B



# PAG-13 – Proposed Changes

## ➤ MEP Calculator – Step 3

- **Step 3A** – Annualized VMO / Feasibility Index
- **Step 3B** – Determine collaboration credits

- Example:

Step 1: Annualized VMO = 9,000 CF/Yr

Step 2: Feasibility Index = 2.0

Step 3: Adjusted Annualized VMO =

$$9,000/2.0 = 4,500 \text{ CF/Yr}$$

Collaboration Credit = 10% (10 MS4s collaborating)

MEP Annualized VMO = 4,050 CF/Yr



# PAG-13 – Proposed Changes

## ➤ **Chesapeake Bay TMDL Reporting**

2018 PAG-13 required all MS4s in the Chesapeake Bay watershed to implement a PRP. SCMs implemented to meet PRP requirements are reported as progress towards meeting the Chesapeake Bay TMDL.

### Proposed Change: None

- The reissued PAG-13 will continue to require permittees in the Chesapeake Bay Watershed to implement SCMs.
- SCMs implemented to manage runoff volume also decrease pollutant loads.



# PAG-13 – Proposed Changes

## ➤ Pollutant Control Measures (PCMs)

The 2018 PAG-13 required MS4s that discharged to waters impaired for pathogens, PCBs, and/or heavy metals to investigate if their MS4 contributed to the impairment.

### Workgroup Recommendations:

- Discontinue PCM requirements

### Proposed Changes:

- Discontinue PCMs so that MS4s can focus on VMPs
- DEP will evaluate the information MS4s compiled during 2018 permit term before deciding whether to continue implementing PCMs in future permit terms.



# PAG-13 – Proposed Changes

## ➤ **Model Stormwater Ordinance**

The 2018 PAG-13 General Permit required MS4s to update to their stormwater management ordinance to be consistent with DEP's "2022 Model Ordinance" by September 30, 2022.

### Proposed Changes:

- Ordinance updates consistent with the "2028 Model Ordinance" required by September 30, 2028
- "2028 Model Ordinance" includes several changes recommended by the Workgroup and other changes necessary for consistency with new PCSM Manual.



# PAG-13 – Proposed Changes

## ➤ **Minimum Control Measures**

### MCM 3 Illicit Discharge Detection & Elimination:

- Outfalls identified as suspected source areas for PCM pollutants must be screened annually.

### MCM 4: Construction Site Stormwater Runoff Control &

### MCM 5: Post-Construction Stormwater Management

- Permittees relying on DEP's program for issuing NPDES permits for stormwater discharges associated with construction activities must attempt to enter into a written agreement with County Conservation District.



# PAG-13 – Proposed Changes

## ➤ Additional Proposed Changes

### Renewal NOIs

- A separate NOI will be necessary to renew coverage.

### Census References

- References to the 2010 census have been updated to the 2020 census.

### Eligibility

- DEP is discontinuing the “MS4 Requirements Table.” Applicants will need to evaluate eligibility with respect to TMDLs and impaired waters using other available DEP resources.





# Questions?

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