

## **Criteria for Designation of Regulated Small MS4s**

The Pennsylvania Department of Environmental Protection (DEP) is required by EPA's regulations at 40 CFR § 123.35(b) to develop a process to designate small MS4s other than those described in § 122.32(a)(1) as regulated small MS4s to be covered under the NPDES storm water discharge control program. DEP's process is identified below.

- A. If DEP's Clean Water Program determines that pollutants are being discharged to municipal storm sewers outside of an urbanized area, and 1) there are no stormwater controls to prevent pollution and/or 2) the pollution may recur, the Program Manager will determine whether to designate the municipal storm sewers as a regulated small MS4.
  
- B. In making this determination, the Program Manager will also consider the following factors (see 40 CFR 123.35(b)(1)(ii)):
  - Discharge to sensitive waters;
  - High growth or growth potential;
  - High population density;
  - Contiguity to an urbanized area;
  - Significant contributor of pollutants; and
  - Ineffective protection of water quality by other programs.
  
- C. If the Program Manager determines that the municipal storm sewers should be designated a small MS4, the Program Manager will notify the Director of BCW and provide the justification. If BCW concurs with the proposal, the Program Manager or assigned staff will transmit a letter to the entity via Certified Mail to provide notification of the responsibility to apply for permit coverage within 180 days.
  
- D. Non-Traditional MS4s – The Clean Water Program may require a university, hospital, prison, armed forces or other commercial or institutional complex or campus within an urbanized area to obtain NPDES permit coverage. This will most typically be the case where the complex or campus is of a size relative to the municipality that the municipality cannot be expected to effectively regulate stormwater in the complex or campus. In such cases the NPDES permit issued to the complex or campus will require the development of any necessary standard operating procedures (SOPs) to control stormwater in addition to ordinances that exist for the municipality(ies) where the complex or campus is located.