



**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
INDIVIDUAL PERMIT TO DISCHARGE STORMWATER FROM
MEDIUM MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**

NPDES PERMIT NO. PA0063665

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq.,

**City of Allentown
435 Hamilton Street
Allentown, PA 18101**

is authorized to discharge from a regulated medium municipal separate storm sewer system (MS4) located in **Allentown City to Jordan Creek, Cedar Creek, Little Cedar Creek, Trout Creek, Unnamed Tributary to Trout Creek, Little Lehigh Creek, Lehigh River, and Unnamed Tributary to Lehigh River**, in Watershed **2-C** in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

THIS PERMIT SHALL BECOME EFFECTIVE ON _____

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON _____

The authority granted by coverage under this permit is subject to the following further qualifications:

1. The permittee shall comply with the effluent limitations, best management practices (BMPs), and reporting requirements contained in this permit.
2. The application and its supporting documents are incorporated into this permit. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions of this permit shall apply.
3. Failure to comply with this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. (40 CFR 122.41(a))
4. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form (40 CFR 122.41(b), 122.21(d)). In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Annual MS4 Status Reports, will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. (25 Pa. Code §§ 92a.7(b), (c))

Date Permit Issued: _____

Issued By: _____

Amy Bellanca, P.E.
Clean Water Program Manager
Northeast Regional Office

PART A

EFFLUENT LIMITATIONS, REPORTING AND RECORDKEEPING REQUIREMENTS

I. EFFLUENT LIMITATIONS

- A. This permit establishes effluent limitations in the form of implementation of a Stormwater Management Program (SWMP), as specified in Part C of this permit, to reduce the discharge of pollutants from the regulated MS4 to the maximum extent practicable (MEP), 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 Federal Clean Water Act (CWA) provides that National Pollutant Discharge Elimination System (NPDES) permits for MS4s must require municipalities to reduce pollutants in their stormwater discharges to the MEP. Discharges made in accordance with the terms and conditions of this permit meet the applicable MS4 water quality requirements of the CWA, the Pennsylvania Clean Streams Law, and regulations promulgated thereto for this five-year permit term.
- B. All discharges from regulated MS4s must comply with all applicable requirements established in accordance with 25 Pa. Code Chapters 91-96, 102, and 105 of DEP's rules and regulations. DEP may, upon written notice, and subject to permit modification procedures, require additional BMPs or other control measures to ensure that the water quality standards of the surface waters receiving stormwater discharges are attained.

II. DEFINITIONS

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce pollutant loading to surface waters of this Commonwealth. The term includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The term includes activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities. (25 Pa. Code § 92a.2)

Clean Water Act (CWA) means the Federal Water Pollution Control Act, as amended, 33 U.S.C.A. §§ 1251 - 1387.

Cleaning Agent means any product, substance or chemical other than water that is used to clean the exterior surface of vehicles.

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.

Designated Uses are 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. (25 Pa. Code § 93.1)

Dry Weather means a condition in which there are no precipitation, snowmelt, drainage or other events producing a stormwater discharge for more than 48 consecutive hours.

Dry Weather Flow is defined as a flow that is detected after an elapse of 72 hours of a continuous dry spell from the previous rainfall event.

Dye Test means a test whereby dye is poured into a portion of a sewer system and is tracked by use of cameras or visual inspection.

High-Risk City Properties are defined as those permittee-owned or operated properties that have the potential to contaminate stormwater runoff due to the nature of the business conducted on site and/or the presence of significant quantities of chemicals, lubricants, oils, fuels, and other such materials that are stored and used on site.

Illicit Connection means any physical connection to a municipal separate storm sewer system that conveys illicit discharges into the system and/or is not authorized or permitted by the permittee.

Illicit Discharge means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except non-stormwater discharges as described in the “Discharges Authorized by this Permit” section of this Permit. 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 municipal separate storm sewer system. Illicit discharges can be accidental or intentional.

Impaired Waters means surface waters that fail to attain one or more of its designated uses under 25 Pa. Code Chapter 93 and as listed in Categories 4 and 5 of the 2022 Pennsylvania’s Integrated Water Quality Monitoring and Assessment Report approved by USEPA.

Integrated Water Quality Monitoring and Assessment Report means the report published every other year by DEP to report on the conditions of Pennsylvania’s surface waters to satisfy sections 305(b) and 303(d) of the CWA.

Intermittent Stream means a body of water flowing in a channel or bed composed primarily of substrates associated with flowing water, which, during periods of the year, is below the local water table and obtains its flow from both surface runoff and groundwater discharges. (25 Pa. Code § 92a.2)

Load Allocation means 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) means 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.

Municipal separate storm sewer means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by 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, 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 surface waters; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. (25 Pa. Code § 92a.32(a) and 40 CFR § 122.26(b)(8))

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), and (b)(16), respectively, or designated under 40 CFR § 122.26(a)(1)(v). (25 Pa. Code § 92a.32(a) and 40 CFR § 122.26(b)(18))

Municipality means a city, town, borough, county, township, school district, institution, authority or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes or other wastes. (25 Pa. Code § 92a.2)

National Pollutant Discharge Elimination System (NPDES) means a permit issued under 25 Pa. Code Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) for the discharge of pollutants from a point source to surface waters.

Observation point means a location upstream of an outfall where a permittee must conduct dry weather screening in accordance with Part C II.A.5.ii. of this permit if the permittee determines that screening at an outfall is infeasible; and the point at which stormwater discharges to storm sewers owned or operated by an adjoining municipality where dry weather screening must be conducted.

Ordinance means a law enacted by the permittee.

Outfall means a point source as defined by 40 CFR § 122.2 owned and operated by the permittee at the point where a municipal separate storm sewer discharges to surface waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other surface waters and are used to convey surface waters. (25 Pa. Code § 92a.32(a) and 40 CFR § 122.26(b)(9))

Owner or Operator means the owner or operator of any “facility” or “activity” subject to regulation under the NPDES program. (25 Pa. Code § 92a.3(b)(1) and 40 CFR § 122.2)

Permittee means the owner or operator of a regulated MS4 authorized to discharge under the terms of this permit.

Person means any individual, public or private corporation, partnership, association, municipality or political subdivision of this Commonwealth, institution, authority, firm, trust, estate, receiver, guardian, personal representative, successor, joint venture, joint stock company, fiduciary; department, agency or instrumentality of State, Federal or local government, or an agent or employee thereof; or any other legal entity. (25 Pa. Code § 92a.2)

Point Source means a 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 (CAAP), Concentrated Animal Feeding Operation (CAFO), landfill leachate collection system, or vessel or other floating craft from which pollutants are or may be discharged. (25 Pa. Code § 92a.2)

Pollutant means 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 Pennsylvania Clean Streams Law, 35 P.S. § 691.1. (25 Pa. Code § 92a.2)

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 (35 P.S. § 691.1).

Storm Sewershed means the land area that drains to an individual MS4 outfall from within the jurisdiction of the permittee. The term “combined storm sewershed” means the drainage areas of all MS4 outfalls that discharge to a specific surface water of the Commonwealth.

Stormwater means runoff from precipitation, snow melt runoff and surface runoff and drainage. (25 Pa. Code § 92a.2)

Stormwater Management Program (SWMP) means 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 large MS4, 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.

Stormwater Management Program Plan (SWMPP) means a written plan designed to implement the SWMP.

Structural BMPs means stormwater storage and management practices including, but not limited to, wet ponds and extended detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips; infiltration practices such as infiltration basins and infiltration trenches; and other BMPs as referenced in the Pennsylvania Stormwater BMP Manual (363-0300-002), as amended.

Surface Waters means 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. (25 Pa. Code § 92a.2)

Total Maximum Daily Load (TMDL) means the sum of individual waste load allocations for point sources, load allocations for nonpoint sources and natural quality and a margin of safety expressed in terms of mass per time, toxicity or other appropriate measures. (25 Pa. Code § 96.1)

Urban Area means the 2020 census-designated urban area.

Wasteload Allocation (WLA) means the portion of a surface water's loading capacity that is allocated to existing and future point source discharges. (25 Pa. Code § 96.1)

Water Quality Criteria means numeric concentrations, levels or surface water conditions that need to be maintained or attained to protect existing and designated uses. (25 Pa. Code § 93.1)

Water Quality Standards means the combination of water uses to be protected and the water quality criteria necessary to protect those uses. (25 Pa. Code § 92a.2)

Waters of the Commonwealth means 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.

Watershed Restoration Strategy (WRS) means the strategy that the permittee will develop and implement to address sediment and/or nutrient-related impairments in surface waters that receive discharges from the permittee's MS4.

III. MONITORING, REPORTING AND RECORDKEEPING

- A. Where samples are collected and analyzed, or measurements are taken under this permit, the permittee shall assure:
1. The permittee shall use facilities in compliance with laboratory accreditation requirements of The Environmental Laboratory Accreditation Act (27 Pa.C.S. § 4101-4113) and 25 Pa. Code Chapter 252 (relating to environmental laboratory accreditation) to test or analyze samples used to demonstrate compliance with this permit. (25 Pa. Code § 92a.61(b))
 2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(1))
 3. Records of monitoring information shall include (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(3)):
 - a. The date, exact place (coordinates), and time of sampling or measurements
 - b. The individual(s) who performed the sampling or measurements
 - c. The date(s) analyses were performed
 - d. The individual(s) who performed the analyses
 - e. The analytical techniques or methods used
 - f. The results of such analysis
 4. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless another method is required under 40 CFR Subchapters N or O. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(4))
- B. Records Retention – All records of monitoring activities and results, copies of all plans and reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for at least five (5) years from the date of the sample measurement, report, or application. Such records must be submitted to DEP upon request or as required for annual reports. The permittee must

make records available to the public at reasonable times during regular business hours. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(2))

- C. Proper Operation and Maintenance (O&M) – The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), including stormwater BMPs, that are installed or used by the permittee to achieve compliance with the conditions of this permit. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(e))

D. Reporting and Fee Requirements

1. The permittee shall submit a complete Annual MS4 Status Report (AMSR) to the DEP regional office that issued permit coverage approval by September 30 of each year.
 - a. The first annual report submitted to DEP under this permit shall have a reporting period starting from the end of the latest annual or progress report period (under the previous permit) to June 30, 2024. The first annual report is due by September 30, 2024.
 - b. Following the first annual report, the reporting period shall thereafter be July 1 - June 30, and the report shall be due by September 30.
2. The permittee shall pay an annual fee of \$2,500 in accordance with 25 Pa. Code § 92a.62. Annual fees are due on each anniversary of the effective date of the most recent new or reissued permit issued prior to August 28, 2021. Payment for annual fees shall be remitted to DEP at the address below by the anniversary date. Checks should be made payable to the Commonwealth of Pennsylvania.

PA Department of Environmental Protection
Bureau of Clean Water
Re: Chapter 92a Annual Fee
PO Box 8466
Harrisburg, PA 17105-8466

3. The permittee shall submit the Annual MS4 Status Report and annual fee to DEP electronically upon receipt of written notification from DEP.
4. Unanticipated Non-Compliance or Potential Pollution Reporting
 - a. Immediate Reporting - The permittee shall immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code §§ 91.33 and 92a.41(b) listed below:
 - (i) If, because of an accident, other activity or incident a toxic substance or another substance which would endanger users downstream from the discharge or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to the Department is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution.
 - (ii) If reasonably possible to do so, the permittee shall immediately notify downstream users of the surface waters to which the substance was discharged. Such notice shall include the location and nature of the danger.
 - (iii) The permittee shall immediately take, or cause to be taken, steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove or cause to be removed the residual substances contained thereon or therein from the ground and from the affected surface waters to the extent required by applicable law.
 - b. The permittee shall report any non-compliance which may endanger health or the environment in accordance with the requirements of 40 CFR § 122.41(l)(6). These requirements include the following obligations:

- (i) 24 Hour Reporting - The permittee shall orally report any non-compliance with this permit which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances.
- (ii) Written Report - A written submission shall also be provided within 5 days of the time the permittee becomes aware of any non-compliance which may endanger health or the environment. The written submission shall contain a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance.
- (iii) Waiver of Written Report - DEP may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger health or the environment. Unless such a waiver is expressly granted by DEP, the permittee shall submit a written report in accordance with this paragraph. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(l)(6)(iii))

5. Other Non-Compliance

The permittee shall report all instances of non-compliance not reported under paragraph D.4 of this section or specific requirements of compliance schedules, at the time Annual MS4 Status Reports are submitted on the Non-Compliance Reporting Form (3800-FM-BCW0440). The reports shall contain the information listed in paragraph D.4.b.(ii) of this section. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(l)(7))

6. Signatory Requirements

- a. Completed AMSRs and all other reports, applications, and information requested by DEP shall be signed and certified by either of the following applicable persons, as defined in 25 Pa. Code § 92a.22:
 - For a municipality, state, federal or other public agency - by a principal executive officer or ranking elected official.
- b. If signed by a person other than the above, the person must be a duly authorized representative of the permittee. A person is a duly authorized representative only if:
 - The authorization is made in writing by a person described in paragraph 6.a., above, and submitted to DEP.
 - The authorization specifies either an individual or a position having responsibility for the operation of the regulated system, facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- c. Changes in Signatory Authorization - If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the system or facility, a new authorization satisfying the requirements of paragraphs 6.a and 6.b, above, must be submitted to DEP prior to or together with any reports, applications, or information to be signed by an authorized representative.
- d. Any person signing documents under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, 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."

PART B

STANDARD CONDITIONS

I. MANAGEMENT REQUIREMENTS

A. Compliance

The permittee must comply with all conditions of this permit. Any permit non-compliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(a))

B. Permit Modification, Termination, or Revocation and Reissuance

1. Permit coverage may be modified, terminated, or revoked and reissued during its term in accordance with 25 Pa. Code §§ 92a.72 and 92a.74 and 40 CFR § 122.41(f).
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(f))

C. 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 coverage under this permit, or to determine compliance with this permit. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(h))
2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(h))
3. Other Information – Where the permittee becomes aware that it failed to submit relevant facts, or has submitted incorrect information, to DEP in the execution of this permit, it shall promptly submit the correct and complete facts or information. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(l)(8))
4. The Permittee shall give advance notice to the DEP office that approved permit coverage of any planned physical alterations or additions to the regulated medium MS4 when: 1) the alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § 122.29(b), or 2) the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(l))

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(d))

E. Termination of Permit Coverage (25 Pa. Code § 92a.74 and 40 CFR 122.64)

1. Notice of Termination (NOT) – If the permittee plans to cease operations or will otherwise no longer require coverage under this permit, the permittee shall submit DEP's NPDES Notice of Termination (NOT) for Permits Issued Under Chapter 92a (3800-BCW-0410), signed in accordance with Part A III.D.6 of this permit, at least 30 days prior to cessation of operations or the date by which coverage is no longer required.
2. Where the permittee plans to cease operations, NOTs must be accompanied with an operation closure plan that identifies how tankage and equipment will be decommissioned and how pollutants will be managed, as applicable.

3. The permittee shall submit the NOT to the DEP regional office with jurisdiction over the county in which the facility is located.

II. PENALTIES AND LIABILITY

A. Violations of Permit Conditions

1. Any person violating Sections 301, 302, 306, 307, 308, 318 or 405 of the CWA or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative and/or criminal penalties as set forth in 40 CFR § 122.41(a)(2).
2. Any person or municipality, who violates any provision of this permit; any rule, regulation or order of DEP; or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603 and 605 of the Clean Streams Law.

B. Falsifying Information

Any person who does any of the following:

1. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or
2. Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or non-compliance)

Shall, upon conviction, be punished by a fine and/or imprisonment as set forth in 18 Pa.C.S.A. § 4904 and 40 CFR §§ 122.41(j)(5) and (k)(2).

C. Liability

1. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance pursuant to Section 309 of the CWA or Sections 602, 603 or 605 of the Clean Streams Law.
2. Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the CWA and the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(c))

III. OTHER RESPONSIBILITIES

A. Right of Entry

Pursuant to Section 5(b) of Pennsylvania's Clean Streams Law (35 P.S. § 691.5(b)), 25 Pa. Code Chapter 92a and 40 CFR § 122.41(i), the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(i)(1))
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(i)(2))

3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(i)(3))
4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(i)(4))

B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph B.2 of this section, permit coverage may be transferred by the permittee to a new municipal entity or operator only if this permit coverage has been modified or revoked and reissued, or a minor modification made to identify the new municipal entity and incorporate such other requirements as may be necessary under the Clean Water Act. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.61(a))
 2. Automatic transfers. As an alternative to transfers under paragraph 1 of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - a. The permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b. of this section; (25 Pa. Code § 92a.3(c) and 40 CFR § 122.61(b)(1))
 - b. The notice includes the appropriate DEP transfer form signed by the permittee and the new permittee containing a specific date for transfer of permit responsibility, coverage and liability between them; (25 Pa. Code § 92a.3(c) and 40 CFR § 122.61(b)(2))
 - c. DEP does not notify the permittee and the proposed new permittee of its intent to modify or revoke and reissue coverage under this permit, the transfer is effective on the date specified in the agreement mentioned in paragraph 2.b. of this section; and (25 Pa. Code § 92a.3(c) and 40 CFR § 122.61(b)(3))
 - d. The new permittee is in compliance with existing DEP issued permits, regulations, orders and schedules of compliance, or has demonstrated that any non-compliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code § 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations. (25 Pa. Code § 92a.71)
 3. In the event DEP does not approve transfer of coverage under this permit, the new owner or controller must secure a new permit.
- C. Property Rights – The approval of coverage under this permit does not convey any property rights of any sort, or any exclusive privilege. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(g))
- D. Duty to Reapply – If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit. (40 CFR 122.41(b))
- E. Severability – The provisions of this permit are severable. If any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected.

PART C
SPECIAL CONDITIONS

I. LEGAL AUTHORITY

The permittee shall continue to maintain the following activities through its legal authority:

- A. Operate and maintain its legal authority established by statute, ordinance, order, or other similar means to control stormwater discharges from its system, in accordance with NPDES regulations, 40 CFR Part 122.26(d)(2)(i).
- B. Control through ordinance, order, or other similar means, the contribution of pollutants and the quality of stormwater discharged into the stormwater system.
- C. Require, mandate, and enforce compliance with conditions in ordinances, permits, contracts or orders.
- D. Prohibit through ordinance, order, or similar means illicit discharges to its system.
- E. Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and non-compliance with permit conditions including the prohibition of illicit discharges to the permittee's MS4.
- F. In the event that any provision of its legal authority is found to be invalid, the permittee shall make necessary change(s) to maintain adequate legal authority.

II. DISCHARGES AUTHORIZED UNDER THIS PERMIT

- A. This permit authorizes the discharge of stormwater from the permittee's regulated MS4 to surface waters.
- B. The following discharges, whether discharged separately or commingled with stormwater, are also authorized for discharge from the MS4:
 1. Stormwater discharges associated with industrial activity that are authorized by a separate NPDES permit;
 2. Stormwater discharges associated with construction activities that are authorized by a separate NPDES permit; and,
 3. The following list of non-stormwater discharges are authorized by this permit as long as such discharges do not cause or contribute to pollution as defined in Pennsylvania's Clean Streams Law.
 - a. Discharges or flows from emergency firefighting activities.
 - b. Discharges from potable water sources including water line flushing and fire hydrant flushing, if such discharges do not contain detectable concentrations of Total Residual Chlorine (TRC).
 - c. Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
 - d. Diverted stream flows and springs.
 - e. Non-contaminated pumped ground water and water from foundation and footing drains and crawl space pumps.
 - f. Non-contaminated HVAC condensation and water from geothermal systems.
 - g. Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
 - h. Non-contaminated hydrostatic test water discharges, if such discharges do not contain detectable concentrations of TRC.

III. STORMWATER MANAGEMENT PROGRAM (SWMP)

- A. The permittee shall continue to implement and enforce a SWMP designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and Pennsylvania Clean Streams Law.
- B. The SWMP shall be implemented through a Stormwater Management Program Plan (SWMPP), which shall be maintained by the permittee and accurately document the SWMP including all additions, changes, and modifications. The SWMPP may reference separate documents (e.g., dry weather screening plans, wet weather monitoring plans, TMDL Action Plan, annual status reports, standard operating procedures). All documents must be available to DEP and the public upon request.
- C. The permittee shall demonstrate compliance with the SWMP through the submission of Annual MS4 Status Reports (AMSRs) due no later than September 30th each year.
- D. The most recent SWMPP shall be posted on the permittee's website within 30 days of being approved by DEP and shall be provided in other formats when requested by the public.
- E. The permittee shall review the SWMP annually, in conjunction with the preparation of the AMSR, and identify proposed modifications to the SWMPP at the time of AMSR submittal, when applicable.
- F. Proposed modifications to the SWMPP, whether they are proposed to comply with this permit or otherwise, shall be submitted to DEP's Northeast Regional Office for review and approval. The permittee shall submit any additional information that may be necessary to review the proposed SWMPP modifications when requested by DEP. Modifications to the SWMPP shall become effective and enforceable upon written approval from DEP.
- G. Required SWMPP Components.
 - 1. Source Identification.
 - a. The permittee shall submit to DEP updated source information in GIS data layers within one year of permit issuance and submitted with the AMSR due September 30, 2025. The updated source information must include:
 - i. identification and mapping of storm sewer system outfalls, observation points, and areas draining to those outfalls and observation points;
 - ii. the entire storm sewer collection system within the permittee's jurisdiction that are owned and/or operated by the permittee (including roads, inlets, piping, swales, catch basins, channels, and any other components of the storm sewer collection system), including privately owned components of the collection system where conveyances or BMPs on privately owned property receive stormwater flow from upstream permittee-owned components;
 - iii. land covers;
 - iv. percent imperviousness;
 - v. population estimates;
 - vi. hydrologic factors used to estimate flow or pollutant loading;
 - vii. publicly owned lands;
 - viii. bioassessment areas;
 - ix. the location of all BMPs (i.e., both private and permittee-owned);
 - x. Significant Industrial Users (per 40 CFR Section 403.3(t)), with facility name, address, NPDES permit number (if applicable), and description (which best reflects the principal products or services provided by each facility), that may discharge to the permittee's MS4.
 - b. The permittee shall include any facilities with the potential to discharge pollutants to the permittee's MS4 in each subsequent Annual MS4 Status Report.
 - 2. Construction Site and PCSM for New Development and Redevelopment.
 - a. Construction Site Runoff Control

The permittee shall continue to enforce erosion and sediment control (E&S) and stormwater management requirements consistent with the Pennsylvania Clean Streams Law as implemented through Article 1387 of the City Code. This shall include continued enforcement of the provisions of Section 13.87.03.2 of the City Code requiring activities subject to the permit requirements under 25 Pa. Code Chapter 102 to document compliance prior to commencement of regulated and earth disturbance activities as well as enforcement, when needed during construction.

The permittee shall as part of this program:

- i. Review E&S Plans to ensure that such plans adequately consider water quality impacts and meet all federal, state, and local regulatory requirements.
- ii. Conduct inspections regarding installation and maintenance of E&S control measures during earth disturbance activities in accordance with 25 Pa. Code Chapter 102. Maintain records of site inspections, including dates and inspection results, in accordance with the record retention requirements in Part A.III.B of this permit. Report in each AMSR inspections of installed E&S control measures.
- iii. Conduct enforcement (NOVs, stop work orders, penalties, etc.) when installation and maintenance of E&S control measures during earth disturbance activities does not comply with permit and/or regulatory requirements. Report in each AMSR any enforcement actions during the previous fiscal year.
- iv. Develop and implement requirements for construction site operators to control waste at construction sites that may cause adverse impacts to water quality. Require construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
- v. Implement a program to control waste at construction sites by written municipal regulations/code provisions, by standard notes on site plans, by any other written format that accomplishes the objectives of the program or by any combination of these measures. The goal of the program to control waste at construction sites shall be communicated to construction site operators during pre-construction meetings. The permittee shall continue to implement existing requirements for the program and update as necessary.
- vi. Provide education on the requirements in Part C.III.G.2 to construction site operators.
- vii. Develop and implement procedures for the receipt and consideration of public inquiries, concerns, and information submitted by the public, to the permittee regarding local construction activities. The permittee shall acknowledge and consider the information submitted, whether submitted verbally or in writing.
- viii. Establish and implement a tracking system to keep a record of any submitted public information/concerns/complaints as well as the permittee's response, actions, and the results of the actions taken. This tracking system shall be implemented within one year of permit issuance. A summary of public complaints received through the tracking system and the permittee's actions to resolve the complaints must be reported in each AMSR.

The permittee may partner with the Lehigh County Conservation District (LCCD) through ongoing terms and conditions of a Memorandum of Understanding (MOU) executed by both parties, detailing roles and responsibilities related to construction site runoff control. The MOU shall be included with the first annual report due following permit issuance, if applicable. The permittee shall coordinate with the LCCD regarding specific responsibilities for annual reporting on number of active sites during the reporting year and enforcement actions taken, if necessary.

- b. Post-Construction Stormwater Management (PCSM)

- i. The permittee shall continue to implement and maintain a program and regulations to require PCSM for new development and redevelopment projects, including sanctions for non-compliance.
- ii. The permittee shall continue to implement a program and regulations that requires the evaluation of sites for the potential to use Low Impact Development (LID) in new development and redevelopment. Measures should also be included to encourage retrofitting LID into existing development.
- iii. The permittee shall continue to implement and enforce local regulations related to the control of stormwater runoff from new development and redevelopment projects. The program must include:
 - (1) Procedures requiring adequate long-term operation and maintenance of any BMPs employed;
 - (2) Continued implementation of regulations addressing post-construction stormwater rate, volume, and water quality and limiting the discharge of pollutants via stormwater.
- iv. The permittee shall maintain an inventory of all PCSM BMPs and continue to ensure adequate O&M through local ordinances and regulations of all PCSM BMPs that have been installed at development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. The permittee must track the following information in its PCSM BMP inventory:
 - (1) All PCSM BMPs that were installed to meet requirements of NPDES Permits for Stormwater Discharges Associated with Construction Activities since March 10, 2003.
 - (2) The location of the PCSM BMP (i.e., latitude and longitude, with street address).
 - (3) Contact information (e.g., name, address, phone number(s)) for BMP owners and entities responsible for BMP O&M, if different from BMP owners.
 - (4) The type of BMP and the year it was installed.
 - (5) Maintenance required for the BMP type according to the PCSM Plan, the Pennsylvania Stormwater BMP Manual, as amended, or other manuals and resources.
 - (6) The status (i.e., active/inactive, functioning/non-functioning) of each BMP.
 - (7) An assessment by the permittee if proper O&M has occurred within the permit term and if not, what actions the permittee has taken, or shall take, to address compliance with O&M requirements.

The permittee shall submit a copy of the PCSM BMP inventory to DEP with each AMSR.

c. Monitoring/Enforcement

The permittee shall conduct enforcement for non-compliance with NPDES Construction Stormwater permits. The DEP will be copied on all correspondence regarding non-compliance cases, at the following address:

DEP Northeast Regional Office
Clean Water Program
2 Public Square
Wilkes-Barre, PA 18701-1915

3. Roadways, Streets, and Parking Lots

- a. Roadways, streets, and parking lots maintained by the permittee shall continue to be operated and

maintained in a manner to minimize discharge of pollutants as practicable, including those pollutants related to deicing or sanding activities.

- b. The permittee shall develop, maintain and implement standard operating procedures (SOPs) designed to minimize pollutant discharges from permittee-maintained roadways, streets, and parking lot maintenance, equipment maintenance, and material storage for deicing and sanding activities designed to minimize pollutant discharges in a manner that protects public safety. At a minimum, standard operating procedures shall include street sweeping frequencies/routes, frequency of inlet inspections/cleaning, equipment calibration requirements, and practices to ensure that all deicing materials are covered from precipitation until application.
- c. A compiled Roadways, Streets and Parking Lots SOP including the SOPs as described above shall be completed no later than one year following permit issuance and submitted to DEP as an attachment to the AMSR due by September 30, 2025.

4. Pesticide, Herbicide, and Fertilizer Applications.

- a. The permittee shall continue to control the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers (PHF) applied to permittee rights of way, parks, and other permittee property.
- b. The permittee shall develop, maintain, and implement SOPs designed to minimize pollutant discharges from pesticide, herbicide, and fertilizer application. The SOP must include steps that the permittee will take to inform the public on the proper application of fertilizer under Pennsylvania's Fertilizer Law as amended (P.L. 146 , No 20).The PHF SOP shall be completed no later one year following permit issuance and be submitted as an attachment to the AMSR due by September 30, 2025
- c. The permittee shall ensure that all personnel and contractors have obtained required state and federal pesticide and herbicide application certifications.

5. Illicit Discharge Detection and Elimination (IDD&E).

The permittee shall continue to implement a written program to detect and impose appropriate abatement requirements for illicit discharges and improper disposal to the municipal separate storm sewer system. The program shall include the following elements:

- a. The permittee shall ensure that all legal mechanisms are in place to prohibit discharges to the MS4 that are not authorized by this permit.
- b. The permittee shall maintain and publicize a means by which residents and businesses may report a suspected illicit discharge to the permittee.
- c. The AMSR shall include a list of illicit discharges identified, the source, a description of follow-up activities, and whether the illicit discharge has been eliminated or permitted by DEP.
- d. Mapping
 - i. The permittee shall maintain map(s) that show the permittee's municipal and urban area boundaries, the location of all outfalls and, if applicable, observation points, and the locations and names of all surface waters that receive discharges from those outfalls. Outfalls and observation points shall be numbered on the map(s).
 - (1) These map(s) must be developed and submitted to DEP as an attachment to the AMSR due by September 30, 2025.
 - (2) The permittee shall continue to update as necessary and maintain permittee maps during each year of coverage under this permit.

- ii. The permittee shall develop and maintain map(s) that show the entire storm sewer collection system within the permittee's jurisdiction that are owned and/or operated by the permittee (including roads, inlets, piping, swales, catch basins, channels, and any other components of the storm sewer collection system), including privately-owned components of the collection system where conveyances or BMPs on private property receive stormwater flow from upstream publicly-owned components.

- (1) These map(s) must be developed and submitted to DEP as an attachment to the AMSR due by September 30, 2025.

- (2) The permittee shall continue to update as necessary and maintain maps during each year of coverage under this permit.

- e. Investigation of Illicit Discharge Sources

- i. Outfall Prioritization

The permittee shall create a strategic plan for the investigation of illicit discharge sources. Work areas for investigation shall be prioritized according to a system that considers the severity of the pollution (if any) in dry weather flows at MS4 outfalls, the health risk and nuisance to the community posed by that pollution, areas with older infrastructure, a concentration of high-risk activities, or past history of water pollution problems. The permittee shall ensure the strategic plan includes the following:

- (1) Procedures for identifying priority areas. These are areas with a higher likelihood of illicit discharges, illicit connections, or illegal dumping. The impairments of downstream waterways should be considered when identifying priority areas. Any suspected source areas within the MS4 sewershed that may contribute to downstream impairment should be prioritized for screening.

- (2) Procedures for screening outfalls in priority areas. The program shall include dry weather field screening of outfalls for non-stormwater flows, and sampling of dry weather discharges for selected chemical and biological parameters. Test results shall be used as indicators of possible discharge types (sewage, industrial, commercial).

- (3) Procedures for identifying the source of an illicit discharge.

- (4) Procedures for eliminating an illicit discharge.

- (5) Procedures for assessing the potential for illicit discharges caused by the interaction of sewage disposal systems (e.g., on-lot septic systems, sanitary piping) with storm drain systems.

- (6) Mechanisms for gaining access to private property to inspect outfalls (e.g., land easements, consent agreements, search warrants) and for investigating illicit connections and discharges on private property.

- (7) Procedures for program documentation, evaluation, and assessment. Records shall be kept of all outfall inspections, flows observed, results of field screening and testing, and other follow-up investigation and corrective action work performed under this program.

- (8) Procedures for addressing information or complaints received from the public.

The strategic plan for the investigation of illicit discharge sources shall be developed within one year of permit issuance and submitted to DEP as an attachment to the AMSR that is due by September 30, 2025. Any changes to the strategic plan, including priority work areas, in subsequent years must be included in the AMSR along with the description of the progress made on implementing the strategic plan for the reporting year.

- ii. Dry Weather Outfall Inspections and Sampling

(1) Outfalls and/or Observation Points

The permittee shall conduct dry weather screenings of its MS4 outfalls and/or observation points to evaluate the presence of illicit discharges. If any illicit discharges are present, the permittee shall identify the source(s) and take appropriate actions to remove or correct any illicit discharges. The permittee shall also respond to reports received from the public or other agencies of suspected or confirmed illicit discharges associated with the storm sewer system, as well as take enforcement action as necessary. The permittee shall immediately report to DEP illicit discharges that would endanger users downstream from the discharge, or would otherwise result in pollution, or create a danger of pollution, or would damage property, in accordance with Part A III.D.4 of this permit. An observation point must be established by the permittee at a location upstream of any discharge of stormwater into storm sewers owned or operated by an adjoining municipality.

If the permittee determines that an outfall cannot be accessed due to safety or other reasons, the permittee shall establish an observation point at an appropriate location prior to the outfall where outfall field screening shall be performed. If observation points are established by the permittee, such points shall be identified on the map required in accordance with Part C.III.G.5.d of this permit.

(2) Frequency

All MS4 outfalls shall be screened during dry weather at least once within the five-year period following issuance of this permit. For areas where past problems have been reported or known sources of dry weather flows occur on a continual basis, outfalls shall be screened annually during each year of permit coverage.

(3) Screening

If a discharge is observed from any outfall during dry weather screenings, the discharge shall be inspected for color, odor, floating solids, scum, sheen, and substances that result in observed deposits in the surface waters. In addition, the discharge cannot contain substances that result in deposits in the receiving water or produce an observable change in the color, odor, or turbidity of the receiving water.

If the discharge exhibits any of the above characteristics or contains any other pollutant or causes an observed change in the surface waters, the permittee shall sample the discharge(s) for field and/or laboratory analysis of one or more common IDD&E parameters in order to determine if the dry weather flow is illicit. Possible parameters include, but are not limited to: pH, Conductivity, Fecal Coliform Bacteria, Heavy Metals, Chemical Oxygen Demand (COD), 5-day Biochemical Oxygen Demand (BOD5), Total Suspended Solids (TSS), Total Dissolved Solids (TDS), Oil and Grease, Total Residual Chlorine (TRC), and Ammonia-Nitrogen. Proper quality assurance and quality control procedures shall be followed when collecting, transporting or analyzing water samples. The permittee shall retain sample results with the inspection report in accordance with Part A III.B of this permit.

Each time an outfall is screened, the permittee shall record outfall observations, regardless of the presence of dry weather flow. All outfall inspections shall be documented on the MS4 Outfall Field Screening Report (3800-FM-BCW0521) or equivalent which is attached to this permit. The report must be signed by the inspector and be maintained by the permittee in accordance with Part A III.B of this permit. If an outfall flow is determined by the permittee to be illicit, the actions taken to identify and eliminate the illicit flow shall also be documented.

(4) Annual Reporting

The permittee shall summarize the results of all outfall inspections and actions taken to remove or correct illicit discharges in each AMSR. The AMSR shall also contain a list of all outfalls that have been determined to have illicit flow during dry weather, based on the most

recent inspection of each outfall. This list shall be updated as additional inspections are performed.

iii. IDD&E Procedures and Investigation

- (1) The permittee shall continue to investigate dry weather flow and evidence of sanitary sewage contamination within impacted watersheds in an effort to identify cross connections, and other sewer lateral defects.
- (2) The permittee shall ensure that the Standard Operating Procedure/Methods (SOP) for illicit connection detection and identification is updated annually, in conjunction with annual training. The permittee shall ensure that all field crews who conduct dye testing have been trained and supplied with the most up to date SOP and field inspection forms. The dye testing SOP and inspection forms shall be made available to DEP upon request.

iv. Abatements of Illicit Discharge Source

- (1) Where an Illicit discharge source is identified by the permittee, the permittee shall notify the property owner within 30 days of the permittee making a determination about the nature of the condition and advising the property owner of the actions that will be necessary to abate the problem. Abatements will be conducted in accordance with the City's Plumbing and Construction of Sanitary Lines Codes.
- (2) The permittee shall ensure that the defect is corrected within 120 days from the date of property owner notification; or, if the defect is not abated within that time frame due to lack of homeowner/occupant cooperation, the permittee then shall continue to institute administrative or legal proceedings against the property owner, seeking the immediate abatement of the defect. The permittee shall conduct inspection and/or sampling at the time of the abatement or shortly following the abatement to ensure that the property is properly connected.

v. Illicit Connection Program Reporting

- (1) The permittee shall compile an update on its illicit connection program and submit it to the DEP in each AMSR.
- (2) Details of significant work performed during the previous year on all MS4 outfalls, including the following shall be included in the AMSR:
 - (a) Summary information about source investigation efforts through dye testing, inspections, field screening, etc. This should include a numerical summary of properties determined to be properly connected, and properties with defects, as determined during the reporting period. The outfall areas in which work was conducted during the reporting period should be identified.
 - (b) Summary information, including a numerical summary of source corrections (abatements) achieved through homeowner notification, enforcement, or City sponsored construction.
 - (c) Results of all outfall sampling and inspections performed during the reporting period.
 - (d) A summary of all sewer chokes, or other problems not related to defective laterals that resulted in the discharge of sanitary sewage directly or indirectly through the MS4 to a stream.
 - (e) A summary of all public complaints received related to IDDE, the permittees response, and follow-up actions taken.

vi. Education and Public Participation

The permittee shall provide educational outreach to business owners and employees, property owners, the general public and elected officials (i.e., target audiences) about the program to detect and eliminate illicit discharges.

- (1) During each year of permit coverage, appropriate educational information concerning illicit discharges shall be distributed to the target audiences using methods outlined under Public Education and Outreach in Part C.III.10 of this permit. The permittee shall have customer service available for pollution reporting from the public to notify the permittee of illicit discharges, illegal dumping, or outfall pollution. The permittee shall respond to all complaints in a timely and appropriate manner. The permittee shall document all responses, including the action taken, the time required to take the action, and whether the complaint was resolved successfully.
- (2) Specific activities related to public participation may include: distribution of brochures and guidance for target audiences; programs to encourage and facilitate public reporting of illicit discharges; organizing volunteers to storm drains; and implementing and encouraging recycling programs for common wastes such as motor oil, antifreeze and pesticides.

6. Spill Prevention and Response (SPR)

- a. The permittee shall continue to implement a program that coordinates with the Fire Department and other City-operated departments to prevent, contain, and respond to spills that may discharge into the MS4. The spill response program may include a combination of spill response actions by the permittee (and/or another public or private entity), and legal requirements for private entities within the permittee's jurisdiction.
- b. The permittee shall maintain standard operating procedures for spill prevention and response on permittee-owned and operated properties during the term of this permit. The SPR SOP shall be submitted to DEP as an attachment to the AMSR due by September 30, 2025.
- c. Each AMSR shall include a list of spills, the identified source of each spill, and a description of follow-up action taken to respond to the spill.

7. Industrial High-Risk Runoff (IHRR)

- a. The permittee shall continue implementation of a program to identify and control pollutants in stormwater discharges to the MS4 from privately-owned industrial high risk runoff facilities (i.e., municipal landfills; other treatment, storage, or disposal facilities for municipal waste; hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313) and any other industrial or commercial discharges that are not authorized contributing a pollutant loading to the MS4.
- b. For IHRR facilities, the permittee shall maintain standard operating procedures for the methodology for industrial site inspection of interconnections with the MS4, field testing procedures, frequency of inspection, triggers for contact with appropriate DEP Regional staff for follow-up and recommendations for industrial NPDES permitting. The IHRR SOP shall be submitted as an attachment to the AMSR due by September 30, 2025.

8. Stormwater Infrastructure Management

- a. The permittee shall continue to maintain the permittee's stormwater infrastructure and to update the inventory of the storm sewer system.
- b. The permittee shall continue to maintain a stormwater infrastructure map, including direction of flow of MS4 components, outfalls, roads, inlets, piping, swales, catch basins, channels, and any other components of the storm sewer collection system including privately-owned components of the collection system where conveyances or BMPs on private property receive stormwater flows from upstream publicly-owned components.

- c. The permittee shall maintain an electronic database of known publicly and privately maintained structural BMPs implemented to meet the PCSM requirements of the Pennsylvania Clean Streams Law as implemented through Article 1387 of the City Code.
- d. The permittee shall continue to inspect structural BMPs, including maintenance status and document findings in writing. Permittee-owned BMPs shall be inspected on an annual basis unless the permittee has adopted an alternative schedule that is included in the SWMPP and approved by DEP. Privately maintained BMPs shall be inspected at least once every five years. When new structural BMPs become operational, the permittee shall add the BMP to the inventory and establish the appropriate inspection schedule.
- e. The permittee shall continue to require maintenance of privately owned structural controls through the execution and enforcement of operations and maintenance agreements under Section 1387.07.4 and Section 1387.09 of the City Code. Where an existing privately owned structural control is not subject to an operations and maintenance agreement or similar agreement, the permittee shall require maintenance to the extent of its authority under City Code.
- f. Each AMSR shall include a summary of inspections made, inspection findings, and actions taken to address deficiencies.

9. City Properties

- a. The permittee shall identify permittee-owned or operated properties, evaluate risks of pollutant discharge based on operational activities on site, and develop individual stormwater pollution prevention plans (SWPPPs) for implementation at sites determined to be high-risk facilities. Determination of high-risk properties shall be completed no later than one year following permit issuance and shall be submitted as an attachment to the AMSR due by September 30, 2025. SWPPPs for designated high-risk properties shall be completed no later than 24 months after the effective date of this permit and an inventory of designated high-risk City facilities shall be maintained and reported in the AMSR due by September 30, 2026.
- b. Each SWPPP shall address site conditions, identification of activities, materials stored, or other conditions, training, maintenance of best practices used on site, and annual site inspection to ensure compliance with SWPPP procedures.

10. Public Education and Outreach

The permittee shall maintain and continue to implement a written public education and outreach program that targets a diverse audience including residents, businesses (including commercial, industrial, and retailers), developers, elected officials, policy makers, planning staff, schools, and other employees of the permittee. The purpose of the public education program is to distribute educational materials to the community and conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce or eliminate behaviors and practices that cause or contribute pollutants in stormwater runoff. The permittee shall submit to DEP a written public education and outreach plan in the AMSR due by September 30, 2025. The permittee shall reevaluate the plan and make revisions, if necessary, at least once per year.

Education initiatives may be developed locally or regionally. The permittee shall assess current education and outreach efforts and identify areas where additional outreach and education are needed. Audiences and subject area to be considered include, but are not limited to:

- a. General Public
 - i. General impacts of stormwater flows into surface waters.
 - ii. Impacts from impervious surfaces.
 - iii. Source control practices and environmental stewardship actions and opportunities in the areas of pet waste, vehicle maintenance, landscaping, and rainwater reuse.
 - iv. A household hazardous waste educational and outreach program to control illicit discharges to the MS4 as required herein.

- v. Information and education on proper management and disposal of used oil, other automotive fluids, and household chemicals.
 - vi. Impacts of illicit discharges and how to report them.
 - vii. Impact of trash to the permittee's rivers, streams, and waterways. (Litter Prevention)
 - viii. Use of techniques that keep water onsite and/or reduce imperviousness: rain barrels, rain gardens, porous pavers, permeable concrete, porous asphalt, etc.
- b. Homeowners, landscapers, and property managers
- i. Use of low or no phosphorus fertilizers, alternatives to fertilizers, alternative landscaping requiring no fertilizers.
 - ii. Landscape designs to reduce runoff and pollutant loadings.
 - iii. Car washing alternatives with the objective of eliminating cleaning agent discharges.
 - iv. Yard care techniques that protect water quality.
 - v. Management practices for use and storage of pesticides and fertilizers.
 - vi. Runoff reduction techniques, including site design, on-site retention, pervious paving, and retention of forests and mature trees.
 - vii. Stormwater pond maintenance.
 - viii. Impact of trash to the permittee's rivers, streams, and waterways. (Litter Prevention)
 - ix. Use of techniques that keep water onsite and/or reduce imperviousness: rain barrels, rain gardens, porous pavers, permeable concrete, porous asphalt, etc.
- c. Businesses
- i. Impacts from impervious surfaces.
 - ii. Source control practices and environmental stewardship actions and opportunities in the areas of pet waste, vehicle maintenance, landscaping, and rainwater reuse.
 - iii. Management practices and proper storage for used automotive chemicals, hazardous cleaning supplies, carwash soaps, and other hazardous materials.
 - iv. Management practices for carpet cleaning and auto repair and maintenance.
 - v. Impacts of illicit discharges and how to report them - including information for industries about stormwater permitting and pollution prevention plans and the requirement that they develop structural and non-structural control systems.
 - vi. Impact of trash on the permittee's rivers, streams, and waterways.
 - vii. Use of techniques that keep water onsite and/or reduce imperviousness: rain barrels, rain gardens, porous pavers, permeable concrete, porous asphalt, etc.
- d. Engineers, contractors, developers, review staff, and land use planners
- i. Technical standards for construction site sediment and erosion control.
 - ii. Runoff reduction techniques, including site design, on-site reduction, pervious paving, and retention of forests and mature trees.
 - iii. Importance of native vegetation for preventing soil erosion.
 - iv. Stormwater treatment and flow control BMPs.
 - v. Impacts of increased stormwater flows into receiving water bodies.

The permittee shall publish/distribute and/or make available annually stormwater educational materials and/or information to the target audiences using a variety of distribution methods. Possible distribution methods include, but not limited to: displays, posters, signs, pamphlets, newsletter, flyers containing information consistent with this requirement, booklets, brochures, radio, local cable TV, newspaper articles, other advertisements (e.g. at bus and train stops/stations), bill stuffers, posters, presentations, conferences, meetings, fact sheets, giveaways, or storm drain stenciling. The list of publications and content of the publications must be reviewed and updated at least once per year. Publications should include a list of references (or links) to refer the reader to additional information (e.g., DEP and EPA stormwater websites, and any other sources that will be helpful to readers). The permittee shall select and utilize at least two distribution methods annually. At least one annual distribution method must include information on the proper application of fertilizer under Pennsylvania's Fertilizer Law, as amended (P.L. 146, No. 20). Specific distribution methods and type of information shared with the public shall be included each year in the AMSR.

11. Public Involvement / Participation

a. Public Involvement / Participation

The permittee shall comply with applicable state and local public notice requirements when implementing a public involvement/participation program. The permittee shall prepare a written Public Involvement and Participation Program (PIPP) which describes various types of possible participation activities and describes methods of encouraging the public's involvement and soliciting the public's input. The permittee shall submit to DEP a written PIPP in the AMSR due September 30, 2025. The permittee shall reevaluate the PIPP and make revisions, if necessary, at least once per year.

The Public Involvement and Participation Program shall include:

- i. Opportunities for the public to participate in the decision-making process associated with the development, implementation, and update of programs and activities related to this permit.
- ii. Methods of routine communication with groups such as civic organizations, watershed associations, environmental advisory committees, stewardship programs, and other environmental organizations that operate within proximity to the permittee's regulated MS4 or surface waters receiving the permittee's discharge.
- iii. Making AMSRs and all other plans, programs, maps, and reports required by this permit available to the public on the permittee's website, at the permittee's office(s), or by mail upon request.

The permittee shall develop at least three (3) public involvement and participation activities per year. Such activities may be done in cooperation and coordination between the Lehigh County Conservation District and other agencies and organizations with similar responsibilities and objectives. The AMSR shall include an explanation of the activities performed and a description of how these efforts will reduce pollution loadings to meet the requirements of this permit.

b. Measurement of Impact and Recordkeeping

The permittee shall continue to obtain public feedback to gauge the effectiveness of its programs on its targeted audiences. This input shall be used to direct education and outreach resources most effectively, as well as to evaluate changes in adoption of the targeted behaviors. The permittee shall track and maintain records of public education and participation activities. The permittee shall evaluate annually the effectiveness of the public education and participation programs using methods including, but not limited to reporting the estimated number of individuals reached through a stormwater related activity, provide the number of voluntary retrofits completed on private property, city, state, and/or federal property.

The permittee shall regularly solicit public involvement and participation from the target audience groups using available distribution and outreach methods. This shall include an effort to solicit public reporting of suspected illicit discharges.

- i. The permittee shall solicit public involvement and participation from target audience groups on the implementation of the SWMP. The solicitation can take the form of public meetings or other public events. The public shall be given 30-day notice in advance of each meeting or event. During the meetings or events, the permittee should present a summary of progress, activities, and accomplishments with implementation of the SWMP, and the permittee should provide opportunities for the public to provide feedback and input. The presentation can be made at specific MS4 events or during any other public meeting. The permittee shall conduct at least one public meeting that includes information on SWMP implementation during the permit term.
- ii. The permittee shall document and include in the AMSR instances of cooperation and participation in MS4 activities; presentations the permittee made to local watershed organizations and conservation organizations; and similar instances of participation or coordination with organizations in the community.

- iii. The permittee shall also document and include in the AMSR activities in which members of the public assisted or participated in the meetings and in the implementation of the SWMP, including education activities or organized implementation efforts such as cleanups, monitoring/sampling, storm drain stenciling, or others.

c. Advertise to the Public and Solicit Public Input

The permittee shall advertise to the public and solicit public input on the following documents prior to adoption and submission to DEP: SWMPP; Stormwater Management Regulations; Watershed Restoration Strategy (WRS); and TMDL Plan, including modifications thereto.

- i. For Stormwater Management Regulations, the permittee shall provide opportunities for public comment; document and evaluate public comments; and document the permittee's responses to the comments prior to adoption of regulations. The permittee shall provide this documentation to DEP upon request.
- ii. For the WRS and TMDL Plan, public participation requirements are specified in Part C III.H.11 of this permit.

d. Litter Awareness and Litter Control

- i. Implement a Litter Awareness and Litter Control Program which shall include:

- (1) Educating the public on the importance of reducing, reusing, and recycling;
- (2) Disseminating information by using signs, articles, and other media outlets;
- (3) Promoting educational programs in school, business, community associations, etc., and;
- (4) Providing the program to interested parties upon request.

- ii. Report annually in the AMSR the progress toward implementing the litter awareness program. The report shall describe the status of trash elimination efforts including resources (e.g., personnel and financial) expended and the effectiveness of all program components including public education and outreach.

- iii. The permittee shall develop a Litter Control Pilot Program (LCPP) as part of the SWMP to better understand the most effective ways to minimize/abate litter and trash that make their way into Waters of the Commonwealth through the permittee's MS4. The goals of the pilot program are to identify the types of trash that accumulate in inlets and end up in waterways, the identification of problem areas, and changes that happen from season to season. The pilot program will identify implementable practices for addressing trash accumulation in MS4 outfall areas that can be completed by the permittee in subsequent permit terms.

- iv. The results of the LCPP shall be submitted by the permit expiration date in an AMSR.

e. Animal Waste Control

The permittee shall continue the implementation of Allentown City Code Article I, 163-4.D Cleanup of animal fecal matter, to address the proper cleanup of pet waste. The permittee shall continue to make available educational materials regarding control of animal waste and the permittee's regulations/ordinances for animal waste disposal. The permittee shall provide in each AMSR any animal waste enforcement actions taken during the fiscal year. The permittee shall make at least two (2) animal waste educational materials available to the public each year.

f. Yard Waste (Lawn and Garden Care)

The permittee shall provide education for homeowners regarding: the proper use of pesticides and fertilizers on their lawns and gardens; proper disposal of yard waste such as leaves, garden residues, shrubbery, tree trimmings, and grass clippings to keep it from entering the permittee's MS4; proper watering of lawn and plants; and proper landscaping activities to reduce erosion from soil disturbance. In addition, the permittee shall promote the use of native vegetation.

The permittee shall promote, publicize, and facilitate the proper disposal of household yard waste (leaves, garden residues, shrubbery, tree trimmings, grass clippings, etc.) through a collection program or other means.

g. Public Reporting of Illicit Discharges, Improper Disposal

The permittee shall continue to promote, publicize, and facilitate the public reporting of illicit discharges, improper disposal, and the associated negative water quality impacts of these practices through the use of public education programs and hotline numbers. The permittee shall provide, in each AMSR, a summary of all of the complaints received during the fiscal year as well as actions taken to correct/eliminate illicit discharges.

h. Used Oil and Toxic Material Disposal

The permittee shall facilitate the proper disposal of used oil and toxic materials through educational material and information, and by sponsoring events for the collection and proper disposal of household wastes that may be hazardous. A minimum of 4 collection events shall be sponsored by the permittee annually.

i. Stormwater Inlet Labeling/Stenciling

The permittee shall develop, within one year of permit issuance, a program to label/mark stormwater inlets with an identification that clearly states that the storm sewer system is for stormwater only. The permittee shall quantify and list labeled/stenciled stormwater inlets in each AMSR. The permittee shall label/mark 50% of permittee-owned inlets by the end of the permit term. The permittee may work with watershed and civic partners to encourage stormwater inlet labeling projects. The permittee may also pursue other options to mark and message inlets in addition to stencils, such as painting.

12. Pollution Prevention/ Good Housekeeping for Municipal Operations

a. Within one year of permit issuance the permittee must evaluate their existing O&M program to ensure that the program includes a training component that will meet the ultimate goal of preventing and reducing pollutant-laden runoff from operations, facilities and activities under the control of the permittee (collectively, "operations"). The program must address stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

i. Identify and document all operations that are owned or operated by the permittee and have the potential for generating pollution in stormwater runoff to the regulated MS4. This includes activities conducted by contractors for the permittee. Activities may include the following: street sweeping; snow removal/deicing; inlet/outfall cleaning; lawn/grounds care; general storm sewer system inspections and maintenance/repairs; park and open space maintenance; municipal building maintenance; new construction and land disturbances; right-of-way maintenance; vehicle operation, fueling, washing and maintenance; and material transfer operations, including leaf/yard debris pickup and disposal procedures. Facilities can include streets; roads; highways; parking lots and other large paved surfaces; maintenance and storage yards; waste transfer stations; parks; fleet or maintenance shops; wastewater treatment plants; stormwater conveyances (open and closed pipe); riparian buffers; and stormwater storage or treatment units (e.g., basins, infiltration/filtering structures, constructed wetlands, etc.).

(1) The permittee shall create an inventory of all operations and land uses that may contribute to pollution in stormwater runoff within areas of operations that discharge to the regulated MS4. The inventory shall be submitted as an attachment to the AMSR due by September 30, 2025.

(2) The permittee must review and update the inventory each year of permit coverage, as necessary.

- ii. Develop, implement, and maintain a written O&M program for all operations that could contribute to the discharge of pollutants from the regulated MS4, as identified above. This program shall address stormwater collection or conveyance systems within the regulated MS4. The written O&M program shall stress pollution prevention and good housekeeping measures, contain site-specific information, and include the following:
 - (1) Management practices, policies, and procedures shall be developed and implemented to prevent the discharge of pollutants to the regulated MS4. The permittee shall investigate maintenance area discharges to floor drains and other drains to evaluate if they have the potential to discharge pollutants to storm sewers; if such floor drains are identified, these shall be eliminated.
 - (2) Maintenance activities, maintenance schedules, and inspection procedures to reduce the potential for pollutants to reach the regulated MS4.
 - (3) Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, vehicle maintenance, vehicle and equipment fueling stations, vehicle and equipment storage areas and municipal parking lots.
 - (4) General BMPs consistent with those contained in the PAG-03 NPDES Permit for Stormwater Discharges Associated with Industrial Activity pertaining to Pollution Prevention and Exposure Minimization, Good Housekeeping, and Spill Prevention and Response for maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, salt/sand (anti-skid) storage locations and snow disposal areas.
 - (5) BMPs and controls for solid chemical products stored and utilized for the principal purpose of deicing roadways for public safety that must be consistent with the BMPs for existing salt storage and distribution sites contained in the PAG-03 NPDES Permit for Stormwater Discharges Associated with Industrial Activity. Identification and location of representative outfalls in such areas of this industrial activity shall be incorporated into the O&M Program.
 - (6) BMPs and controls for waste transfer stations must include a preventative maintenance program and shall maintain all elements of leachate collection and treatment systems, to prevent commingling of leachate with stormwater. Identification and location of representative outfalls in such areas of this industrial activity shall be incorporated into the O&M Program.
 - (7) Procedures for the proper disposal of waste, including dredge spoil, accumulated sediments, trash, household hazardous waste, used motor oil, street sweepings, and other debris.
 - (8) Spill Prevention and Response Plan
 - (a) The permittee shall develop and implement a Spill Prevention and Response plan if no plan is already in place for each permittee-owned or contracted facility. The permittee's Spill Prevention and Response Plans shall include a combination of spill response actions by the permittee and/or by another public or private entity.
 - (b) The permittee shall contain and respond to spills that may discharge to the MS4 in accordance with the approved Spill Response Plans. The spill response plan shall be reviewed annually to determine if any updates are required. All updates shall be provided in the permittee's AMSRs.
 - (c) A summary of pollutant migration/infiltration to the MS4 system from spills and steps to abate the cause shall be included in each AMSR.
- iii. The permittee shall implement and include a written O&M program in the AMSR due by September 30, 2025. A review and update of the program shall be conducted each year thereafter or more frequently as necessary.

b. Storm Sewer Infrastructure Management

The permittee shall continue to implement a program to maintain the permittee's stormwater infrastructure and to update the accuracy and inventory of the MS4. The permittee shall protect the integrity and performance of the existing stormwater drainage system through an infrastructure inspection, inventory, reinvestment, and rehabilitation program.

c. Inlet Maintenance

The permittee shall develop a Stormwater Inlet Maintenance Program with priority given to permittee-owned inlets, inlets that contribute flow to the permittee's MS4, and potential discharge through permittee-owned outfalls which shall be described in the SWMP and in each AMSR. The Inlet Maintenance Program shall contain the following:

- i. Quantify the number of stormwater inlets in the permittee's municipal jurisdiction whether owned by the permittee, contribute flow to permittee's MS4, and/or potential to discharge through permittee-owned outfalls.
- ii. Provide an Inlet Maintenance Program update which shall include:
 - (1) Inlet Inspection of at least 20% of the inlets per permit year,
 - (2) Provide a report on the status of the inlets inspected per permit year,
 - (3) Provide work done on each inlet (trash/sediment removal, repairs, retrofit constructed, or any work done on or around the inlet),
 - (4) Cleanout frequency and effectiveness,
 - (5) Measure of solids capture, and
 - (6) Inlets repaired and additional maintenance to any inlets during the year.
- iii. Evaluate the Inlet Maintenance Program in identifying problems, solids capture, and implementing repairs.

13. Training

- a. Develop and implement an employee training program that addresses appropriate topics to further the goal of preventing or reducing the discharge of pollutants to the regulated MS4 to be submitted with the AMSR due by September 30, 2025. Training must cover all relevant parts of the permittee's overall stormwater management program that could affect permittee operations, such as illicit discharge detection and elimination, construction sites, and ordinance requirements. The program may be developed and implemented using guidance and training materials that are available from federal, state or local agencies, or other organizations. The permittee shall identify and document the positions of employees that will receive training.
- b. Training shall be provided each permit year to the following and may be tailored to the responsibilities of the personnel:
 - i. Personnel engaged in activities subject to SOPs identified in Part C.III.G.12.a of this permit.
 - ii. Field personnel who may encounter an illicit discharge during their work activities.
 - iii. Emergency responders involved in spill response.
 - iv. Personnel engaged in activities for which a SWPPP has been developed in accordance with Part C.III.G.12.a.
- b. The permittee shall ensure that employees of the permittee engaged in implementation and enforcement of erosion and sediment control and PCSM requirements, or employees engaged in the application of pesticides and herbicides, are trained in accordance with state requirements.
- c. The permittee must review and update the yearly program prior to training events, as necessary.

- d. Employee training shall be documented in writing and reported in each AMSR. Documentation shall include a thorough description of the training, the date(s) of the training, the number of attendees for each event, and the topics covered. The training program shall be reviewed annually for effectiveness and appropriate adjustments made.

14. Watershed Restoration Strategy (WRS) to Address Impairments in Local Streams

- a. The permittee shall develop and implement a WRS for discharges from the permittee's MS4 to surface waters impaired for sediment/siltation and/or nutrients (nitrogen and/or phosphorus). The WRS may address multiple impairments and may be implemented in multiple phases over more than one permit cycle using the adaptive iterative approach. The WRS shall identify the BMPs and other interim milestone activities to be implemented during this permit term.

The initial WRS shall be submitted to DEP for approval no later than one year following the effective date of the permit. The Watershed Restoration Strategy shall become effective and enforceable upon written notification of approval from DEP.

- b. The WRS must include the following components:

- i. WRS Component #1, Mapping

The map(s) shall depict the following: 1) the location of all MS4 outfalls and observation points (i.e., locations where outfall field screening will be performed if the outfall is considered to be inaccessible); 2) the locations and names of all surface waters that receive discharges from those outfalls; 3) the entire storm sewer collection system, including roads, inlets, piping, swales, catch basins, channels, basins, and any other features of the storm sewer system; and 4) municipal boundaries and urban area boundaries.

The term "entire storm sewer collection system" means the entire system that the MS4 permittee owns or operates to collect and convey stormwater that is located within the census-defined urban area. The system therefore includes both publicly-owned components (e.g., publicly-owned streets, ditches, swales, inlets and piping systems) and, where applicable, privately-owned components (e.g., conveyances or best management practices on private property that are connected to upstream publicly-owned components, within the permittee's jurisdiction).

The map(s) must be submitted in hard copy format unless DEP advises the applicant that it can accept map(s) in electronic format. The map(s) must be at a scale adequate that would allow DEP to locate the MS4 outfalls in the field.

- ii. WRS Component #2, Pollutant Load Reduction Calculations

The initial WRS shall follow the approach in 14.c to develop a strategy which will result in achieving the pollutant reductions specified below no later than five years following DEP's approval of the WRS.

- (1) Lower Jordan Creek - The permittee shall reduce existing sediment loads by 8% within the portion of the permittee's planning area located within the Lower Jordan Creek HUC-12 watershed.

- (2) Lehigh River, Little Lehigh Creek – The permittee shall reduce existing sediment loads by 8% within the portion of the permittee's planning area located within the Lehigh River-Delaware River HUC-12. The Permittee may use a presumptive approach in which it is assumed that accomplishing the sediment reduction goal will also accomplish the nutrient reduction goal for the Lehigh River-Delaware River HUC-12 watershed.

- (3) Cedar Creek, Jordan Creek, Little Cedar Creek, Little Lehigh Creek, Trout Creek – The permittee shall reduce existing sediment loads by 8% within the portion of the permittee's planning area located within the Little Lehigh Creek-Lehigh River HUC-12 watershed.

- c. WRS Approach

The permittee shall apply DEP's Pollutant Reduction Plan Instructions (3800-PM-BCW0100k) to develop its Watershed Restoration Strategy.

i. The permittee is encouraged to consider changing climatic conditions when siting and designing the BMPs that will be a part of the WRS. The development of BMP projects that will provide increased stormwater volume management upstream of existing flood-prone areas is also encouraged.

ii. The permittee shall solicit public input on the draft WRS and consider public comments in development of the final WRS that is submitted to DEP for review and approval.

(1) The permittee shall make a complete copy of the WRS available for public review.

(2) The permittee shall publish, in a newspaper of general circulation in the area, a public notice containing a statement describing the plan, where it may be reviewed by the public, and the length of time the permittee will provide for the receipt of comments. The public notice must be published at least 45 days prior to the deadline for submission of the WRS to DEP.

(3) The permittee shall accept written comments for a minimum of 30 days from the date of public notice.

(4) The permittee shall accept comments from any interested member of the public at a public meeting or hearing, which may include a regularly scheduled City meeting.

iii. The WRS shall document public comments and permittee responses to those comments, and note any adjustments made to the WRS as a result.

iv. Each AMSR shall include a summary of actions conducted to develop and implement the WRS.

v. The permittee shall submit a report demonstrating compliance with the minimum pollutant load reductions required by the initial WRS as an attachment to the first AMSR due following the completion of the initial five year WRS implementation period.

15. TMDL Plan for Little Cedar Creek

a. The permittee shall develop and implement a TMDL Plan for the portion of the permittee's planning area that is included within the area covered by the Little Cedar Creek TMDL. The TMDL Plan may be implemented in multiple phases over more than one permit cycle. The TMDL Plan shall identify the BMPs and other interim milestone activities to be implemented during the permit term.

The initial TMDL Plan shall be submitted to DEP for approval no later than one year following the effective date of the permit. The Little Cedar Creek TMDL Plan shall become effective and enforceable upon written notification of approval from DEP.

b. The TMDL Plan must include the following components:

i. TMDL Plan Component #1, Mapping

The same mapping requirements as specified above for the WRS also apply to the TMDL Plan.

ii. TMDL Plan Component #2, Pollutant Load Reduction Calculations

The TMDL Plan shall follow the approach in 15.c to develop a strategy that will result in achieving the two objectives listed below:

(1) Long-Term Reduction – plan for the reduction of the sediment load to achieve the WLA in the TMDL. The TMDL Plan must describe a general plan as to how the WLA will ultimately be achieved.

- (2) Short-Term Reduction – plan for the short-term reduction of sediment load that will be achieved within 5 years of DEP’s approval of the permittee’s TMDL Plan. The permittee must achieve at least one of the following objectives within the 5-year implementation period: 1) the WLA in the Little Cedar Creek TMDL, or 2) if the WLA cannot be achieved, a load reduction of at least 10% for sediment, compared to the existing load for the pollutant at the time of TMDL Plan submission.

As the Little Cedar Creek TMDL area is located within the Little Lehigh Creek-Lehigh River HUC-12, the permittee may choose to combine the WRS and TMDL plan obligations for this watershed. If this is done, the permittee must demonstrate that both the required 8% sediment reduction will be achieved in the Lehigh Creek-Lehigh River HUC-12 planning area, and the TMDL short-term 10% sediment reduction in the permittee’s portion of the Little Cedar Creek TMDL area, will be achieved within 5 years of WRS/TMDL Plan approval. The permittee must also provide a general plan for how the Little Cedar Creek TMDL WLA will ultimately be achieved.

c. Little Cedar Creek TMDL Plan Approach

The permittee will apply the DEP TMDL Plan Instructions (3800-PM-BCW0200d) to address the EPA approved TMDL adopted for Little Cedar Creek.

- i. The permittee shall solicit public input on the draft TMDL Plan and consider public comments in development of the final TMDL Plan that is submitted to DEP for review and approval.
 - (1) The permittee shall make a complete copy of the TMDL Plan available for public review.
 - (2) The permittee shall publish, in a newspaper of general circulation in the area, a public notice containing a statement describing the plan, where it may be reviewed by the public, and the length of time the permittee will provide for the receipt of comments. The public notice must be published at least 45 days prior to the deadline for submission of the TMDL Plan to DEP.
 - (3) The permittee shall accept written comments for a minimum of 30 days from the date of public notice.
 - (4) The permittee shall accept comments from any interested member of the public at a public meeting or hearing, which may include a regularly scheduled City meeting.
- ii. The TMDL Plan shall document public comments and permittee responses to those comments, and note adjustments made to the TMDL Plan as a result.
- iii. Each AMSR shall include a summary of actions conducted to develop and implement the Little Cedar Creek TMDL Plan.
- iv. The permittee shall submit a report demonstrating compliance with the minimum pollutant load reductions required by the TMDL Plan as an attachment to the first AMSR due following the completion of the TMDL Plan implementation period.

16. Fiscal Analysis

- a. The permittee’s leadership, including administration and department and agency heads, shall provide adequate finances, staff, equipment, and support capabilities to implement the SWMP and the provisions of this permit.
- b. Each AMSR shall include a demonstration of adequate fiscal capacity to meet the requirements of this permit provided by the City Department of Finance. (40 CFR 122.26(d)(2)(vi))

17. Annual MS4 Status Report (AMSR)

Part A.III.D establishes the schedule for the AMSR. AMSRs shall include the following:

- a. Background Information:
 - i. The permittee and permit number of the program submitting the annual report;
 - ii. The permit reporting dates for which the AMSR is submitted; and,
 - iii. Certification as per Part A.III.D.6.
- b. A summary of progress toward development of SWMP components in accordance with the due dates specified in various parts of this permit.
- c. Source Identification (Part C.III.G.1) – Updated source information to be submitted in the AMSR due September 30, 2025. Additions or deletions to the inventory of facilities with the potential the discharge pollutants to the permittee’s MS4 to be submitted in subsequent AMSRs.
- d. Construction Site Runoff and PCSM (Part C.III.G.2)
 - i. Number of construction sites active during the reporting period.
 - ii. Number of inspections completed, enforcement actions taken, including outcomes of such actions, during the reporting period.
 - iii. Number of new PCSM BMPs approved and constructed during the reporting period.
 - iv. Number of public inquires submitted by the public regarding local construction activities and documentation of the permittee’s consideration of information submitted.
 - v. Inventory of all PCSM BMPs installed to meet requirements of NPDES permit for Stormwater Discharges Associated with Construction Activities since March 10, 2003.
- e. Roadways, Streets and Parking Lots (Part C.III.G.3)
 - i. Combined Roadways, Streets, and Parking Lot SOP to be submitted as an attachment to the AMSR due by September 30, 2025. Updates made to the SOP, if applicable, to be submitted in subsequent AMSRs.
- f. Pesticide, Herbicides, and Fertilizers (PHF) (Part C.III.G.4)
 - i. PHF SOP submitted as an attachment to the AMSR due by September 30, 2025.
 - ii. Number of personnel employed by the permittee holding applicator certification for PHF application during the reporting period.
- g. Illicit Discharge Detection and Elimination (Part C.III.G.5)
 - i. List of illicit discharges identified during the permit reporting period, the source, a description of follow-up activities, and whether the illicit discharge has been eliminated or permitted by DEP.
 - ii. Map(s) that show permittee and urban area boundaries, the location of all outfalls and, if applicable, observation points, and the locations and names of all surface waters that receive discharges from those outfalls to be submitted as an attachment to the AMSR due by September 30, 2025. Updates to the map to be submitted in subsequent AMSRs, if applicable.
 - iii. Map(s) that show the entire storm sewer collection system within the permittee’s jurisdiction that are owned and/or operated by the permittee submitted in in the AMSR due September 30, 2025.
 - iv. Strategic plan for the investigation of illicit discharge sources to be submitted in the AMSR due September 30, 2025. Any changes to the strategic plan, priority work areas, and a description of the progress for the reporting year to be reported in subsequent AMSRs.
 - v. Summary of the results of all outfall inspections conducted during the reporting period and actions taken to remove or correct illicit discharges.
 - vi. A list of all outfalls that have been determined to have illicit flow during dry weather, based on the most recent inspection of each outfall.
 - vii. Updates to the permittee’s illicit connection program including documentation of all public complaints received related to IDD&E, the permittee’s response, and follow-up actions taken.
- h. Spill Prevention and Response (Part C.III.G.6)
 - i. The Spill Prevention and Response SOP to be submitted as an attachment to the AMSR due by September 30, 2025.

- ii. List of spills, including the identified source of the spill and a description of follow-up actions taken to respond to any spills during the reporting period.
- i. Industrial High-Risk Runoff (IHRR) (Part C.III.G.7)
 - i. Number of IHRR sites in the inventory during the permit reporting period.
 - ii. SOP for IHRR program submitted in the AMSR due September 30, 2025.
 - iii. Number of sites and location details for any facility referred to DEP for potential permitting during the permit reporting year.
- j. Stormwater Infrastructure Management (Part C.III.G.8)
 - i. Number of permittee-owned BMPs inspected, summary of findings, and actions taken during the permit reporting period.
 - ii. Number of privately-owned BMPs inspected, summary of findings, and actions taken, including enforcement actions, during the permit reporting period.
- k. City Facilities (Part C.III.G.9)
 - i. Inventory of permittee-owned facilities determined to be high-risk, including location and type of activity on the site, to be submitted in the AMSR due by September 30, 2025.
 - ii. SWPPPs for designated high-risk facilities to be reporting in the AMSR due by September 30, 2026.
- l. Public Education and Participation (Part C.III.G.10 and Part C.III.G.11)
 - i. Public Education and Outreach Plan to be submitted in the AMSR due by September 30, 2025.
 - ii. Number of activities by type, distribution methods used, type of information shared with the public, and target audience(s), for each permit reporting period.
 - iii. Public Involvement and Participation Plan to be submitted in the AMSR due by September 30, 2025.
 - iv. Explanation of the public involvement/participation activities performed and a description of how these efforts will reduce pollution loadings to meet permit requirements.
 - v. Instances of cooperation and participation in MS4 activities; presentations the permittee made to local watershed organizations and conservation organizations; and similar instances of participation or coordination with organizations in the community.
 - vi. Activities in which members of the public assisted or participated in the meetings and in the implementation of the SWMP, including education activities or organized implementation efforts such as cleanups, monitoring/sampling, storm drain stenciling, or others.
 - vii. Progress toward implementing the litter awareness program to be reported in each AMSR. The results of the litter control pilot program to be submitted in an AMSR due prior to the expiration date of this permit.
 - viii. Any animal waste control enforcement actions taken during the year.
 - ix. A summary of all of the illicit discharge complaints received during the year as well as actions taken to correct/eliminate illicit discharges.
 - x. Number of stormwater inlets labeled or stenciled during the permit term. The results of the stormwater labeling/stenciling program to be submitted in an AMSR due prior to the expiration date of this permit.
- m. Pollution Prevention / Good Housekeeping (Part C.III.G.12)
 - i. Inventory of all operations and land uses that may contribute to pollution in stormwater runoff within areas of operations that discharge to the regulated MS4 to be submitted in the AMSR due by September 30, 2025.
 - ii. Written O&M program to be submitted in the AMSR due by September 30, 2025.
 - iii. Employee training program that addresses appropriate topics to further the goal of preventing or reducing the discharge of pollutants from municipal operations to the regulated MS4 to be submitted in the AMSR due by September 30, 2025.
 - iv. Documentation of stormwater inlet maintenance program.

- n. Training (Part C.III.G.13)
 - i. Documentation of annual employee training program to be submitted in the AMSR due by September 30, 2025. Documentation of training provided to employees to be provided in subsequent AMSRs.
 - ii. Number of training activities held for employees of the permittee and/or contractors during the permit reporting period.
 - iii. Subject and number of attendees for each training event held during the permit reporting period.
- o. Watershed Restoration Strategy (WRS) (Part C.III.G.14)
 - i. Final WRS submitted no later than 12 months from the effective date of this permit.
 - ii. Assessment of progress that has occurred during the reporting period and any proposed amendments to the WRS to be reported in each AMSR following WRS approval.
 - iii. A report demonstrating compliance with the minimum pollutant load reductions of the WRS as an attachment to the first AMSR that is due following the five WRS implementation period.
- p. Little Cedar Creek TMDL Plan (Part C.III.G.15)
 - i. Final Little Cedar Creek TMDL Plan submitted no later than 12 months from the effective date of this permit.
 - ii. Assessment of progress that has occurred during the reporting period and any proposed amendments to the TMDL Plan to be reported in each AMSR following TMDL Plan approval.
 - iii. A report demonstrating compliance with the minimum pollutant load reductions of the TMDL as an attachment to the first AMSR that is due following the five-year TMDL Plan implementation period.
- q. Fiscal Analysis (Part C.III.G.16)
 - i. Statement of fiscal sufficiency to address permit terms.
 - ii. Budget for SWMP activities submitted for each permit reporting period.